

PETITION FOR A WRIT OF CERTIORARI
IN POST-CONVICTION RELIEF ACTIONS

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM SPARTANBURG COUNTY
COURT OF COMMON PLEAS

GRACE GILCHRIST KNIEE
PRESIDING JUDGE
SEVENTH JUDICIAL CIRCUIT

RECEIVED

SEP 13 2021

S.C. SUPREME COURT

APPELLATE CASE No. 2021-000150

AQUAVIOUS J. RAY #356637 _____ PLAINTIFF,

STATE OF SOUTH CAROLINA _____ RESPONDENT,

PETITION FOR A WRIT OF CERTIORARI

AQUAVIOUS J. RAY
610 HWY 9 WEST
BENNETTSVILLE SC, 29512
ATTORNEY FOR PETITIONER
PRO-SE

JOHNNY E. JAMES, JR. ESQUIRE
PCR DIVISION - 7TH CIRCUIT
P.O. BOX 11549
COLUMBIA SC 29211
ATTORNEY FOR RESPONDENT

1 COUNSEL ERRONEOUSLY ADVISED ME THAT I WOULD RECEIVE A 12 YEAR SENTENCE, THIS ADVISE INDUCED ME TO PLEAD GUILTY TO THE CHARGES. HILL V. LOCKHART

- IF MY LAWYER WOULD HAVE NOT TOLD ME THAT I WOULD GET 12 YEARS I WOULD OF WENT ON TO TRIAL
- I FEEL LIKE MY LAWYER TRICKED ME IN TO TAKING A PLEA JUST TO SATISFY THE STATE
- ALSO ON THIS 12 YEAR DEAL I WAS TOLD THAT SOME OF THE CHARGES WOULD BE DROPPED/DISMISSED SO I WENT ALONG WITH EVERYTHING AT MY HEARING.
- THE ONLY REASON I TOOK THIS PLEA IS BECAUSE MY LAWYER TOLD ME THAT THIS IS THE BEST THING FOR ME AND THAT 12 YEARS IS WHAT HE CAN GET ME BEING THAT HE KNEW THE JUDGE SAYING HIM AND THE JUDGE WENT TO MILITARY SCHOOL TOGETHER.

2. COUNSEL WAS INEFFECTIVE BY NOT SPENDING ADEQUATE TIME WITH ME. STRECKLAND

- MY LAWYER ONLY CAME TO SEE ME 2 MAYBE 3 TIMES AT THE MOST WASHINGTON
- DURING THESE VISITS WE NEVER ~~REALLY~~ REALLY WENT OVER MY CASE, YES CERTAIN THINGS ABOUT MY CASE WAS BROUGHT UP LIKE SOME OF THE EVIDENCE THE STATE CLAIMED TO HAVE BUT MY LAWYER NEVER INVESTIGATED FURTHER.
- MY LAWYER WAS ONLY ON MY CASE FOR A MONTH AND A HALF AT THE MOST.
- WHEN MY LAWYER CAME TO VISIT ME HE WAS ONLY TELLING ME THINGS LIKE (EVIDENCE THE STATE HAD) THEN HE WOULD LISTEN TO WHAT I HAD TO SAY FOR 10-15 MINS AND LEAVE
- I KNOW FOR A FACT I ONLY SEEN MY LAWYER 2-3 TIMES
- ALSO ME AND MY LAWYER NEVER TALKED FOR MORE THAN 30 MINS
- MY COUNSEL WAS ONLY ON MY CASE FOR A MONTH AND A HALF BEFORE GETTING ME TO PLEA

3. COUNSEL WAS INEFFECTIVE FOR NOT DISCUSSING THE RULES OR BRADY MATERIAL WITH ME

- ON THE 2-3 TIME I SAW MY LAWYER HE NEVER WENT OVER MY MOTION OF DISCOVERY WITH ME
- I HAVE A DVD AND A FLASH ^{DRIVE} THAT MY LAWYER SENT TO MY HOME AFTER HE WAS DONE WITH MY CASE THAT I HAVE NEVER SEEN
- MY LAWYER ONLY BROUGHT UP THINGS LIKE (EVIDENCE THE STATE HAVE ON ME)
- MY LAWYER NEVER EVEN SHOWED ME MY MOTION OF DISCOVERY
- MY LAWYER NEVER EVEN SENT ME MY MOTION UNTIL AFTER I CAUGHT MY TEAM AND HE DID NO EVEN SEND IT TO ME, HE SENT IT TO MY HOME AND I NEVER HEARD FROM HIM AGAIN.
- MY LAWYER NEVER EVEN SENT ME MY COURT TRANSCRIPT I RECEIVED IT FROM MY PCR ATTORNEY RODNEY RICHY
- ME AND MY LAWYER BOTH KNOW THAT HE NEVER TOOK THE TIME TO GO OVER THESE THINGS WITH ME AND THAT HE ONLY TRIED TO GET ME TO PLEA THE WHOLE TIME.

