

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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S.C. SUPREME COURT

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
Honorable L. Casey Manning Circuit Court Judge

Case. No. 2021-001197

Vincent Boseman.....Petitioner.

v.

The State of South Carolina.....Respondent.

The petitioner asserts that the determination by the lower court was improper. The petitioner contends that there is evidence of material facts not previously ruled upon and heard, that requires a ruling on the issues that were presented to the Court of Common Pleas. The petitioner also contends that there is evidence of material facts not previously presented and heard that requires reversal of the conviction or sentence.

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Pro-se
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Petitioner asserts that the trial court has committed an abuse of discretion by incorporating the first trial courts' pre-trial ruling as "Bound" by the decision in the new trial petitioner was granted. On the first day of the new trial the state asked that the law of the case be as the Honorable Judge Williams ruled in December 2000 in the prior proceedings as to the witnesses who have already testified, the State asked the Honorable Judge J. Mark Hayes, III to consider that decision already made and that the state be allowed to go straight forward in front of the jury with those witnesses. Tr. p. 616 lines 1-23. Judge J. Mark Hayes, III ruled that all witnesses who have testified and that all evidentiary facts and evidence admitted in the first trial will be bound upon this court. Tr. P. 616 lines 3-17. The petitioner contends that "an abuse of discretion arises from error of law or a factual conclusion that is without evidentiary support". State v. Irick 344 SC. 460, 545 S.E.2d 282, 284 (2001). The states' witness who testified in court that would Mr. Carl Holmes in the first trial that he brought me to the room, gave detective Bob Benson a statement at the time of the alleged incident which contradicted his testimony on the witness stand. He was not allowed to testify at the petitioner's new trial, even though he was at the court house. The state failed to call him which amounted to prosecutorial bad faith. The trial counsel failed to subpoena Carl Holmes or Detective Bob Benson which amounted to ineffective assistance of counsel, and the trial Judge J. Mark Hayes, III did not incorporate Carl Holmes inconsistent

statement and/or testimony into the petitioners new trial that was granted by the Appellate Court of South Carolina. Tr. P. 613 line 3-17. Petitioner also asserts that the Honorable J. Mark Hayes, III rulings prejudice the petitioner because he was prevented from impeaching the states witness Carl Van Holmes, who gave two (2) conflicting statements. Further, the jury was prevented from studying his countenance, demeanor, and credibility. The petitioner asserts that the state and the court has blatantly violated the Brady Rule. Brady v. Maryland, 373 US 83 (1963); which requires prosecutors to disclose materially exculpatory evidence in the governments possession, over to the defense. A "Brady Material" or evidence that the prosecutor is required to disclose under this rule includes any evidence favorable to the accused, evidence that goes toward negating a defendants guilt that would reduce a defendants guilt that would reduce a defendants potential sentence, or evidence going to the credibility of a witness. (see cases) Subsequent to Brady see Kyles v. Whitley 514 US 419, 434 (1955), also, United States v. Bagley, 473 US 667 (1985).

Petitioner was denied his sixth and fourteenth Ammendment rights. The right to confront witness against him by the court. Furthermore the petitioner was denied the right to effective assistance of counsel guaranteed by the sixth and fourteenth ammendments of the US Constitution and 1, 3 and 14 of the SC Constitution.

Supported facts: Previously underlined in brief including the following trial counsels performance during pre-trial and trials,

etc...., was both unreasonable and prejudicial, see at Strickland v. Washington 466, US 668 (1984).

Based on the foregoing, the petitioner asks to reverse the Honorable L. Casey Mannings rulings and decisions and grant petitioner a new Post Conviction review hearing.