

STATE OF SOUTH CAROLINA
In the Supreme Court

CERTIORARI TO CHARLESTON COUNTY
Court of Common Pleas
G. Thomas Cooper, Circuit Court Judge

Appellate Case No. 2019-000399

RECEIVED

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S.C. SUPREME COURT

DOMONEIK ANTWAN WASHINGTON,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

**RETURN TO PETITION FOR
WRIT OF CERTIORARI**

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RESPONDENT'S ISSUES PRESENTED

Did the post-conviction relief court properly dismiss Petitioner's application where counsel was not ineffective when due to a reasonable trial strategy counsel agreed there would be no mention by either party of the weapon found in the gold Impala or the positive gunshot residue tests performed on the occupants of the gold Impala, and further stipulated that "no one from the gold Impala shot at the defendant" when Petitioner's defense was self-defense, specifically that he shot at the occupants of the blue Lincoln?

Did the post-conviction relief court properly dismiss Petitioner's application where counsel's advice concerning testifying was not deficient and where Petitioner freely and voluntarily waived his right to testify while being aware of the defense theory to be pursued?

STANDARD OF REVIEW

The standard of review for post-conviction relief matters depends on the specific issues before the appellate court. Smalls v. State, 422 S.C. 174, 810 S.E.2d 836 (2018). On appellate review, courts give great deference to a post-conviction relief court's findings of fact and will uphold them if there is **any** evidence in the record to support them. Smalls, 422 S.C. at 179, 810 S.E.2d at 839-40 (citing Sellner v. State, 416 S.C. 606, 610, 787 S.E.2d 525, 527 (2016); Jordan v. State, 406 S.C. 443, 448, 752 S.E.2d 538, 540 (2013); Caprood v. State, 338 S.C. 103, 109, 525 S.E.2d 514, 517 (2000)). However, pure questions of law will be reviewed *de novo* without deference to the lower court. Id. Appellate courts will reverse the decision of the post-conviction relief court when it is controlled by an error of law. Goins v. State, 397 S.C. 568, 573, 726 S.E.2d 1, 3 (2012).

STATEMENT OF THE CASE

On March 30, 2011, a famous rapper named Lil Phat was to perform at the Palm Tree Lounge on James Island in Charleston County. App. 246, 11. 2-23. Around 2:30 that morning before Lil Phat took the stage, a fight broke out at the club between individuals from James Island, which allegedly included Petitioner, and others from downtown Charleston, including Antwan Wilson, Ronald Bryant, and Edward Wittrell. App. 198, 1. 2-201, 1. 2; App. 233, 11. 17-23; App. 247, 1. 10-251, 1. 18. The club closed after the fight, and the attendees headed to the Kangaroo Express, a nearby convenience store and gas station, which quickly became very crowded. App. 249, 1. 21-250, 1. 10; App. 269, 1. 17-270, 1. 4. Within several minutes, all the pumps were full and nearly all the parking spots were taken. See State's Exhibit No. 69 (DVD of Surveillance Footage). The crowd became increasingly "rowdy." App. 252, 11. 21-22.

Wilson, Bryant, and Wittrell arrived at the Kangaroo Express in a gold Chevrolet Impala. After maneuvering through the crowded parking lot, Wilson, who was driving, parked the Impala near the pumps, which were all full at the time. App. 201, 1. 3-202, 1. 12; See State's Exhibit No. 69 (DVD of Surveillance Footage). Petitioner, Ishmael Lemon, James Washington, and Javon Richardson, who were all from James Island, allegedly arrived together and parked at the carwash next door. App. 253, 1. 17-254, 1. 21. Petitioner ultimately exchanged words with Wilson. App. 255, 11. 3-21; See State's Exhibit No. 69 (DVD of Surveillance Footage). Shortly thereafter, gunfire rang out in the parking lot. App. 202, 11. 13-17; App. 256, 11. 11-13; See State's Exhibit No. 69 (DVD of Surveillance Footage). Petitioner shot into the Impala, striking Wilson in the upper right thigh. App. 168, 1. 19-169, 1. 6; See State's Exhibit No. 69 (DVD of Surveillance Footage). Bryant and Wittrell, who were in the backseat, were not injured. App. 202, 1. 16-203, 1. 1. Based on the forensic evidence, at least four firearms were shot at the

Kangaroo that night. App. 413, 1. 25-414, 1. 3. A surveillance camera captured what occurred in the parking lot directly in front of the store. See State's Exhibit No. 69 (DVD of Surveillance Footage).

