

ARGUMENT

Trial counsel erred in failing to raise
Self-defense as a defense at trial.

Mr. Floyd stated during PCR hearing Petitioner related to him essentially the same facts that he related to the police department when he gave his statement. Trans pg 57

During (PCR) hearing, MS. McCALLISTER, ask Mr. Floyd, And in your view of the evidence, that independent of whatever he told you, was there any independent evidence to suggest that it was self-defense? He said no. Trans pg, 58
lines 17-21
lines 19-22

During trial Chief Davis stated Petitioner told him Petitioner came up defending him - Self. Trial Trans pg 303 Lines 4-5b, He never said he stabbed Sharon. line 11, So he said that he was scared that the two of them together might hurt him. line 3 pg 306. During Trial Mr. Floyd confirmed Petitioner was hit from behind. pg 316 lines 10-11

State's witness DAQUAN BROCK Stated in his written statement he hit petitioner and that's when petitioner swung the knife and cut him.

We both lived in the apartment.

The judge gave instructions to consider in
■ deciding whether the defendant's fear of
death or bodily harm was reasonable due to
intoxication of the victim.

Mr. Floyd stated during the PCR hearing.
As I said, he did relay to me that both of
them had been drinking. pg 55 lines 21-22

ARGUMENT

Counsel was ineffective for failure to object to, and move to suppress, new testimony of witnesses not disclosed in discovery, as the failure to disclose the substance of the testimony constitutes a discovery violation:

The new statements or testimony was intended to be or actually used as "evidence in chief" at the trial. Further, the new testimony itself was material to the preparation of petitioner's defense. (1) Trial counsel was not informed of the existence of the new statements. Trial counsel testified he did not know before trial that their testimony had changed. P. Order pg 12

The initial statement was given (5) five days before ~~before~~ trial, and the new statements were not disclosed.

This conduct also hindered preparation for an effective cross-examination.

May I please have this moment to say I don't think it was fair for the solicitor to hold back the boys bedroom picture and then allow Daquan to testify that he saw me come from the kitchen while lying in his bed, and knowing this was false. The state also refuse to give me any paper photos to present during my hearing and then used this against me, as well as denying me an expert witness for pathology.

Failure to move to suppress petitioner's statement
to chief Davis

During the Jackson v. Denno hearing
Mr. Clements asked Chief Davis, Did he (petitioner)
ask you any further questions at that time?

Mr. Davis: I don't recall him asking any additional, no.
Trial Trans. pg 43, line 17-19.

During Trial Mr. Davis stated, And then he ask me
another question.

He had asked me if it was Sharon (victim) pg 295 - 18-25

As if petitioner knew he stabbed his wife.

Failure to Impeach Daquan and William using Prior Statements.

Mr. Floyd only Impeach Daquan on him being Sleep and see^{ing} or not seeing the stabbing.

The impeachment value of the statements are clear. Either Daquan hit petitioner then petitioner swung the knife and cut Daquan or he had him in a headlock and the knife went up.

Either Daquan moved out the way when petitioner tried to grab him or cut him in the stomach or he didn't.

Either Daquan seen the knife in abdomen or he didn't.

Either Daquan grabbed petitioners hands after the stabbing or he hit him.

Either Daquan seen his cousin first or he seen Yoshi first. Even though Yoshi was never mention in none of the written statements.

Either Daquan went walking around and then went and check on his mother or went right after petitioner left.

Either Daquan went back in the house or he didn't.

Either Daquan went and sat in the breeze way after he went walking around or right after the fight.

Mr. Floyd Failed to impeach William.

Either William seen a knife in Petitioner's hand or he didn't,
Either ~~petitioner~~ seen Petitioner stab his mother and brother or he didn't.
William

In Response To The Knife

There were no pictures of the knife, therefore Mr. Floud could not show me a picture of the knife before trial. Check Photo Exhibits. The only chance petitioner had to look at the knife was at trial. That's when I discovered it was not the knife I (petitioner) had.

Mr. Floud admits the petitioner told him that was not his knife. Mr. Floud told the jury we don't dispute the knife. In closing argument pg 394 - lines 2-5. There was nothing linking petitioner to the knife.

DNA Expert said she never saw the knife.