WILLIAMS V. TAYLOR

4. TRIAL COUNSEL WAS INEFFECTIVE BY NOT INVESTIGATING THE FACTS SURROUNDING MY CASE. HARRINGTON V. RICHTER

- MY COUNSEL NEVER TOOK THE TIME TO INVESTIGATE MY CASE.
- I WAS CHARGED WITH ATTEMPTED MURDER BECAUSE THE STATE (BARRY BARNETT) ALLEGED THAT I WAS THE PERSON WHO ENTERED THE VICTIM'S RESIDENCE AND SHOT HIM ONCE, ROBBED HIM, LEFT, THEN CAME BACK AND SHOT THIS MAN AGAIN WHICH IS FALSE BY THE VICTIM HIMSELF STATEMENT. THIS MAN TOLD THE COURT AT MY HEARING THAT I WAS NOT THE MAN WHO SHOT HIM.
- ALSO I WAS CHARGED WITH 3 COUNTS OF ARMED ROBBERY (THE ONLY PERSON IN THIS CASE CHARGED WITH 3 COUNTS OF ARMED ROBBERY. EVERYONE ELSE IN MY CASE HAVE 1 ARMED ROBBERY WHICH IS WHAT I WAS ORIGINALLY CHARGED WITH.
- ALSO VICTIMS IN MY CASE HAVE SEVERAL CONTRADICTING STATEMENTS AS WELL AS MY CO-DEFENDANT WHO COOPERATED WITH THE STATE. ALL OF THESE STATEMENTS WAS COERCED AND MADE UP. THE VICTIMS EVEN PICKED A PERSON OUT OF A PHOTO LINE UP THAT WAS NEVER CHARGED OR ARRESTED.
- WHEN I WAS ARRESTED THE POLICE NEVER GOT NO EVIDENCE OFF OF MY PERSON. NOTHING THAT WAS ALLEGEDLY TAKEN WAS FOUND OF MY PERSON AND THEY DID NOT GET A WEAPON FROM ME OR ANYONE ELSE IN MY CASE, BUT ME AND 1 OF MY CO-DEFENDANTS (TYRUS WOODRUFF) WAS THE ONLY PEOPLE CHARGE WITH A WEAPONS CHARGE EVEN THOUGH THIS CASE WAS CONSIDERED HANDS OF ONE HANDS OF ALL.
- MY COUNSEL DID NOT INVESTIGATE AT ALL AND HE EVEN ADMITTED THIS AT MY PCR HEARING AND THIS IS ON RECORD.

THORNES V. STATE

5. TRIAL COUNSEL WAS INEFFECTIVE FOR NOT MAKING ANY PRETRIAL MOTIONS TO SUPPRESS EVIDENCE OR A MOTION TO DISMISS CHARGES.
- MY LAWYER NEVER TRIED TO GET ANY OF MY CHARGES DISMISSED OR SUPPRESS ANY EVIDENCE.
 - MY LAWYER NEVER QUESTIONED ANY OF THE STATE ALLEGED EVIDENCE EVEN THOUGH EVIDENCE SHOWS THAT I NEVER SUPPOSE TO HAVE BEEN CHARGED WITH ATTEMPTED MURDER BEING THAT THE VICTIM WHO WAS SHOT SAID THAT I AM NOT THE MAN WHO SHOT HIM AND POINTED OUT WHO HE SAID SHOT HIM.
 - ALSO THE 3 ARM ROBBERIES I WAS CHARGED WITH FOR THE SAME CRIME AS EVERYONE ELSE IN THIS CASE AND EVERYONE ELSE WAS CHARGE WITH 1 ARMED ROBBERY.
 - MY LAWYER SUPPOSE TO HAVE GOTTEN THESE CHARGES THROWN OUT (DISMISSED)
 - ALSO THE STATE EVIDENCE SAYS THAT THE VICTIM HOUSE WAS BROKEN INTO BUT THE VICTIM HIMSELF SAYS "HE LET US IN HIS HOUSE THINKING THAT WE WAS HIS KIDS FRIENDS".
 - THE SOLICITOR ~~IN~~ IN THIS CASE (BARRY BARNETT) CLAIM THAT I WAS THE PERSON WHO SHOT THE VICTIM ~~ON~~ TWICE, THE VICTIM PROVED TO THE STATE THAT I AM NOT THE MAN WHO SHOT HIM. (THIS IS ON RECORD) THIS ALSO SHOULD HAVE BEEN DISMISSED (ATTEMPTED MURDER)
 - VICTIMS, WITNESSES, COOPERATING CO-DEPENDENT IN MY CASE ALL GAVE CONTRADICTING STATEMENTS SAYING SEVERAL DIFFERENT THINGS.
 - MY LAWYER NEVER TRIED TO SUPPRESS ANY EVIDENCE, ~~NOR~~ NOR DID HE TRY TO GET ANY OF MY CHARGES DROPPED (DISMISSED). THIS IS WHY I WAS CONVICTED ON ALL CHARGES IN THIS CASE. NO CHARGES WAS DISMISSED OR DROPPED DOWN.

- MY LAWYER WAS MORE THAN INEFFECTIVE, HE WAS ONLY DOING A FAVOR FOR THE STATE BY TRICKING ME TO PLEA.
- I HAVE ALL PROOF NEEDED TO SHOW THAT MY LAWYER WAS VERY INEFFECTIVE, HE HIMSELF TOLD THE STATE THIS AT MY PCR HEARING. ALL OF WHAT HE SAID IS ON RECORD. (SEE PCR TRANSCRIPTS)!

CLOSING ARGUMENT

I WOULD RESPECTFULLY LIKE, TO SPEAK TO THE COURT! I JUST WANT TO ASK THE COURT TO TAKE IN CONSIDERATION THAT MY COUNSEL HIMSELF ADMITTED TO BEING INEFFECTIVE, HE SAID HIMSELF THAT HE DID NOT INVESTIGATE MY CASE FURTHER THAN THE ~~STATE'S~~ ^{STATE'S} EVIDENCE. MEANING HE DID NOT INVESTIGATE MY CASE AT ALL. MY LAWYER JUST WENT WITH WHATEVER ~~EVIDENCE~~ EVIDENCE THE STATE PRESENTED WHICH SHOWS HOW INEFFECTIVE HE WAS.

OPINION

THIS CASE BE DISMISSED AND SENTENCE BE VACATED DUE TO LAWYER INEFFECTIVENESS BY ADMITTING HIMSELF THAT HE WAS INEFFECTIVE

AQUAVIOUS RAY