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May 04 2020

SC Court of Appeals

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S.C. SUPREME COURT

Darquianus Dashon Davis  
#364640

Appellate Case No 2018-002281

April 27, 2020

In regards to my Petition for Writ of Certiorari Filed on July 10, 2014 to my PCR there was issues raised during the PCR hearing that did not obtain a ruling. I'm writing you today asking can you please consider making a ruling on the following issues that was raised, but in a different manner at my PCR hearing:

Defendants guilty plea was involuntary do to failure by the government to preserve/disclose material exculpatory evidence which compromised defense counsel's ability to provide effective assistance of counsel.

- There was a gun found at the crime scene that lay within the same room as the body of the victim either the police/solicitors office disposed of the weapon. The only thing that saves its place is two photos of the gun, the solicitor say that the crime scene officers did not take it into evidence because it was a b.b. gun. The gun is laying on the floor and does not appear to be a b.b. gun. it doesn't have an orange tip within its muzzle, there was not a chain of custody established.

- This induced defendants decision to plead guilty where defendant wished to pursue the defense of self-defense but did not have the essential evidence to support his claim. The defendant never received a single document pertaining to the gun which inhibited him the opportunity to prepare his defense. If defendant would have received any information pertaining to the weapon he would insisted on going to trial.

The issue pertaining to this gun not being placed in evidence has been discussed at guilty plea, guilty plea sentencing, and at PCR hearing I'm asking for a ruling on it.

- This was Plain error which violated defendants Due Process Rights and Denied him the right to a fair trial was clear and obvious.

The error seriously effected the fairness, integrity and public reputation of judicial proceedings.

- Error violated defendant's 6<sup>th</sup> Amend. right to make a fundamental choice regarding his own defense.

- Fundamental Unfairness resulted when defendant was convicted based on const. invalid guilty plea.

Plea Counsel failed to advise defendant of a Alford's Plea or any pleas dealing with maintaining Innocence

- During defendant's guilty plea he explained that he did not agree with the facts of either charge. the judge offered a Alford's plea which I was unaware of then the judge gave trial counsel the opportunity to go off record and explain the plea to me. This was discussed during PCR hearing as well just as I've explained along with trial counsel explaining that defendant throughout most of his representation explained and expressed to him that he wasn't guilty of the charges and wanted to go to trial.

If counsel would have advised defendant of an Alford plea defendant could have better explained his view of the case and the judge would have been able to get a better understanding of whether his plea was involuntary.

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This Issue Below PCR Counsel Failed to Raise which was on PCR Application:

Defendant's Guilty plea counsel was ineffective for failing to disclose material exculpatory evidence.

- a statement produced by Mercedes Bland at guilty plea sentencing which would have been used towards defendant's defense and Innocence. Defendant had no knowledge of this statement and did not have the opportunity to use the statement in his advantage.
  - Mercedes Bland's alleged statement she supposedly stated that the defendant shot the victim because he was reaching for a gun.
  - The only place this statement has appeared is the guilty plea sentencing transcript, nowhere else.
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I have asked my current attorney to raise these issues but she has refused so I'm asking can you send/remand these issues/my case back to the PCR court to make a ruling on please. I would appreciate a copy of this letter back as well.

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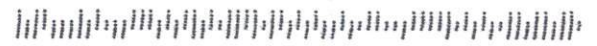
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