Equette Robinson, the clerk at the Kangaroo Express during the shooting, identified Petitioner as the person who shot into the Impala. App. 164, 11. 1-3. According to Robinson, Petitioner had come into the store every Saturday night after the clubs had closed for the entire year that she had worked there. App. 164, 11. 4-24. The last time she had seen Petitioner was the Saturday before the shooting. App. 164, 1. 25 - 165, 1. 12. Robinson claimed she saw Petitioner arguing with Wilson in the parking lot near the gold Impala. App. 167, 11. 2-7. After the men exchanged words, Petitioner walked toward the carwash next door. App. 167, 11. 8-13. As he walked off, Robinson heard someone yell "he has a gun." App. 167, 11. 19-23. Robinson then heard gunshots. App. 167, 11. 23-24. She claimed she saw Petitioner walk up to the gold Impala and begin firing into the vehicle. App. 168, 1. 19-169, 1. 6. She saw Wilson get shot in the thigh. App. 169, 11. 7-21.

Don Manigault was at the Palm Tree Lounge that morning with John Pendergrass and Laval Hazel. Pendergrass drove the three in his blue Lincoln. App. 268, II. 13-25. After the club closed due to the fight, Pendergrass drove Manigault, Hazel, and Joe McKelvey to the Kangaroo Express. He parked at one of the pumps. App. 269, 1. 5-272, 1. 1; See State's Exhibit No. 69 (DVD of Surveillance Footage). Shortly after they parked, a gold Impala pulled into the parking lot and parked next to them. App. 271, 11. 16-21. While Manigault was sitting in the backseat of the Lincoln, he heard gunshots. He did not see who fired first or from which direction the shots came. App. 276, 1. 20-277, 1. 1. Pendergrass quickly began to drive away. Manigault admitted that Laval Hazel, who was also in the Lincoln, "shot back" as they were leaving. App. 273, 1. 15-

275, 1. 17. He claimed Hazel shot "way after the first shot went off" and after they had started driving away and were about to turn onto Camp Road. App. 277, 11. 7-13.

Edward Wittrell, one of the passengers in the Impala, admitted he, Wilson, and Bryant were involved in a fight at the Palm Tree Lounge that morning. App. 198, 1. 2-200, 1. 24. After the club closed, they went to the Kangaroo Express. App. 201, 1. 23-202, 1. 4. Wittrell was intoxicated and claimed he did not remember much. App. 202, 11. 13-17. He did remember Wilson getting shot at the Kangaroo. App. 202, 1. 18-203, 1. 1. However, he claimed neither he, Wilson, nor Bryant fired a gun while at the gas station. App. 206, 11. 3-8.

During an in camera hearing, Wittrell explained that after Wilson got shot in the thigh at the Kangaroo, he began to drive towards the hospital in downtown Charleston. App. 206, 1. 21-207, 1. 10. Bryant and Wittrell were still in the backseat of the Impala. As Wilson was driving down Folly Road minutes after leaving the Kangaroo, individuals in another car, which has never identified, began firing at the Impala from behind. App. 207, 11. 11-24. Wilson got shot in the head and died. The Impala ultimately crashed. App. 208, 11. 7-22. Bryant and Wittrell, who both also got shot, had to climb out the back window. App. 208, 1. 23-209, 1. 21.

The person (or persons) who shot at the Impala as Wilson was driving down Folly Road was never identified and no one was ever charged with Wilson's murder. Significantly, the forensic evidence proved that the bullet that struck Wilson in the head during the chase was fired by a different gun than the one that fired the bullet that struck his leg at the Kangaroo Express. App. 212, 11. 1-5.

A revolver with five spent shell casings was found in the Impala after it crashed. App. 216, 11. 12-17. While Wittrell admitted in camera that he knew a gun was found in the car, he claimed he did not know who the gun belonged to and denied that anyone inside the Impala shot

a gun that morning. App. 210, 1. 11-211, 1. 1. Nevertheless, forensic evidence showed Wilson, Bryant, and Wittrell all had gunshot residue on their hands. App. 217, 11. 13-22; App. 218, 11. 19-21.

