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S.C. SUPREME COURT

{ STATE OF SOUTH CAROLINA }
{ IN THE SUPREME COURT }

CERTIORARI TO SPARTANBURG COUNTY
HONORABLE MICHEAL G. NETTLES CIRCUIT COURT JUDGE

TYRUS RASHAWN WOODRUFF

PETITIONER,

v.

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JUL 30 2019

STATE OF SOUTH CAROLINA

S.C. SUPREME COURT

RESPONDENT

{ APPELLATE CASE No. 2018-CO1838 }

{ PRO'SE RESPONSE + OBJECTION TO PETITION FOR WRIT OF CERTIORARI }

TYRUS RASHAWN WOODRUFF

MCCORMICK 1/2 F-3-A-285

386 REDEMPTION WAY

MCCORMICK, SOUTH CAROLINA

29899

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ISSUE PRESENTED

STATEMENT OF THE CASE

{ ARGUMENTS }

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S.C. SUPREME COURT

PETITIONER'S GUILTY PLEA WAS NOT KNOWINGLY, INTELLIGENTLY AND VOLUNTARILY MADE IN ACCORDANCE WITH { BOYKIN V. ALABAMA } COUNSEL FAILED TO CONDUCT A REASONABLE AND FACTUAL

INVESTIGATION, INCLUDING INTERVIEWING AVAILABLE ALIBI WITNESSES, WHERE CREDIBLE TESTIMONY ESTABLISHED THAT PETITIONER WAS WITH OTHERS ON THE DAY OF THE BURGLARY AND ARMED ROBBERY, MAKING IT PHYSICALLY IMPOSSIBLE FOR PETITIONER TO HAVE COMMITTED THE CRIME, THE PETITIONER WAS HIGHLY PREJUDICED BY COUNSEL'S DEFICIENT PERFORMANCE BECAUSE HAD COUNSEL CONDUCTED A FACTUAL INVESTIGATION THE OUTCOME WOULD HAVE BEEN DIFFERENT BECAUSE THE PETITIONER WOULD NOT HAVE PLEADED GUILTY AND WOULD HAVE PROCEEDED TO TRIAL.

{ PROBATIVE FACTS }

Ms. Tubbs TESTIFIED SHE WAS WITH APPLICANT ON THE NIGHT

18
OF JULY 13, 2015 THROUGH THE MORNING OF JULY 14, 2015 Ms. Tubbs TESTIFIED SHE WAS WITH A GROUP OF EIGHT TO TEN PEOPLE AT BOOKER'S HOME UNTIL SHE DROPPED THE APPLICANT OFF AT ABOUT NOON THE NEXT DAY. Ms. Tubbs TESTIFIED THAT HER AND THE APPLICANT WERE CLOSE FRIENDS AND THAT HER NUMBER AND ADDRESS HAD NOT CHANGED SINCE THE INCIDENT. Ms. Tubbs TESTIFIED THAT NONE OF THE EIGHT TO TEN PEOPLE AT BOOKER'S HOME WERE EVER CONTACTED ABOUT APPLICANT'S CASE.

SEE: Appendix pg. 2 OF 10 - pg. 3 OF 10

1) ACTUAL INNOCENCE

(A)

2. INEFFECTIVE ASSISTANCE

(A) 1

(B) 1

||

(C) 1

||

(D) 1

||

COUNSEL FAILED TO OBJECT THAT THE STATE IMPANELED ITS GRAND JURY OUTSIDE THE JURISDICTION OF THE COURT OF GENERAL SESSIONS
S.C. CODE ANN X 14-9-210

THE GRAND JURY INDICTED APPLICANT AUGUST 31, 2015
THE APPLICANT PLEA WAS COERCED AND THE INDICTMENT WAS

(3)

INSUFFICIENT TO CONFER JURISDICTION.

THE PETITIONER'S PLEA VIOLATED THE HOLDING IN ¹BOYKIN V.

ALABAMA } THE PLEA WAS NOT KNOWINGLY, INTELLIGENTLY
AND VOLUNTARILY AND WAS COERCED, DUE TO COUNSEL'S
DEFICIENT PERFORMANCE AND THIS COURT SHOULD

RESPECTFULLY REVERSE APPLICANTS CONVICTION AND SENTENCE
AND THIS MATTER SHOULD BE REMANDED FOR A NEW TRIAL.

RESPECTFULLY SUBMITTED

Ernie Rodman Woodruff

PRO SE

9/

{ CONCLUSION }

BASED UPON THE FOREGOING ARGUMENTS THE PETITIONER
RESPECTFULLY SUBMITS THAT THE PETITION FOR WRIT OF
CERTIORARI BE GRANTED AND THAT THIS COURT ORDERS
THESE ISSUES BE FULLY BRIEFED

RESPECTFULLY SUBMITTED

Sydney Barbara Woodhull
PRO'SE PETITIONER

{ STATE OF SOUTH CAROLINA }
{ IN THE SUPREME COURT }

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PETITIONER

v.

STATE OF SOUTH CAROLINA,

RESPONDENT

{ CERTIFICATE OF SERVICE }

I DO HEREBY CERTIFY THAT I HAS THIS 25 DAY OF JULY 2019 SERVED
A COPY OF THIS PRO'SE BRIEF FOR PETITION FOR WRIT OF
CERTIORARI ON OPPOSING COUNSEL BY DEPOSITING A COPY OF
THE SAME IN THE UNITED STATES MAIL POSTAGE PREPAID
ADDRESSED TO ATTORNEY GENERAL POST OFFICE BOX 11549 COLUMBIA
SOUTH CAROLINA 29202

Respectfully Submitted

Tyrus Rashawn Woodluff

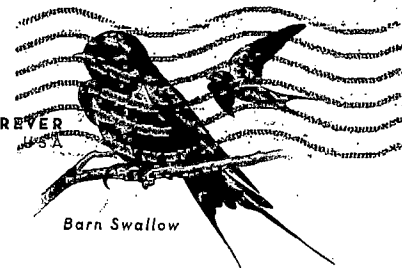
PRO'SE

MR. TYRUS RASHAWN WOODRUFF # 353331
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AUGUSTA GA 309

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