Trial Counsel Erred In Failing To
Object To The Solicitors Improper
Vouching

The solicitor stated to the jury
they don't have anything that shows
they're lying cause they're not lying
They told you the truth.
This statement misled the jury. pg 393 - 13-16

Ms. MCCALLISTER admit during PCR hearing
You know, the issue of the boy's credibility was
an issue at trial. The state.. they did have
something to show that they were lying because
they had the different statements. PCR tran pg 74
lines 6-10

Edward Stackhouse

Notary Public for the State
of AC this 20th day of October 2019.
Kangra Rob

my Commission expires 8/5/2024

STATEMENT OF:

Date 9-22-2010

Page No. 1

Dalquan Brock Sharon Warren son in 15 years

Old I have 1 brother ~~DB~~ DB

William Brock He is 14

I was sleep I heard my mother calling my name I went in there I seen Edward Stackhouse shaving Sharon in the bed so I hit Edward he threw the knife and cut me in the back of the head Edward tried to grab me but I moved then he tried to ~~cut~~ cut me in my stomach then Edward went out the door I went out the door walking around intill my cousin come I went back in the house to check on my mother Sharon told me that she loved me and blanked her eye's for the last time so I went back outside and then the police came and told me to sit in the breezway. (D.B)

OFFICE OF SOLICITOR
12TH JUDICIAL CIRCUIT
MARION, SC
SEP 23 2010

REC'D BY

Dalquan Brock

Capt. Michael D. Betty Rose

Page: 1 of 7

Patient: WARREN, SHARON
Med Rec: WARSHAR
DOB: 6/27/1974
Female Race: Black
ACCESSION: FA-10-00652
Date Received: 9/17/2010
Date Collected: 9/17/2010

**F o r e n s i c A u t o p s y F i n a l
R e p o r t**

Autopsy Information

Date of Death: 9/17/10
Date of Autopsy: 9/17/10
County: Marion
Coroner: Kim Collins, Deputy
Attending Pathologist: Ellen C. Riemer, MD, JD
Pathologist Assistant: n/a
Autopsy Technician: Raymond Edwards
Prosector(s): Ellen C. Riemer, MD, JD

Time: ~ 4:30 a.m.
Time: 2:10 p.m.

(If Injury) How occurred: Subject was stabbed
Date of Injury: 9/17/10
Place of Injury: Residence
Time: ~ 4:30 a.m.
At Work: No

Cause of Death

Stab wound to chest

Manner of Death

Homicide

CASE HISTORY

According to the coroner, the decedent was a 36-year-old African-American woman who was involved in a domestic dispute with her husband at the residence during which the decedent

Department of Pathology and Laboratory Medicine
Forensic Pathology

Chair: Janice M. Lage, M.D.

Director: S. Erln Presnell, M.D.

Forensic Pathology Phone: 843-792-3500

Forensic Pathology Fax: 843-792-3537

MULLINS POLICE DEPARTMENT
157 E. FRONT STREET
P.O. DRAWER 408
MULLINS, SOUTH CAROLINA 29574



CHIEF OF POLICE KENNETH W. DAVIS
PHONE: (843) 464-0707
FAX: (843) 464-0722

VOLUNTARY STATEMENT

Sandra Robinson 503 Johnson st 11-5-78
when Shawn knocked on my door I opened it
and he rush in and said he think Edward
stabbed his mother and brother. After he said he
saw Edward stab his mother he was running
out the door. And I got dressed and walked
to his house and I saw his mom lying on
the bed and I had to leave out.

~~SK~~

~~SK~~

~~SK~~

~~SK~~

Sandra Robinson
Signature

S. R. M. S.
Witness

TWELFTH CIRCUIT PUBLIC DEFENDER
MARION COUNTY OFFICE
221 North Main Street, Marion, South Carolina 29571
843-423-3303 ~ Fax 843-423-3382

May 18, 2012

RECEIVED

NOV 01 2019

S.C. SUPREME COURT

Honorable E. L. Clements, III
SOLICITOR, 12TH JUDICIAL CIRCUIT
180 N. Irby Street, MSC-Q
Florence, S. C. 29501

RE: The State, Respondent, vs. Edward W. Stackhouse, Jr., Appellant
Marion County Case Number: 2011-GS-33-0061

Dear Ed:

Enclosed you will find a copy of the Notice of Appeal and Proof of Service in connection with the above. The originals were mailed this date to the S. C. Court of Appeals.

With kind personal regards, I am

Very truly yours,

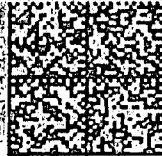


Scott P. Floyd
Twelfth Circuit Public Defender

SPF/ms
enclosures

cc: The Division of Appellant Defense

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