

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

Certiorari to Richland County  
Honorable DeAndrea G. Benjamin, Circuit Court Judge  
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SAUTOS A. AGUILERA, ..... PETITIONER,

v.

STATE OF SOUTH CAROLINA ..... RESPONDENT.

APPELLATE CASE NO. 2019-001376  
\_\_\_\_\_

PRO-SE PETITION FOR WRIT OF CERTIORARI  
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JUL 24 2020

S.C. SUPREME COURT

## ARGUMENT

The PCR Court erred in finding Counsel provided effective representation where Counsel failed to object to Solicitor's change of sentence recommendation of 0-10 years; to "Cap of 10 years"; therefore making plea involuntarily and unintelligent due to violating agreed upon terms of plea agreement. Where it's clear Applicant spoke very little English, from another country, and did not understand American Law.

As a officer of the court. Counsel failed to provide Petitioner with competent assistance of Counsel as guaranteed by the United States Constitution. Appendix Page 41; Shows Counsel only met twice with Petitioner. The first time was with no translator, and the second time was the day of Petitioner's plea. Appendix Page 43; Petitioner thought he was getting 3 years and no more. Petitioner's family just died, and he was trying to get home to Honduras. Which explains Petitioner entering his plea under N.C. vs. Alford. Applicant knew nothing about American Law, and Counsel failed to make sure Petitioner's rights were protected. Counsel never discussed any plans or strategy with Petitioner as to how he was going to defend Petitioner; so due to this along with the

multiple deaths in Petitioner's family. Petitioner's only goal was to get home to Honduras. Appendix Page 43; Petitioner thought he was to receive three years and no more.

As noted in Appendix Pages 11-12; Petitioner's Counsel made aware to the court many circumstances surrounding Petitioner's life which ultimately resulted in Petitioner making a Alford Plea which was unintelligent and involuntary. Counsel states how applicant was in fear for his life, Counsel only had case 4-5 months; Petitioner's life was threatened by his codefendant, and Petitioner did not agree with the facts surrounding his case. Counsel felt and expressed how Petitioner's life was in danger and the circumstances which led to Petitioner's Alford Plea. By Counsel's ineffectiveness in failing to properly investigate the lack of DNA evidence in Petitioner's case, to object to the Assistant Solicitor breaking the plea agreement of 0-10 years, and only meeting once with Petitioner prior to plea with no translator. Counsel's performance was ineffective, and Petitioner's plea was unintelligent and involuntarily entered. Therefore, denying Petitioner's Constitutional Right to Effective Assistance of Counsel.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests this Honorable Court grant the Petition for Writ of Certiorari.

Respectfully Submitted,  
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BY: SANTOS AG  
PRO-SE Petitioner

JULY 20, 2020