

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Horry County
Honorable William H. Seals, Circuit Court Judge

KEIRON K COLEMAN

PETITIONER

STATE OF SOUTH CAROLINA v.

RESPONDENT

APPELLATE CASE NO 2018-000088

PETITION FOR WRIT OF CERTIORARI

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Summary PRO'SE Brief

Counsel's Failure to request 403 balancing test.
Further review Counsel also failed to object to prior bad act coming in through Res gestae evidence without requesting a balancing test and that the state failed to provide reasonable notice of the general nature of any such evidence that the prosecutor intends to offer at trial. This conduct has to be deemed unreasonable when the state gave notice that they intended to introduce res gestae evidence " "There are certain actions on the day that this occurred before" immediately before" and immediately after the burglary. App 15-21-24." In fact, they're probably Res gestae really the only thing we would go into. App 15-24-25, Counsel should have requested a 403 analysis concerning the actions before the burglary and after. The only actions that took place prior to the burglary was those at ms Nancy sue Ross house that the state introduced without a 403 analysis or balancing test it was Counsel's failure and absence of Counsel at a critical stage he failed to challenge Res gestae evidence when he heard it would be coming in was no legal strategy for allowing Res gestae testimony and evidence to come in without a 403 analysis and balancing test this is under state v Lyle and the court said the state would have to meet Lyle exceptions before they could introduce prior bad act evidence App 15-15-19. And right after words the state announced they would be bringing in Res gestae evidence the court failed to inquire what the res gestae evidence was or its connection to trial they explained on page 16 that they would not be going into the pending charges as a prior bad act and ruled on that but the notice the state gave about introducing the res gestae evidence went untouched.

And then I found out why Judge Larry B. Hyman was cited in State vs Spears a case in which he failed to conduct a balancing test in 2010 so he has a history of allowing prejudice testimony in trial without conducting a balancing test. Counsel's failure to challenge the adversary on a issue that he introduced not only betrays Counsel but further shows how he conspired with the state to assist in my conviction. This is one of the many critical issues Counsel was not present. Counsel had thirty-plus years in the courtroom in private practice and as a public defender I believe his actions to be deliberate and the fact he never questioned what those actions was that the state planned to introduce and which they did went to proving propensity through Ms Ross testimony where he further helped the state with this statement "betraying Counsel" All right. Now, I understand your predicament and I would be hiding, also. App 109-1-2. Counsel confirmed her fear by validating her experience to be true. "And you were making sure that you weren't seen: is that correct? App 109-6-7. I was yes I was very scared. App 109-8 Counsel opened the door once more for Ms Ross to express to the jury how afraid she was that day "I saw somebody come to the door I didn't let anybody see that I was home, and they rung the doorbell several times. And, of course I'm not going to answer the door. I'm home alone. App 94-19-22." Because you were how were you feeling when all of this was going on? App 116-23-24. "I was very nervous because I was alone and somebody's trying to get in my door. App 116-25-117-1. The counsel before she's excused. I'm sorry you had to go through this. App 116-8-9 On App 96 she mentioned also "And I was very frightened App 96-4 states closing argument "When she didn't answer her door because she was scared. App 409-23. "While he was trying to get into Ms Ross house, and not succeeding Fortunately. App 410-5-7.

By Counsel's own testimony his sympathizing the witness
and co-signing the events in agreement the jury would have
found me guilty on her testimony alone and then in closing
by Mr DeBuse App 412-12-17, App 414-8-11, App 417-9-10, App 418
5-13. The state needed Ms Ross testimony to incriminate the jury and
Counsel never questioned what actually being a witness to other than
a witness she was on the states witness list before trial they knew
Counsel would not object it was not part of the plan even at
PCR Counsel never defended against the claim or did he
or the state address or denied the claim or did the PCR
Court rule on the claim that Counsel failed object to testimony
in violation of rule 403(b) App 540-5, App 540-7-25-541-1-11
Everything i've argued is within range of my argument this and
and the other brief on this subject covers it better than at PCR
I was excited at the time but my Brief and follow up summary
here in writing is my finished work this is my final letter um not
a lawyer by any means of the word and i've done my best and believe
if the court rules on the rule of law at best my charges will be vacated
or reversed when reviewing every rule of fair law that was violated by
the Eleventh Circuit where they will go to any measure to win and
allow the Appeals court to fix any violations there for afterwards
was there prosecution misconduct for a fact which in contribute to
my prior's and pending charges which the state never prosecuted.

I trust that South Carolina Supreme Court the misconduct and abuse
of power by the Court and in the PER Court and give me a fair
judgment that I know I'm owed my testimony remains the same
I did not know a burglary would take place and I never left the car
to go into or assist Mr Dudley bring those things in the car it's daylight
and everything is happening in an instant and going to jail March 25, 2013
was not my plan I believe the state underestimated that MS Cowan
and Mr Dudley had planned the burglary but then again any evidence
that would have suggested other wise like the soil from off the shoes
or even check to see if there was some white at the scene would have
showed Dudley" DNA on the cigarette would have showed it was
not my lips that touched it finger prints on the jewelry box would
have shown Dudley touched them as well when MS Cowan said
I'm the only one who touched them but they gave the jewelry boxes
'seek before finger printing them even to show I even touched them
I became the great scape goat for this fine and crime only thing
I'm guilty of is possession of stolen property at best they would
have MS Ross lie whereas the 911 recording I'm surprised they left
out the tears I guess that would have been prejudicial she said
she was so ~~scared~~ that we would see her but she said as we were
leaving she came out side out into the street to see if she
could see the license number. App 98-25. Not thinking she
could not be seen in the review it thots the case she could have
answered the door like any one else but the state needed a story
to back up theres that would incriminate me and who ever the
Officer that came back and helped her was coached and in return
she was too.

Thank you from the Cohen family

and respect to the victim of this case

