

FORM 19  
PETITION FOR A WRIT OF CERTIORARI  
IN POST-CONVICTION RELIEF ACTIONS

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM DORCHESTER COUNTY

COURT OF COMMON PLEAS  
Judge Goodstein Circuit Court Judge

Case No. 2021-000552

Nathaniel Mack,  
S.C.D.C. No. 273857

Petitioner,

v.

State of South Carolina,

Respondent.

PETITION FOR A WRIT OF CERTIORARI

Nathaniel Mack, 273857  
Ridgeland Correctional Institution  
P.O. Box 2039  
Ridgeland SC 29936

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S.C. SUPREME COURT

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QUESTIONS PRESENTED

Was Trial Counsel, and Appellate Counsel and PCR Counsel ineffective for failing to motion the court for a forensic DNA post conviction for applicant

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1. Did the circuit court err in holding that petitioner's trial counsel was not ineffective in failing to object to the malice charge?

## STATEMENT OF CASE

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Dorchester County Clerk of Court. On November 10, 1999, the St. George Police Department sought and obtained an arrest warrant against Applicant for the crime of Murder (E-196915). Applicant was thereafter indicted by the Dorchester County Grand Jury during the March 13, 2000 term for the same (2000-GS-18-90). Marva Hardee-Thomas, Esquire represented Applicant on the charges. Applicant proceeded to a jury trial before the Honorable Perry M. Buckner from March 26 to March 28, 2001 and was found guilty as indicted. Judge Buckner sentenced Applicant to thirty (30) years incarceration. Applicant did not appeal. *OCTOBER 14, 2021 KINA APPLICATION WAS DENIED, SEPT 13, 2021 MOTION TO REINSTATE 2001-CP-18-793*

Applicant filed his second PCR on June 27, 2008 (2008-CP-18-1607), alleging ineffective assistance of post-conviction relief counsel. Respondent made its Return and Motion to Dismiss, arguing the application was successive, barred by the statute of limitations, and failed to state a cognizable claim. The matter was thereafter summarily dismissed by the Honorable Diane S. Goodstein by order dated December 8, 2008.

## ARGUMENT

1. ~~COUNSEL WAS INEFFECTIVE IN FAILING TO OBJECT TO THE MALICE~~
  1. Failure to address issues of the case in the opening statement;
  2. Failure to document and establish that the wounds to Applicant's hands were insufficient to cause the amount of blood in the house;
  3. Failure to procure an alternate DNA test regarding blood swabs taken in the house to establish the blood did not belong to Applicant.

4. Counsel failed to adequately utilize evidence (only blood found on knife – prisoner’s) for the only wounds on the prisoner were cuts on his fingers which supports a reasonable probability that prisoner was protecting himself from attack; and that said knife was not the alleged weapon to have killed the victim.
5. Counsel failed to adequately cross-examine a witness for the prosecution regarding disposing of blood sample(s) that could have well been key evidence in the case. ...
6. Counsel failed to procure an alternate DNA test, regarding the blood sample(s) taken from the house.

CONCLUSION

For the reasons stated, petitioner asks this Court to grant the petition for a writ of certiorari, *and Remand this case BACK to the Court of Common Pleas for a Forensic (See: Attached Exhibit A) s.c. case 17-28-90(A) and PCR Hearing* Respectfully submitted,

Date: 11-1  
November 1, 2001

*Nathaniel Mack*

NATHANIEL MACK, 273857  
RIDGELAND CORRECTIONAL INSTITUTION  
P.O. BOX 2039  
RIDGELAND SC 29936

NOTARY Public:  
Sworn to and subscribed  
Before me *Deveny Ferguson*  
This 1 day of Nov 2021  
My Commission Expires: 10-1-25

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