Trial counsel objected to any testimony concerning this subsequent chase and shooting arguing it was not relevant to whether Petitioner shot at the Kangaroo Express and attempted to murder Wilson, Bryant, and Wittrell. App. 211, 11. 23-25. Counsel also argued the probative value of the evidence was outweighed by the danger of unfair prejudice because Petitioner was on trial for shooting the same individuals minutes earlier. App. 212, 11: 1-6.

The state conceded there was no evidence Petitioner was associated with the vehicle whose occupants chased the Impala down Folly Road and fired upon Wilson, Bryant, and Wittrell, killing Wilson. App. 213, 11. 7-17. However, the deputy solicitor argued the evidence was admissible as part of the res gestae and was necessary to explain to the jury why Wilson was not present to testify. App. 213, 11. 3-6. The solicitor was also concerned trial counsel would attempt to argue that the revolver with the five spent shell casings found in the Impala after it crashed along with the fact that Wilson, Bryant, and Wittrell all had gunshot residue on their hands was evidence the men fired a gun at the Kangaroo Express since Petitioner's defense was self-defense. App. 217, 11. 5-23. The solicitor wanted to be able to argue this evidence was from the subsequent chase and shooting, which resulted in Wilson's death, and not from the shooting at the Kangaroo. App. 217, 11. 5-14.

Trial counsel asserted their theory was not that the occupants of the gold Impala shot at Petitioner, but that other people at the Kangaroo were shooting at him, and he fired in self-defense. App. 220, 1. 23-221, 1. 7. Counsel agreed not to mention the firearm found in the gold Impala or the fact that its occupants later were found to have gunshot residue on their hands. The

parties signed a written agreement to this effect, which was marked as Court's Exhibit No. 4.

Supp. App. 2. They also entered into a stipulation which was later published to the jury. It was marked as Court's Exhibit No. 3. The stipulation provided:

1. The parties agree that no one from the gold Impala shot at the defendant, Domoneik Washington, at the Kangaroo in the early morning of March 30, 2011.
2. The parties agree that Antwan Wilson died from causes unrelated to being shot at the Kangaroo and is not available to testify.

Supp. App. 1

Petitioner rested without presenting any evidence. App. 485, 11. 19-25. The trial judge refused to instruct the jury on self-defense ruling there was no evidence to support the charge.

She stated she assumed trial counsel had "abandoned" the defense. App. 453, 1. 16-454, 1. 1.

The deputy solicitor ultimately argued in closing:

This man, Domoneik Chip Washington [Petitioner], tried to kill Antwan Wilson and Edward Wittrell and Ronald Bryant as they sat in that gold Impala in the parking lot of the Kangaroo convenience store at 2:50 in the morning of March the 30th of 2011. Defense counsel tells you that Mr. Washington was there and he was acting in self-defense. You have now heard two days of testimony in this case. And what you have not heard is one shred of evidence indicating that this defendant was acting in self-defense. Not one shred. They have now entered into a stipulation which will go back to you in the jury room where they have agreed that no one from the gold Impala shot at the defendant, Domoneik Washington, at the Kangaroo that night. That matter has been decided. It is not an issue for you. Nor is self-defense an issue for you in this case. It is out of the case. Forget about it. It is time to move on. So what you need to decide next is whether or not this man, Domoneik Washington, was the one shooting the rounds into that gold Impala. And all the evidence points to the fact that he was. App. 486, 1. 13 - 487, 1. 9 (emphasis added).

Trial counsel argued during her closing that Petitioner was shooting at the Lincoln, which was parked adjacent to the Impala, in self-defense after Laval Hazel and its other occupants fired

at him. App. 504, 1. 14-505, 1. 19. Counsel denied Petitioner was shooting at the occupants of the Impala because "the people in the gold Impala [were] not shooting at him." App. 503, 11. 21-23.

A Charleston County grand jury indicted Petitioner on November 14, 2011 for three counts of attempted murder. App. 742-747. His case was called to trial on July 15, 2013 before the Honorable Deadra L. Jefferson, and a jury. App. 7. Deputy Solicitor Bruce DuRant represented the state, and Lori Proctor and John Kozelski represented Petitioner. App. 7. On July 17, 2013, the jury found Petitioner guilty of two counts of attempted murder and one count of the lesser included offense of assault and battery of a high and aggravated nature. App. 561, 11. 1-17. He was sentenced to twenty years for each offense. App. 656, 11. 2-11.

