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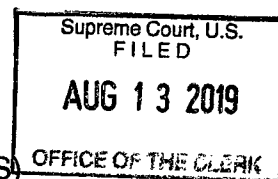
ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Wallace Eugene Evatt, JR PETITIONER
(Your Name)

vs.

Warden Stephan — RESPONDENT(S)



ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. District Court Florence, S.C. Habeas Corpus
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

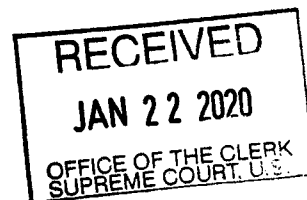
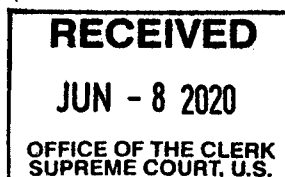
PETITION FOR WRIT OF CERTIORARI

Wallace Eugene Evatt, JR.
(Your Name)

Broad River Correctional Institution
(Address)

4460 Broad River Rd
(City, State, Zip Code)
Columbia, S.C. 29210

(Phone Number)



Questions Presented

1. Why was the Judge, Jury, and myself not told of Karen Rojas' suicidal tendencies and many failed suicide attempts?
2. Is it not a Brady violation to exclude exculpatory evidence that Karen Rojas had tried, unsuccessfully, to kill herself many times?
3. Is a trial legal when defence attorney Dorothy Maniquault disobeyed judge Robin Stilwell's order to retest my shirt after defence came up with two different analysis' of trace residue and blood? after judge awarded \$75,000.00 for test.
4. Is it legal for trial attorney and prosecution to conspire together to hide this evidence?
5. Should I be lawfully able to have all evidence for and against me known to me before trial?
6. Should not the judge and jury have heard this evidence?
7. Should I be punished for trial attorney and PCR attorney's ineffectual, flawed, and purposely botched defence?
8. Should not have Karen Rojas' husband of 25 years been called to testify of suicide history? Why wasn't he?
9. How could I help in my defence when I was denied exculpatory evidence?

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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:

RELATED CASES

- Martinez V. Ryan
- U.S. V Hayman 1-7-52 342 U.S. 205 72 S. CT 95
LED 232
- Williams V. Taylor 4-18-2000 529 U.S. 362 120 S. CT
1495 146 LED 2d. 359
- Dove V. State 337 SC 298 53 S.E. 2d 459 (SC 1998)
- Edmore V Ozmint
- Stephan Collins V. Leary Cortledge
- U.S. V Decoster 199 U.S. App DC 359 624 F2d 196
- Terry Williams V. Taylor 529 U.S. 362, 120 S. CT. 1495 (2000)
- Strickland V. Washington 466 U.S. 668, 104 S. CT.
2052 (1984)
- Wiggins V. State 5390 U.S. 510, 123 S. CT. 2527 (2003)
- U.S. V Causey, 568 Fed. Appx 269 (5th civ 2014)
- Harrington V Richter, 562 U.S. 586, 131 S. CT. 720 (2011)
- Brady V. Maryland

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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 B to the petition and is

☐ reported at _____; 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 to the petition and is

☐ reported at _____; 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 F to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the S.C. Court of appeals-Direct Appeal court appears at Appendix D to the petition and is

☐ reported at _____; 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 2-5-19.

☒ 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: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ 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 1-29-16.
A copy of that decision appears at Appendix E.

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

☐ 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).

Statement of Case

I have been accused and convicted of a murder that was a suicide. Karen Rojas shot herself in the mouth and was standing right beside and kind of in the front of me. I was sitting and trying to stand to prevent this, when she put the gun in her mouth and pulled the trigger. She had GSR on her right hand and none on me, she was right handed. Even though the drains in the house were dry, they say I could've washed my hands, but how could I have put it on her hand? These metals from firing a weapon go into the skin with force from gunshot. They are not on the skin, but in the skin. I have neither shot or killed anyone in my life! I did not do this! I need a hearing, and a new trial, and ultimately be freed.

I was turned down on direct appeal for no merit. I was then granted a PCR for ineffectual assistance of trial counsel. My trial attorney was Dorothy Manigault. My PCR attorney was Rodney Richey. Both from Greenville, S.C. I posed several things my trial attorney was ineffectual in doing.

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I'm indigent and have had to use public defenders
in my effort to prove my innocence, and I am
innocent! at PCR I raised the issue that trial
attorney was awarded \$7500.00 to hire a DNA
specialist to retest my shirt that showed no
GSR or blood on it originally upon testing,
after three years the prosecution claimed
they for some unknown reason retested the
shirt and they say then found a minute speck
of blood on it that was it there three years
earlier, my attorney never had it retested. She
testified at PCR she thought it proper trial
strategy to do so. What happened to the
\$7500.00? she let the prosecution get by
by pretending the gun had been wiped
off because no prints (ridge lines) were on
it. The hammer and trigger were grooved
making it impossible to take a print, but
the barrel had GSR and blood on it and
she let that evidence go unheard. So
the jury thought it had been wiped
down. It had not! I begged my trial
attorney to question Karen's family,
mother, father, husband of 25 years,
that she was still married to, her
brother, sister, brothers in law and
sisters in law. She told me all through
trial and preparation for trial that it
wouldn't help me to question them.

