

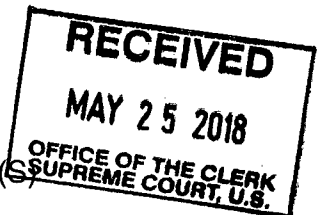
No. _____
Appellate No.: 17-7246
(4:17-cr-00207-DCN)

IN THE
SUPREME COURT OF THE UNITED STATES

Makandi L. Terry — PETITIONER
(Your Name)

vs.

State of South Carolina — RESPONDENT



ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals (4th Cir.)
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

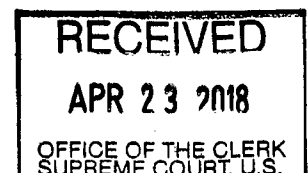
PETITION FOR WRIT OF CERTIORARI

Makandi L. Terry
(Your Name)

Dillon Cnty. Deten, 1027 Old Latta Hwy.
(Address)

Dillon, South Carolina, 29536
(City, State, Zip Code)

N/A
(Phone Number)



QUESTION(S) PRESENTED

I. Whether Appellant, Terry Should Have Been Denied a Certificate of Appealability when Evidence Exists In The [Record] That His Trial Attorney Was Clearly Ineffective For Failure To Disclose Exculpatory Evidence and/or Evidence of His Discovery So Appellant Could Have Build a Defense and proceed To Trial By Jury as opposed To Entering Into A Plea of Guilt, (one Involuntarily Entered.)

II. Whether The Lower Courts) Erred In Denying Petitioner/Appellant, Terry The Right to Have His Legal Contentions Heard with Regard To His Attorney Rendering Ineffective Assistance Centered on [Plain Error], and [Coerced Plea.]

III. Whether The Failure To Disclose Discovery pursuant to BRADY, After Petitioner/Appellant violates and/or violated His 5th Amendment Right under The U.S. Constitution of 'Self-Incrimination and His 14th Amendment Right of EQUAL PROTECTION & DUE PROCESS.

LIST OF PARTIES

☒ All parties appear in the caption of the case on the cover page.

☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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* APPENDIX A	- <u>Fourth Cir. Ct. App. MANDATE. REMITTITUR. Judgment.</u>
APPENDIX B	- <u>Order of Dismissal Court of Common Pleas</u>
6	- <u>post conviction - Common Pleas (Attachments)</u>
APPENDIX C	- <u>Case # [redacted] / 4:17-CV-00207-DCN-TER</u>
	- <u>U.S. District Court Report & Recommendation, et al.</u>
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APPENDIX E	- <u>BRADY - Discovery, warrant No.: J.093627.</u>
APPENDIX F	- <u>Letter From South Carolina State Supreme Court (relieving my Appellate counsel: Benjamin Tripp, Esq., as my Appellate Cnl, for reasons assumably unrelated To my person, yet I was [Not] formally notified by said counsel and thus received Ineffective Assistance of Appellate Counsel.</u>

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

BRADY vs. MARYLAND, (supra)

STRICKLAND vs. WASH, (supra)

BOYKIN v. Alabama, 395 U.S. 238

Jones v. Barnes, 463 U.S. 745, 751 (83)

Rolen v. State, 683 S.E.2d 471, 474 (2009)

Berry v. State, 675 S.E.2d 425, 427 (09)

McMann v. Richardson, 397 U.S. 759,

STATUTES AND RULES

S.C. Stat. 16-3-10 (Murder) .

S.C. Stat. 16-3-50 (Vol. Manslaughter) .

28 U.S.C.A. § 2254 (d) .

Constitutional Amend. 6 (six) (U.S.) .

Constitutional Amend. 14 (Fourteen) (U.S.) .

OTHER

N/A .

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix C to the petition and is

☒ reported at see Attachments.; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix A/c to the petition and is

☒ reported at See Attachments.; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix C/A to the petition and is

☒ reported at Please See Attachments.; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

* The opinion of the U.S. Court of Appeals, 4th Cir. court appears at Appendix A to the petition and is

☒ reported at Please See Attachments.; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was see Attachments.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: see Attachments, and a copy of the order denying rehearing appears at Appendix A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was see Attachment. A copy of that decision appears at Appendix A.

☒ A timely petition for rehearing was thereafter denied on the following date: see Attachments, and a copy of the order denying rehearing appears at Appendix A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

USC § 14th Amend. (Const.)

USC § 6th Amend. (Const.)

U.S.C. 5th Amend. (Const.)

STATEMENT OF THE CASE

Petitioner, Terry's case centered on Denial of Due Process and Equal Protection, when unlawfully Convicted on Vol. Manslaughter's contentions are:

Whether petitioner Terry's Denial

of A [Certificate for Appealability]

Should Have Been REVERSED, when

Evidence clearly Demonstrates in the

Record His Fourteenth, Fifth and

Sixth Amendment Rights were Violated

Since the actual offense was supposed

to have been Voluntary Manslaughter

and Not [MURDER] which was "known"

by the: Magistrate and Circuit Court

Judges, the office of Solicitor and

Defense Attorney, yet they allowed

the Murder Charge to stand in spite

of said Crime containing [All]

Elements of: Voluntary Manslaughter

* petitioner was misled, coerced and/or

Deceived into believing His Attorney and

the Solicitor was actually Cutting Him a

DEAL on a Lesser Included offense.

The prosecution knew Petitioner's actual Charge

was Never a MURDER, thus a Ruse was

created to making Him and his Family Believe

He was Cutting a Deal, when it was to the: Contrary.

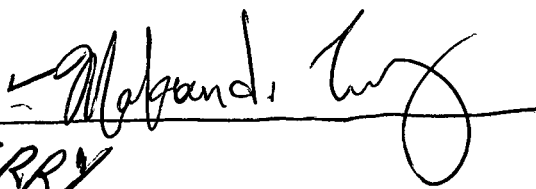
REASONS FOR GRANTING THE PETITION

Petitioner, Terry, believes it to be Fundamentally Fair that his case be Reviewed By The Fourth Circuit Court of Appeals and for This very Honorable Court of LAWS since He was provided with Copies of his BRADY Motion years AFTER Being Convicted without the Opportunity to know exactly the Evidence (If any at All) the Solicitor office Had against him. It was only Later Was it Discovered that petitioner's co-defendant said to the prosecution's Chief/Star witness Against him, turned out not to have written Incriminating Statements Against the Petitioner. To Paraphrase: Petitioner and his Attorney were under the Impression by the Solicitor that Should they proceed to Trial by Jury that the co-defendants' Statements alone could have gotten Petitioner The Minimum on Murder or Maximum, or Respectively a 30 year To Life Imprisonment. Petitioner Never Received his One Bite of The Apple or Chance to plea to a Sentence of 10 (Ten) Years.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,


Mikandi L. TERRY

Date: April 30 2018.