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APR 10 2020

Pto ee Response

S.C. SUPREME COURT

April 2, 2020

My lawyer was ineffective because evidence was withheld evidentially from me. Had I known that there was no DNA, fingerprints, nor any other evidence to convict me at trial other than statements, I would not have pled but instead went to trial.

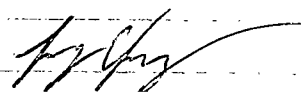
Another way my lawyer was ineffective because she failed to investigate properly. Had she, I've said before that the process would have been different. Because if she investigated, she would've found that though my statement is strongly against me, there is another statement that proves that I was under the influence at the time of my statement.

My lawyer also was ineffective because if she had investigated properly, she would've found that I was in special education classes all throughout school and had learning disabilities, and that I was classified as mental health patient from as early as 5 years of age. And that I was also on medications which I haven't been taking since the age of about 16 years.

And I did tell my lawyer that information prior to my plea.

Furthermore at my PCR hearing my lawyer admitted that she did nothing to try to help me win if we had went to trial, and here is now. By her knowing that the only evidence was my statement, then she should've informed me that I can withdraw my plea, we could've taken the 'Legal Innocence' approach and asked the court to disregard certain incriminating evidence (my statement, which was given involuntarily) in order to establish my innocence, given the fact that the only evidence linking me to the crime was seized or obtained in violation of my rights against self-incrimination.

And if my lawyer was effective and done more of a proper job and informed me of all my options, I would have know that I only had practically one piece of evidence against me. Knowing this, I would've proceeded to trial. I believe anyone would've done the same if they were also aware of these circumstances.



Pro se Response

April 2, 2020

Another way my counsel was ineffective and fell below an objective standard of reasonableness is that, I wasn't informed of the ability I had to plea to a manslaughter instead of murder, *Anderson v. State*, 342 S.C. 54, 535 S.E.2d 649 (2000).

One more reason that my counsel was ineffective is she told me that we didn't have a good argument against my statement (confession) in trial when in fact we had multiple attack strategies. 1.) Being under the influence at the time of the arrest and confession. The proper information would've told me that at trial I could cross-examine all who wrote a statement and that cross-examining would've help to make my confession inadmissible because one person wrote in their statement that everytime I came over I bring intoxicants. 2.) And that I was intoxicated at the time I gave my statement. 3.) Forensic Lab test show that my DNA is not nowhere on the scene the weapon or victim. It also shows that the victim's DNA isn't on the weapon allegedly used also. So this shows that (somebody committed the crime) but it doesn't show I did it and that's another argument. This I learned after I plead guilty, I wrote and requested this information. And last but not least my lawyer was ineffective because adequate research and investigation would've shown her my mental disabilities, and therefore one would've asked for a competence hearing. *Matthews v. State* 358 S.C. 456, 596 S.E.2d 49 (2004).

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S.C. SUPREME COURT

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APR 07 2020

P.C.I. MAILROOM

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P.O. Box 11330
Columbia, South Carolina
29211

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THEREFORE, THE DEPARTMENT DOES NOT
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A. DEPARTMENT OF CORRECTIONS