The Court of Appeals dismissed Petitioner's direct appeal pursuant to Anders v. California, 386 U.S. 738 (1967). App. 604-605.

On April 20, 2015, Petitioner filed an application for post-conviction relief (PCR). App. 606-612. The state filed a return to this application dated February 5, 2016. App. 613-618. An evidentiary hearing was convened on December 6, 2016 before the Honorable G. Thomas Cooper. App. 619. Assistant Attorney General Alicia Olive represented the state, and Rodney Davis represented Petitioner. App. 619.

ARGUMENT

In a post-conviction relief action, an applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). When an applicant alleges ineffective assistance of counsel as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that

the trial cannot be relied upon as having produced a just result.” Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. 441, 334 S.E.2d 813.

The proper measure of performance is whether an attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813. The applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989). Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel’s performance was deficient. Under this prong, attorney performance is measured by its “reasonableness under professional norms.” Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). Second, counsel’s deficient performance must have prejudiced the applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

The post-conviction relief court properly dismissed Petitioner’s application where counsel was not ineffective when due to a reasonable trial strategy counsel agreed there would be no mention by either party of the weapon found in the gold Impala or the positive gunshot residue tests performed on the occupants of the gold Impala, and further stipulated that “no one from the gold Impala shot at the defendant” when Petitioner’s defense was self-defense, specifically that he shot at the occupants of the blue Lincoln

Petitioner alleges trial counsel was ineffective for stipulating that there would be no mention of the evidence concerning the gold Impala where Petitioner’s defense was self-defense resulting from the occupants of the gold Impala shooting at him first. However, the post-conviction relief court properly dismissed this allegation where trial counsel testified to a valid

trial strategy for stipulating that the evidence from the gold Impala would not be seen by the jury where Petitioner's self-defense theory was based on evidence that shots came from the blue Lincoln first, not the gold Impala.

Tactical decisions in aid of trial strategy are at the core of a lawyer's exercise of professional judgment. Only rarely will a court second-guess those choices and find that they constituted ineffective assistance of counsel. *Strickland*, supra, at 689, 104 S.Ct. at 2065. A lawyer is not required by the Sixth Amendment to present a single, coherent defense theory. *Hendricks v. Calderon*, 70 F.3d 1032, 1041 (9th Cir.1995), cert. denied, 517 U.S. 1111, 116 S.Ct. 1335, 134 L.Ed2d 485 (1996). Counsel for a criminal defendant may, in the exercise of his or her professional judgment, present inconsistent defense theories without running the risk that such tactics will later be deemed ineffective assistance of counsel *Brown v. Dixon*, 891 F.2d 490, 495 (4th Cir.1989), cert. denied, 495 U.S. 953, 110 S.Ct. 2220, 109 L.Ed.2d 545 (1990); see also *White v. Singletary*, 972 F.2d 1218, 1221 (11th Cir. 1-992), cert. denied, 515 U.S. 1170, 115 S.Ct. 2636, 132 L.Ed.2d 875 (1995) (rejecting claim that trial counsel's decision not to present inconsistent defense theories constituted ineffective assistance of counsel); *Jones v. Kemp*, 678 F.2d 929, 931 (11th Cir.1982) (same), cert. denied, 459 U.S. 1113, 103 S.Ct. 745, 74 L.Ed.2d 965 (1983); *Fritchie v. McCarthy*, 664 F.2d 208, 214 (9th Cir.1981).

Trial counsel developed a theory of self-defense, that Petitioner was shooting at the Lincoln after its occupants fired at him, which was plausible from the evidence and allowed the defense to avoid the jury hearing that the victim had died. There is ample evidence in the record to support trial counsel's strategy to stipulate to the evidence from the gold Impala being excluded and to pursue the theory that Petitioner was acting in self-defense as it related to the blue Lincoln.

