

STATE OF SOUTH CAROLINA (1)

IN THE SUPREME COURT

Certiorari to Horry County

Honorable William H. Seats Circuit Court Judge

KEIRON K. COLEMAN

PETITIONER

v.

STATE OF SOUTH CAROLINA

RESPONDENT

APPELLATE CASE NO 2018-000088

PETITION FOR WRIT OF CERTIORARI

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ISSUE PRESENTED

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Whether petitioner's conviction should be reversed because trial counsel failed to object to prosecutorial misconduct pursuant to *US v Lewis* 10^{3d} 1086. It is error for government to bolster or vouch for its own witness and prosecutor may not among other things make explicit personal assurances that witness is trust worthy or implicitly bolster witness by indication that information not presented to jury supports the testimony. *C.A. 4 (S.C.) 1993*. Constitutes ineffective assistance of counsel under the sixth Amendment.

ARGUMENT

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Petitioner's Conviction should be reversed because trial counsel's failure to object to prosecutorial misconduct pursuant to US v Lewis 10 F3d 1086 C.A.4 (S.C.) 1993. Constitutes

ineffective assistance of counsel under the sixth Amendment

On March 12, 2014 I was tried before judge Larry B.

Hyman and during prosecution closing arguments

counsel failed to object to prosecution's bolstering and vouching for their witness and testified at pcr that (1)

Do you believe that the state overstepped the bounds

in arguing for Shakerra Cowan's credibility in its closing

argument? App 537-4-6. (A) "That, that boundary is a very

wide gray area. We're all entitled to comment on the credibility

of witnesses during closing argument and he may've approached

the boundary, I don't think he crossed it. Credibility was the

issue in the case. App 537-7-11. "She came here and told

you the truth. The same story, incidentally, she talked to

same story. She wasn't talking any lies. She didn't have any

reasons to lie. She relied on the truth to get her out. App 411-

8-13. But there's testimony where she admitted to lying

when she told the first story. "Q Okay, now, when they start talking

to you, do you tell the police what y'all were doing and what had

happened. App 301-4-6. (A) "Not in the beginning. App 301-7. (4)
initially she lied and gave a false statement only after officer
Rick Tibbott told her she would be charged along with us
she switch her story App 301-8-14. So in fact she was not as
frustrated as the state proclaimed. And there's other [REDACTED]
statements of bolster and vouching "App 410-24-25-411-1-8.
US v Olivierre 378 Fed 412 Prosecutor is "not entitled" to express his
personal belief in the credibility of his witness. C.A. 4 (NC) 2004.
"So once again, I would argue to you that the evidence in
this case shows defendant Keirnon Coleman was the one that went
in that house. He's the one that dropped that Newport Cigarette.
App 416-11-14. "Then Mr Coleman came back and bummed a
Newport Cigarette from her. What was found at the house?
A Newport Cigarette. App 414-21-23. Counsel failed to object
to those above allegations which the events of Ms Cowan's
testimony makes it impossible for me to have left the
Cigarette in the house "She testified that at the marotte home
we went to the front of the house then the back and then
back to her car is when i was supposed to have gotten the
Cigarette from that point she testifies that we went some
where she didnt know where see App 292-12-25 and App 295-
2-22.

The issue with the cigarette the DNA was never used to prove I smoked it neither was the cigarette at trial for examination or exhibit but the state used it as a fact in placing me in the Marotte home. US v. Livierre 378 Fed 412 prosecutor should not portray as fact matters that are not in evidence and should not misstate the facts or the law CA4 NC 2004 Certiorari granted vacated 125 Sct. The defense suffered from this prejudice without an objection or curative violated my right to fair trial. The following statements were meant to arouse the jurors " App# 4109-16-23-#410-1-7-#412-12-17, State v Reese 597 SE2d 169 357 S.C. 260 "A Solicitor's closing argument must not appeal to the personal biases of the jurors nor be calculated to arouse the jurors passions or prejudices and its content should stay with the record and reasonable inferences to it. SC App 2004. The only way counsel could say that the prosecution did not over step is because he was an agent for the state and conspired with them the record show is that for a fact.

Thank you from the John Bailey
 respects to the Woot Bailey