

Bernard Dewberry #278949
McCormick Coll Inst
386 Redemption Way
McCormick, SC 29899

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JAN 09 2019

S.C. SUPREME COURT

Hon. Daniel E. Shearouse
P.O. Box 11330
Columbia, SC 29211

Jan 7, 2019

Enclose Please find Petitioner Pro-Se Petition for
Writ of Certiorari

Sincerely

/s/ Bernard Dewberry

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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JAN 09 2019

Certiorari to Spartanburg County
Honorable G. Thomas Cooper, Circuit Court Judge

S.C. SUPREME COURT

BERNARD DEWBERRY,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2018-000647

PETITIONER PRO-SE BRIEF For Writ of Certiorari

STATEMENT

Petitioner is Presently Confined in the South Carolina Dept of Corr. Pursuant to the order of Commitment of Spartanburg County Clerk of Court.

In August 2015, the Spartanburg Co Grand Jury Indicted Petitioner for Murder and Possession of a Firearm during the Commission of a Violent Crime (2015-GS-42-3593, Counts 1+2) Andrea L. Price and James Cheek, Esquire, represented Petitioner. Assistant Solicitors Abel Gray and Allison Mabbs ON August 22, 2016 Petitioner Proceeded to a jury Trial before the Hon. Roger L. Couch. However the Trial Ceased When Petitioner Counsel, and Solicitor negotiated a plea. And Petitioner Plead guilty to a lesser included offense of Voluntary Manslaughter and the Firearm Possession was nolle Prossed for the Guilty Plea.

Petitioner filed a notice of Appeal, and was dismissed on November 14, 2016. The remittitur was returned on February 9, 2017. Petitioner filed a Post-Conviction Application which Was dismissed January 24, 2018

ARGUMENT

Counsel failure to have a Mental Evaluation on Petitioner Due to fact of his history of being on medication since he was 15yr old

Petitioner allege Counsel Should have Presented the Toxicology of Victim.

Counsel failed in presenting that evidence. At Post Conviction hearing Counsel testified that it was a bad idea to present that issue to judge Couch. Because of his personal bias against the use of drugs.

Counsel failure to object to the charge of a lesser included offense, where there's no indictment to Voluntary Manslaughter Tr. pg 268 Li 3-9.

Also trial judge erred in accepting Petitioner guilty plea. Counsel failure to inform Petitioner explain a full understanding of the 15 yr plea deal.

CONCLUSION

Petitioner Motion should be granted
for the foregoing Reason.

DATE: 11/7/00/19

s/ Bernard Deuring

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RESPONDENT.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Pro-Se petition for Writ of Certiorari in the above referenced case has been served upon Jordan Cox, Esquire, at 1000 Assembly St. RM 519 Columbia S.C. 29201

s/Bernard Dewberry

SUBSCRIBED AND SWORN To before me

This ^{Jan} 7 day of ~~December~~, 2018

B. J. W. Deman

Notary Public for South Carolina

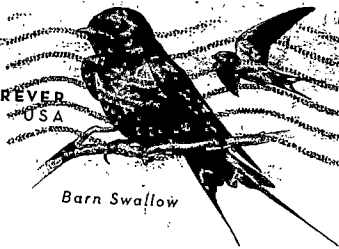
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and Dewberry #278199
McCormick Correctional
386 Redemption way
McCormick SC 29899

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FOREVER
USA



Barn Swallow

DANIEL E. SHEAROUSE
CLERK OF COURT
Post office Box 11330
COLUMBIA South Carolina

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