First, the vast majority if not all of the testimony at trial was that no shots originated from the gold Impala, but that shots did originate from the blue Lincoln, and that the video also did not show shots coming from the gold Impala. At least three separate witnesses testified that there were no gun shots from the gold Impala during the incident: Don Manigault, Laval Hazel, and Edward Wittrell. App. p. 206, l. 3-8; p. 719. The only witness Petitioner cites in reference to gunshots and the gold Impala was Equette Robinson who testified that she saw Petitioner walk up to the gold Impala and begin firing into the vehicle. App. p. 168, l. 19-169, l. 6. Significantly, Robinson did not testify that she saw anyone from the gold Impala shooting at Petitioner before he opened fire. As well as the testimony from the aforementioned witnesses, counsel testified at the PCR hearing that no witnesses testified at trial that shots were fired from the gold Impala and that the video shows shots were fired from the blue Lincoln. App. p. 728. Further, counsel testified that it was hard to say from the video that any shots were being fired from the gold Impala after watching it over 500 times. App. p. 732. Additionally, Judge Jefferson stated on the record after the verdict that “the video certainly doesn’t show them shooting,” in reference to the occupants of the gold Impala. App. p. 730. All of the above supports trial counsel’s strategy to stipulate to the evidence concerning the gold Impala in favor of pursuing self-defense as to the shots fired from the blue Lincoln.

Petitioner contends most importantly that he told counsel he was shooting in self-defense after the occupants of the Impala fired at him first, that this assertion was consistent with the video showing him firing at the Impala, his assertion was logical due to the earlier confrontation, and that there was no evidence that Petitioner had a prior dispute with the occupants of the Lincoln. However, none of these points substantiate Petitioner’s claim beyond his burden that counsel was ineffective for stipulating to the evidence concerning the gold Impala where

Petitioner's defense theory was always self-defense relating to the blue Lincoln. First, counsel testified at the PCR hearing that she believed Petitioner told her that he fired shots at the blue car because that's what's on the video and she could not recall Petitioner ever telling her about shooting at the gold Impala in response to being fired upon. App. p. 731. Also, Petitioner testified that the blue car self-defense theory was discussed prior to trial when discussing strategy and that closing argument was not the first time he heard that theory. App. p. 731. Second, Petitioner contends his assertion is more logical because the video shows him shooting at the Impala and there was a prior confrontation with the occupants of the Impala. However, significantly, the video did not show shots fired from the Impala and the prior confrontation is irrelevant if there is no evidence they initiated the confrontation at issue. Therefore, Petitioner has failed to show how these assertions make trial counsel's decision to stipulate and pursue a different defense theory ineffective.

Finally, Petitioner contends that counsel was ineffective for stipulating that no one from the gold Impala shot at Petitioner that night, there would be no mention that a revolver with five spent shell casings was found in the Impala after it crashed, and that there would be no mention that the occupants of the Impala had gunshot residue on their hands. As previously stated, excluding this evidence from the jury was part of a reasonable trial strategy by counsel. Trial counsel prepared a memorandum prior to trial seeking to exclude this evidence, further supporting the contention that this was part of a well-considered strategy. At the PCR hearing, both of Petitioner's trial counsels testified that they wanted to exclude mention to the jury that the victim had died and Kozelski went further to say that they intended to avoid the Impala at all costs. App. p. 727-728. Counsel's valid strategic decision was to keep the jury from convicting Petitioner for a death for which he was not responsible while simultaneously pursuing the

defense theory they intended to pursue originally. Counsel was able to achieve this goal by stipulating to the evidence concerning the gold Impala, evidence they did not intend to use, while still pursuing their self-defense theory concerning the blue Lincoln. Petitioner, through counsel's strategic decisions, lost little from the stipulation while gaining the security of the jury not hearing about the victim's death.

Therefore, this Court should uphold the PCR court's decision, find that counsel was not deficient, and dismiss Petitioner's case.

The post-conviction relief court properly dismissed Petitioner's application where counsel's advice concerning testifying was not deficient and where Petitioner freely and voluntarily waived his right to testify while being aware of the defense theory to be pursued

Petitioner contends that counsel was ineffective for advising Petitioner not to testify when 1. Petitioner had no impeachable offenses and 2. His defense was self-defense where no other evidence was presented at trial that he was acting in self-defense, making his testimony that he only shot at the occupants of the gold Impala after they shot at him essential. However, Petitioner was aware that his offenses could not be used to impeach him, he was aware the defense strategy was that he was shooting in response to the blue Lincoln, and he voluntarily waived his right to testify on the record.

