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OCT 02 2020

Pro Se Brief

S.C. SUPREME COURT

Justin Jermaine Johnson

Petitioner

v.

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Oct 06 2020

SC Court of Appeals

State of South Carolina

Respondent

Appellate Case No 2019-001991

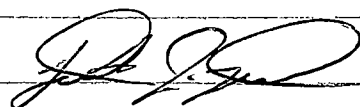
The PCR judge erred in finding that trial Counsel was not ineffective because trial Counsel failed to argue that Petitioner's statement to law enforcement was not a confession as the state argued, nor did trial Counsel argue that the evidence was inconsistent with and raised a reasonable doubt of defendant's own guilt.

During the trial, the defendant's counsel thought it best to argue that the defendant's statement was forced. Therefore making it seem like the defendant did confess only unwillingly. The defendant was interviewed by two investigators for an excess of eleven hours. It was only the last thirty minutes that the defendant changed his statement after investigators told him that they would tell his daughter he was a cold blooded killer. Trial Counsel explained to the defendant that there was case law against involuntary statements that better suited his defense. It's this petitioner's stand that the statement given was not at all a confession when said, "How could I live with myself knowing I done this? Rather accident or not I done it?" Trial

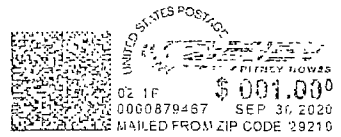
Counsel did not take into account that the few seconds out of the eleven hour interview which investigators deemed a confession was actually a question. The rest of the defendant's statement only recounted information that the investigators gave him earlier in the interview. At no point did defendant say how or why or if he done it.

Trial counsel also failed to argue that most of the evidence the state presented did more to exonerate him than convict. The state presented evidence of DNA and prints at the scene and on murder weapon that did not match him or anyone else at the scene that day at the moment defendant was arrested. Neither the defendant's own DNA nor prints was found on the murder weapon. Instead of arguing this fact he only made light note of it when in asking the Forensic Specialist who tested the items what their results were.

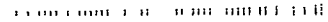
Had trial lawyer argue that there never was a confession and all other evidence places someone else there the defendant would have had a different outcome in his case.



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