

Regarding:

This letter is regarding my Writ. Certiorari.  
This is my Johnsons brief.

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MAY 14 2020

S.C. SUPREME COURT

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Dear Supreme Court of South Carolina,

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This letter is regarding my concerns for the pending case i've filed against the state and my previous counsel Eric Fox, and my concerns involving his assistance.

In a majority of my problems I put in this brief seem simple but my concerns are why the rules and statutes, also the amendments got refreshed in my memory show where I was violated. It took for me to learn this after the judge sentenced and denied me relief. I just wasn't fully capable of understanding at the time. My indigent defense attorney showed me im able to write this brief to make my side of the arguement understood. To start I was brought into custody on June 20, 2013. Detectives told me I was being brought in as a suspect in a shooting. I asked for a lawyer and was transported to county jail. Now the main detective Troy Large never gave me the details on the reason why I was even suspected. But I was transported to J. Ruben Long Detention Center. Few months later my assigned defense counsel was given to me (Eric Fox) I was also represented by him the previous year. But due to an intelligent decision I dismissed him as counsel and retained private counsel. We had several decisions before any material was provided by the

Solicitor's office. When the material was finally provided Fox gave me his professional opinion. He believed my best alternative to getting a max sentence at trial, was to look forward to cooperating with the solicitor's office. (PCR Transcript pg 30 lines 12-18)

When the material was finally provided his recommendation was to still continue forward. So he put in motions to communicate with Nancy Hivesay (Solicitor) as well as talking to his investigators about letting me hear the recordings. Yet he was aware of the rest of the evidence he failed to mention to me or didn't feel it matter. (PCR Transcript pg 38 lines 11-14) Now being as it's suppose to be my decision, why did counsel fail to allow me to look at all the material before the plea agreement. But still according to criminal law and South Carolina Rules of Court Brady v. Maryland (Criminal law 27.3(a) states all accused are allowed to have access to all incriminating material against him or her. If all of this is true how does his failure to provide me with some of the other material and let me decide. How doesn't it violate my sixth amendment. Several pieces of the material could have changed the outcome. For counsel to remain focused on plea route and just leave me in the dark is clear violation of due process, especially by court assigned counsel. Material left out contained dna results, shoe prints, 911 call recording, and statements recordings. (PCR Transcript pg 32 lines 20-25, pg 32 lines 1-25)

By law failure to let me hear any of the incriminating evidence violated all due process rights. Knowing I was in jail and I am incapable of gaining access of this material without my assigned counsel. Shows the major violation of my due process itself. Also fifth amendment due to the fact I had ~~been~~ lead to believe I was left with no other course then to plea. The two prong test to show ineffective assistance in *Strickland vs. Washington* should have been enough, to atleast gain my relief from first judge.

Fox knew he was wrong and still showed the same courtesy the detective and solicitors did. If Fox was as professional as he said why was none of the detectives statements of my case looked into. The main detective Troy Hodge who was in charge was involved in illegal activity. He not long after killed himself. How is it that Fox failed to look into these backgrounds, an yet im suppose to say he was doing enough to satisfy the law standards. Im not saying that im an intellectual when it comes to the law, but everything that has been looked into is not incorrect. But all of this is back by South Carolina Rules of Court, the Georgetown Law Journal. These are books judges and lawyers even have to follow the guidelines. Why am I wrong for pointing out where the lawyer that the state provided three times, violated my amendments as well as show a side of the courts that showed no remorse, by sentencing me a life sentence with no parole. Before I get

to ahead of myself im going to state which amendments im speaking about (fifth amendments, sixth amendments, and eighth amendment rights)

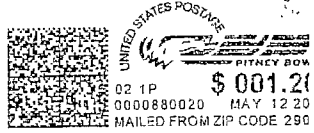
Now onto his proceedings in court considering the plea in question. Plea agreements were created for defendants who aren't sure if they would win at trial or who don't wish to receive a max penalty. Now in my case it was a plea based off of grounds that counsel thought was best. (QR Transcript pp 11 lines 15-22) Shows what understanding I had for the plea agreement in question. But if you look back through plea hearing transcript. Solicitor states that other charge were being dropped in exchange for the plea. I am still confused to this day, because everything that had been included inside this brief had shown deceit as my counsels fault. Now im being given a difficult time by the courts showing me no remorse by giving me a natural life sentence. All they accomplished was dropping charges they had no evidence on. So that I wouldn't bring up civil suit against the state. My lawyer had not openly objected to one of the solicitors comments concerning characterization and facts of the plea. There was a moment when the judge pointed out there was marked recommendation (Plea transcript pp 22 lines 16-23) When the judge sentenced me to serve natural life without parole there was no objection from counsel on my behalf. So the facts that counsel discussed with me this route to avoid a life sentence, and yet he didn't even give one objection. Showed me how much he

was truly trying to help. The brief shows why I showed to object to the final ruling, and shows the eight amendment violation. Well to sum up this brief I'd like for the judges to keep in mind that I know nothing about the laws or at least basic guidelines. Please look at the facts i've provided sufficient proof being the missing evidence I was unable to gain access to. Also i'd like for the judges to understand from my stand point, I cant explain to you how it might have helped me at trial if I didn't know what the extra material was. Thank you for taking my brief into consideration.

Sincerely  
Brandon  
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