First, Petitioner was aware at the time he waived his right to testify that he had no impeachable offenses. Petitioner knowingly and voluntarily waived his right to testify with this knowledge. Second, Petitioner was aware the defense strategy was that he was acting in self-defense as it relates to the occupants of the blue Lincoln, Petitioner testifying at trial that he was shooting in response to the gold Impala would have been contradictory to the defense strategy and would not have been supported by the plethora of evidence showing no shots were fired

from the gold Impala. Third, and most importantly, Petitioner freely and voluntarily waived his right to testify concerning his theory of self-defense. At trial, Petitioner testified that counsel did not place him under any duress or discourage him from testifying. App. p. 735. Counsel testified at the PCR hearing that they recalled discussing Petitioner's right to testify and they concluded that he would not testify. Counsel testified further that if they thought it would have helped the case they would have had him testify and that the decision was ultimately his to make. App. p. 737.

"Solemn declarations in open court carry a strong presumption of verity," forming a "formidable barrier in any subsequent collateral proceedings." Blackledge v. Allison, 431 U.S. 63, 73-74 (1977). A criminal defendant has a fundamental constitutional right to testify on his own behalf at trial, a right that cannot be waived by defense counsel. United States v. Teague, 953 F.2d 1525, 1532 (11th Cir. 1992) (en banc). "A claim that a defendant's right to testify was violated by defense counsel is analyzed as a claim of ineffective assistance of counsel." Teague, 953 F.2d at 1534). "Defense counsel bears the primary responsibility for advising the defendant of his right to testify or not to testify, the strategic implications of each choice, and that it is ultimately for the defendant himself to decide....Counsel may advise the client in the strongest possible terms not to testify, but the choice whether to testify lies with the defendant. ...Counsel has the responsibility of ensuring that any waiver of the right to testify is knowing and voluntary." *Id.* (internal citations' omitted). See United States v. Nohara, 3 F.3d 1239, 1243-44 (9th Cir. 1993) (defendant's waiver of his right to testify foreclosed claim of ineffective assistance of counsel); see also Dows v. Wood, 211 F.3d 480, 487 (9th Cir. 2000) (petitioner failed to prove deficient performance or prejudice from counsel's alleged pressure on him not to testify where, in part, "at no time during the trial did [petitioner] ever indicate that he wanted to

testify or that he was prevented from doing so by counsel"). Petitioner therefore cannot now claim ineffective assistance of counsel because they did not call him as a witness. See McElvain v. Lewis. 283 F. Supp. 2d 1104, 1118 (C.D. Cal; 2003).

Ultimately, there was no evidence in the record to support Petitioner's desired testimony that he acted in self-defense concerning the occupants of the gold Impala and Petitioner freely and voluntarily waived his right to testify at trial. Petitioner has failed to show how counsel was deficient for failing to advise him to testify to a version of events contrary to the evidence and their defense strategy. Petitioner has also failed to show any indication that his waiver was forced, coerced, or should not be considered as his solemn declaration. Therefore, the PCR court properly found no deficiency by trial counsel. Respectfully, this Court should uphold the order of the PCR court and dismiss Petitioner's claims.

CONCLUSION

For the foregoing reasons, this Court should deny this Petition for a Writ of Certiorari. Should this Court grant the petition, the State seeks permission to more fully brief the issues herein.

Respectfully submitted,

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January 6, 2020

STATE OF SOUTH CAROLINA
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CERTIORARI TO CHARLESTON COUNTY
Court of Common Pleas
The Honorable G. Thomas Cooper, Circuit Court Judge

S.C. SUPREME COURT

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Shana Robinson,

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State of South Carolina,

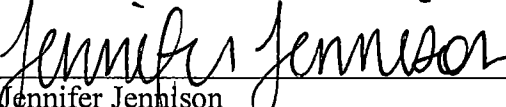
Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the **Return to Petition for Writ of Certiorari** has been served upon the applicant by placing one copy in the United States Mail, addressed to:

Lara M. Caudy, Esquire
S.C. Commission on Indigent Defense
PO Box 11589
Columbia, SC 29201

This 6th day of January, 2020.



Jennifer Jennison
Administrative Coordinator for Respondent