

State of South Carolina  
In The Supreme Court

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Certiorari to Spartanburg County  
Honorable Robin B. Stilwell, Circuit  
Court Judge

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Christopher Paul Mahaffey      Petitioner

State of South Carolina<sup>✓</sup>      Respondent

Appellate Case No 2017-002057

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pro se response to the Petition  
filed by counsel

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SEP 05 2018

S.C. SUPREME COURT

Christopher Mahaffey  
Perry Correctional Inst.  
430 oak lawn Rd  
Pelzer SC 29669

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SC Court of Appeals

## Statement of issue

Trial Counsel Claire Hall ineffective for not calling witness who could testify to the defense. I presented evidence at PCR Hearing that witness would have testified to the discovery that the flat tire was still flat when he picked up vehicle, me calling him about changing tire.

## Statement of Issue

As to anything PCR attorney done wrong. I hired Spivey Law group to fill out application for a Post Conviction Relief, and the hearing. If Spivey Law group done anything wrong I claim that Spivey Law group is ineffective. I didn't fill out application or do any paper work, I don't know the law or know how things are done, I hired them because they said we know how to do it.

## Statement of issue

### Ineffective Assistance of Counsel

The amount of evidence that was presented at PCR clearly proves my allegation of ineffectiveness for providing the advice to go to trial, because of the pocket knife not being a deadly weapon and that I would not be found guilty of first degree burglary. Her being my attorney and telling me that for it to be a deadly weapon I had to use it lead me to believe that my trial counsel's advice was correct. We talked about where the pocket knife was purchased. My 12 year old son went in Lowes and got it for my Christmas present. If it is a deadly weapon then we dont need kids purchasing them at stores. Trial attorney Claire Hall talked with state, She (Claire Hall) come to me

and said that the state was saying the pocket knife was a deadly weapon and didn't want to talk about a plea because they said it was a first degree burglary because the statute said a knife. Trial attorney Claire Hall advised me to go on to trial because it wasn't a deadly weapon, and the judge would have to call it a deadly weapon. I don't know so I went with the advise of the attorney. Somebody is wrong either the trial attorney Claire Hall saying its not or the state for telling the jury it was. Now when I look in the supplemental appendix that I have from the supreme court, Lanelle cantey Durant (appellate Defender) sent me, I see nothing about the court answering the pocket knife issue or the fact that the

Judge never told the jury about what was a deadly weapon. So I still to this day don't know if it is a deadly weapon. I pray that this court see's the errors in this case and corrects it. IF I've done anything wrong in this pro se response, I am sorry.

## Statement of issue

Trial attorney Claire Hall looked at me at the beginning of the trial and said this is my first time ever picking a jury. I am going to show you the papers (some kind of papers with the jurors info) and you help me pick the jury. I wanted to stop the trial and get another attorney. Had I known that she never tried a case, I would have asked for another attorney. The record shows that Trial attorney Claire Hall only objected to one thing, clearly that's unheard of. Attorneys are to object things in trial so judges like your self can look at these issues. Claire Hall let the state just do what they wanted to. Trial attorneys first case and first time picking a jury, I had the right to know that

before trial started. I told trial attorney Claire Hall that one of the jurors was from my town, and he knew me because I worked in Advance Auto parts. His last name is Gilliam. Like I said I don't know the law or how it works only thing I can do is tell you the same thing I have told every attorney that has represented me, thing that I know. I am asking the court to look at everything I am saying and you apply the law, Due process, and my rights.

## Statement of issue

Trial Counsel failure to object to Hand of one Hand of all. Applicant is the only one charged in this case, like I said I dont know law but how do you give a charge that says me and another person conspired to commit a crime, when only one person is charged, Applicant claims that the jury was under the imprecion that another person was charged in this case, when in reality only one person was charged. I had no knowledge of another person intent to commit a crime, nor conspired to commit a crime, or help any person in a crime. Applicant claims ineffective assistance of counsel.

## Statement of issue

Trial counsel and applicant sat down and went through the discovery. Trial transcript Pg 56 L 14-25 Pg 57 L 1-2 Applicant told Trial attorney about flat tire and we looked over the tow record. In PCR Hearing Trial attorney has problems remembering something but not others, i just dont understand. Trial attorney talked to my Father Paul Edward Mahaffey and he told her that when he went to pick up car, that he had to change tire. The State is saying that applicant never raised this issue up in application or prior to hearing. I hired a PCR attorney Spivey Law Group to file and handle all PCR things. Now if PCR attorney did something wrong please dont blame

me. I don't know how to do law work, that's why I hired an attorney. I went over the issue of things in the discovery that Trial attorney Claire Hall never brought to the court's attention. PCR attorney said that ineffective counsel for not investigating the case. PCR attorney introduced evidence at PCR Hearings of Flat fire. I hear everyone talking about Due process about being a fair trial. I feel that I never got a fair trial, because everything I told Trial attorney she never told the court. Applicant claims ineffective assistance of counsel.

## Statement of issue

Applicant asked Trial attorney and Father Paul Mahoffey asked attorney for a bond hearing. Applicant remained in Spartanburg County detention center from Jan 14 2012

until June 2012 with out ever going in front of a judge for a bond, no bond was ever done. Trial transcript pg 53

L-7-13. Can you please address the state about the order of dismissal (page 8 of 19) Counsel testified to the following

Counsel vaguely recalled the she made some sort of bond reduction motion to have applicant released to home detent. No motion to clerk of court requesting anything about a bond or home detention, nor does Trial attorney testify in PCR hearing about it.

Had trial attorney got me a bond, I could have went and hired an attorney

with more experience in Law.  
A criminal attorney with experience,  
Applicant claims his rights  
of Due process was violated.  
Applicant claims ineffective  
assistance of counsel

## Statement of issue

Pocketknife - I ask this court in South Carolina is a ordinary pocket knife a deadly weapon by law, I still dont know every one I ask can't answer. Trial attorney Claire Hall told me that a pocket knife was not a deadly weapon. She advised me to go to trial because they could not find me guilty of first degree burglary. If she would have told me that a pocket knife was a deadly weapon I would have pled guilty. I wouldn't of got 25 years. I ask this court is this Due process, I can not argue that it is or that it is not because I dont know, even the Trial Judge said I think it is or I believe it is. The state told the Jury that the pocket knife that I had

was a deadly weapon Trial  
transcript pg 161 - L-1-4

The way I understand this  
is the Judge don't really  
know (Trial transcript pg 148-  
L-10-15) but lets the State  
tell the jury that a pocket  
knife is a deadly weapon in  
South Carolina. If a pocket  
knife is a deadly weapon,  
then Trial attorney gave  
me the wrong advice to  
go to trial. Can you please  
answer this for me I don't  
know Law or understand how  
this works, I ask a question  
of Law is a ordinary  
pocket knife a deadly weapon  
in South Carolina. Trial attorneys  
(Clar. Hall) told me that pocket  
knife was not a deadly weapon  
knowing no law or cases, what  
ever to back that up, PCR attorney  
tells me that this should have  
been looked at before trial

by way of hearings or pretrial matters. PCR attorney filed a claim of ineffective assistance of counsel because of this issue. Applicant feels that the issue proves the claim of ineffective assistance of counsel.

Can you please  
send me a copy  
back. We are locked  
down so I couldn't  
get to law library  
level 3 inst. is locked  
down all the time because  
of shortage of staff. Getting  
things is impossible

Thanks

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