I AM LEGAL

~~appended~~

I, nor my PCR attorney Rodney Richey learn until the end of PCR hearing that behind my back, and just before trial started in the court house that she questioned Karen's brother and sister in law learning that Karen had tried several times to unsuccessfully kill herself. She had been attempting to kill herself for years, she never told me nor the jury or judge of these important facts, at PCR she stated that she didn't see how this could help me, what? How could that not help me? It would've shown the jury of previous suicide attempts and also allowed me to subpoena medical and mental health records, Had I've known of these two witnesses I'd have demanded she subpoena Karen's sister and brother in law, Brother and sister in law, husband of twenty five years, his brothers and their wives to testify of these failed suicide attempts. Also, and probably more important is the fact that the prosecution knew of this and failed to, or intentionally didn't put this info in discovery. A Brady violation at least. Manigault being a public defender conspired with prosecution to hide this from me, judge, and jury. My PCR attorney Rodney Richey was also ineffectual for

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not filing for a continuance upon learning of this very important info, he should've ask the judge for a continuance immediately upon learning of this. We could've then called all these witnesses to have their statements on record. My PCR attorney thought that if he filed Writ of Certiorari it would be good enough to get me a new trial. I don't know if he was just ignorant of the law or just lazy and wanted to pass the buck on to someone else since he was a court appointed attorney. The PCR judge ruled against me because we didn't have those witnesses to testify and didn't ask for a continuance. At Writ of Certiorari I was ruled against because, they say, the judge didn't err in his decision at PCR. Being ignorant of the law has left me vulnerable to these ineffectual and lazy lawyers. I have been suffering from legal systems that worship rigid legal formalities. I pray that this court could have enough looseness that my rights growing out of my incompetent lawyers mistakes, that I be not denied the right for these witnesses, which are the deceased immediate family members, to be heard. So far through this process due to one then another

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~~RECEIVED~~

lawyers mistakes and negligence, these important witnesses have not and will not be heard in state courts. If this court will not hear these witnesses I will have been denied due process and will have been prejudiced against. These lawyers, These lawyers have failed to file the proper kinds of pleadings at the proper times. The state courts have unjustly put up barriers so that I can't have these witnesses heard. Had these witnesses been heard at trial I would've been exonerated. all the courts since PCR have ruled against me saying their only concern is fact that PCR judge didn't err. No court will address the facts that new evidence came to light at PCR and let these witnesses be heard. It's not whether the PCR judge erred, but the fact that new evidence should be heard. I don't think it's fair that judges or this judge specifically knew that all my PCR lawyer had to do was ask for a continuance to have these witnesses heard, but said nothing, and ruled against me because my lawyer made a

mistake, shouldn't a judge bear some
 responsibility to do what is right
 when he sees a public defender making
 a mistake, like failing to ask for continuance,
 when a persons life or rest of his life
 in prison, is at stake? Had I have
 know the law at this time, I
 could've ask for continuance myself.
 I am somewhat mentally challenged
 and I'm in an Area Mental Health
 facility in prison and have been
 having to rely on incompetent lawyers,
 shouldn't the prosecution be held
 liable for not putting in discovery the
 facts that they know of these
 failed many suicide attempts?
 The prosecution and my trial attorney
 conspired against me to convict
 me, and even though they get
 their checks from the same
 place, they shouldn't be allowed
 to coordinate together and
 conspire against any client?
 They shouldn't be communicating that
 closely.

~~W. J. J. J. J.~~

JAM JADE

If this court will not hear me or help me I or these witnesses be heard, and I will have been not allowed due process and will have been prejudiced against. I believe Martinez v. Ryan closely resembles my case and I should be granted relief. Again, I am innocent and beg of this, the most honorable court in the land, to allow me to prove that I've been wrongly convicted. I desperately need your help. I need an attorney and a hearing.

Also, could I get a copy of this Brief returned to me. We have no way of making copies of any hand written documents.

Thank you

Wallace E. Evatt, Jr.
Wallace Eugene Evatt, Jr.

September ~~27~~ 1-2019

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~~appending~~

REASONS FOR GRANTING THE PETITION

I am innocent of this crime. Unbeknownst to me Karen Rojas, my live in girlfriend, had been attempting to kill herself for many years and had had many failed suicide attempts. She was going through a marriage breakup of 25 years and had OCD. She killed herself by putting a gun in her mouth and pulling the trigger. I've been wrongly convicted due to my lawyers mistakes and intentionally keeping crucial evidence from me, the jury, and courts, and lawyers mistakes that I should not be made to suffer.

The prosecution failed to, or intentionally left out evidence, not in discovery.

My trial lawyer (Dorothy Manigault) conspired with the prosecution to omit evidence.

My trial lawyer failed to retest shirt for DNA evidence after Judge Robin Stillwell gave her \$7500.00 to do the tests, intentionally.

REASONS FOR GRANTING THE PETITION

- I have been wrongly convicted and exculpatory evidence was withheld from the judge, jury, and myself resulting in a Brady violation and wrongful conviction.
- I should not be held responsible for lawyers mistakes.

I should be granted a new trial or vacation of judgement because of new evidence learned at PCR hearing of witnesses whom trial counsel and prosecution knew had exculpatory information that would have given credence of my claim that Karen Rojas did in fact commit suicide. Her own immediate family told both my trial lawyer and prosecution of her many suicide attempts, but they both withheld this crucial information from the Judge, Jury, and I. Trial lawyer Dorothy Manigault was inept and unlawful for coordinating with prosecution to commit a Brady violation to secure an unlawful conviction by hiding exculpatory information learned about 2.1.19

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Wallace Eugene Evatt, Jr

Date: 12.23.19

appendix R