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JAN 08 2019

SC Court of Appeals

Dear Clerks, Suprem Court

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JAN 07 2020

S.C. SUPREME COURT

12/30/19

I wrote you a letter back in September 2019 requesting to amend my issues in my PCR appeal and the issues in my belated direct appeal. My appellate counsel that I was appointed failed to raise these issues that was raised in my PCR application (1) Trial Counsel failed to adequately inform applicant and the court of a potential or actual conflict of interest, and (2) Trial Counsel failing to object to the solicitor's closing arguments and ask for a curative instruction, where solicitor acted as a witness by arguing alleged facts that was not in evidence, which tended to bolster the credibility of false testimony of state witnesses, and where his argument was contradicted by testimony and other evidence, to the clear prejudice of the applicant. The only issue that was raised on my PCR appeal was the issue that the PCR judge granted me relief for at my PCR hearing which was ineffective assistance of counsel where trial counsel failed to file a notice of appeal on my behalf when I asked counsel to appeal and counsel should reasonably have known that I would want to appeal, WHITE V. STATE. My appellate counsel Taylor Davis Gilliam failed to follow the procedures that are required in this matter.

- Special Procedures When a WHITE V. STATE Review is Sought.

Where the petition seeks review under White v. State, 263 S.C. 110, 208 S.E. 2d 35 (1974), the following procedures shall be followed: (1) When the post conviction relief judge have affirmatively found that the right to a direct appeal was not knowingly and intelligently waived, the petition shall contain a question raising the issue along with all other post-conviction relief issues petitioner seeks to have reviewed. At the same time the petition is served, petitioner shall serve and file a brief addressing the direct appeal issues. This brief shall, to the extent possible, comply with the requirements of Rule 208 (b). Respondent's return to the petition shall address the post-conviction relief issues, including whether the direct appeal was knowingly and intelligently waived. At the same time the return is due, respondent shall also serve and file a brief addressing the direct appeal issues. Within ten (10) days after service of respondent's brief, petitioner may file a reply brief on the direct appeal issues. Mr. Gilliam also violated my 6th Amendment Constitutional right, Hammon v. Ward 466 F.3d 919, 927-31

(10th Cir. 2006) (Appellate Counsel failure to assert that "trial Counsel operated under  
perjudicial conflict of interest" was ineffective assistance because issue was obvious and  
would have resulted in reversal on appeal.) This is why I should be granted of my request  
to amend my PCR appeal issues that was raised on my PCR application, and my related  
direct appeal issues.

James Abdul Wilson

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Case No: 2018-001432