

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JON WYNN JARRARD SR-PETITIONER

vs.

WARDEN WILFREDO MARTELL-RESPONDENT
ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

JON WYNN JARRARD, SR
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QUESTIONS PRESENTED

1. Was the conviction obtained through the use of what the Solicitor knew, or should have known to be false testimony, and did the Solicitor fail to correct the false testimony when it occurred, in violation of the petitioner's constitutional rights under the 14th USCA?
2. Was Petitioner's right to confront all witnesses against him as guaranteed by the 6th USCA violated by testimony of what the grandmother of the alleged victim had said, and by the testimony of Tony Collins saying what the solicitor had said and by no one calling the grandmother or the solicitor to the stand for cross examination even though they were available at the trial and there was no prior opportunity to cross examine her?
3. Was Defense counsel ineffective by not being familiar with discovery and failing to interview important witnesses. Violating petitioner's constitutional right to effective assistance of counsel under the 6th USCA?

LIST OF PARTIES

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

RELATED CASES

State of South Carolina vs. Jon Wynn Jarrard, Sr, In the court of General Sessions. Case # 2011-GS-26-01335, 2011-GS-26-00365, judgement entered June 13, 2012.

State v. Jarrard, OP No. 2014-UP-470, South Carolina Court of Appeals. Case number 2012-212269. Judgement entered December 17, 2014.

State v. Jarrard , South Carolina Supreme Court, Appellate case No. 2015-000334, dismissed as Improvidently granted, June 29, 2016.

Jarrard v. State of South Carolina, Horry County Court of common pleas, case # 2016-CP-26-5170, judgement entered April 3, 2020.

Jarrard v. State of South Carolina, Case # 2016-CP-26-5170, SCRCPP (59)(e), motion to reconsider. Judgement entered April 21, 2020.

Jon W. Jarrard, Sr. v State of South Carolina, Appellate case No. 2020-000675, Judgement entered August 15, 2022.

Petition for Writ of Habeas Corpus, Jarrard v. Martell, case # 5:23-cv-02588-SAL. Case closed on 09/16/2024

Jon Wynn Jarrard, Sr v Warden Wilfredo Martell, United States Court of Appeals for the Fourth Circuit, case # 24-6940 (5:23-ev-02588-SAL). Judgement entered December 27, 2024.

Jon Wynn Jarrard, Sr v Warden Wilfredo Martell, United States Court of Appeals for the Fourth Circuit, case # 24-6940 (5:23-ev-02588-SAL). Request for rehearing and rehearing en banc. Denial filed February 12, 2025.

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STATUTES AND RULES

United States Constitution, Amendments 6 and 14

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 A 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 G 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 _____ court appears at Appendix _____ 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 27 December 2024

☐ 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: February 12, 2025, 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 August 15, 2022.
A copy of that decision appears at Appendix _____.

☐ 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 THE CASE

Prior to the case beginning, the Judge, the Solicitor and my defense attorney basically agreed that Pamela Gause, the first witness in the trial could only say what she actually observed, but not what was told to her. They all agreed that that would be hearsay. (Trial Transcript pgs. 48 and 49, lines 4-25 and 1-20 respectively.)

The Solicitor was questioning Pamela and the following was stated: (Trial transcript pgs. 80-81, lines 23-25 and 1-8 respectively.)

“The week of May 17th, 2010, my daughter A.G. was six at the time and K.J. (K.J. is the alleged victim) was eight. They were discovered in my Daughter’s bedroom with their pants down touching each other.

Q. Okay, all right, and I need you to be more specific, if you don’t mind. You said the pants were down they were touching each other. Where were they touching each other?

A. They had their pants down in my daughter’s bed under the covers and when the covers were pulled back they were touching each other’s vagina.”

Notice she did not say “I discovered them” or “When I pulled back the covers”

Later in the questioning the following was stated in response to the solicitor’s questioning of Pamela Gause. (trial transcript pg. 83, lines 10-16)

“Q. Okay, and in the information that she gave you was she able to tell you something had happened to her?

A. She did.

Q. Okay , and what type of thing had happened to her?

A. She indicated oral sex, digital penetration, and penile penetration.”

This violates what the Judge, the solicitor, and my attorney discussed as indicted earlier. The way the solicitor asks the 2nd question leads Pamela Gause to violate the earlier agreement.

This testimony was also illegal because it went beyond time and space and added to the Quantum of evidence.

This being the first witness in the trial, misleading the jury as to allegations made by the alleged victim and adding to the allegations made by the alleged victim had an adverse effect on the outcome of the trial. You cannot un-ring the bell so to speak. This testimony prejudiced the jury against petitioner.

Now when K.J. was called to the stand, the following testimony takes place. (The solicitor is asking questions about what happened between K.J. and A.G.) (Trial transcript Pg 161, lines 9-16).

“Q. Okay, that’s all right. Now when you did that did someone catch you?

A. No.

Q. No one caught you? Well how did Ms. Pam come to, do you know what happened whenever she talked to you about it?

A. I told my sister and she went and told Ms. Pam.”

This proves that They were not discovered under the covers touching each other’s vaginas, they were not caught, further proof will come later on.

As far as the oral sex and penile penetration testified to by Ms. Pam. More testimony by K.J. under direct examination by the solicitor: (Trial transcript pg. 168, lines 17-23)

“Q. And so you said he touched your privacy with his hand?

A. Yes.

Q. Okay, now when he did that now it was with, can you show me what part? I mean was it his whole hand or was it fingers; do you remember?

A. Fingers”

Further during the direct examination by the solicitor: (Trial transcript pg 169, lines 6-10)

“Q. Okay now K.J. was there ever a time whenever any other part of his body touched you down there?

A. No.

Q. Okay, did he ever kiss you anywhere on your body? (Trial transcript pg 169, lines 6-10)

At this point counsel objected, the Judge said he would give the solicitor some latitude due to the young age of the child. The solicitor continued: (Trial transcript pg. 169, lines 18-23)

“Q. (Continuing) Did he ever kiss you anywhere on your body?

A. He kissed me on my cheek.

Q. He kissed you on your cheek. Did he ever kiss you anywhere else on your body?

A. No.”

During cross examination by counsel the following takes place: (Trial transcript, pgs. 178-179, lines 7-25, lines 1-2 respectively.)

“Q. When is, before Court today when is the last time that you met with Ms. Candice?

A. Two days ago.

Q. Okay, two days ago, and who came with you, your mother?

A. My mom.

Q. All right, and did you all meet in her office?

A. Yes.

Q. Did you talk about the case?

A. Yes.

Q. Did you talk about how the trial goes, what we're doing here, what you could expect at trial and testifying?

A. Yes.

Q. Did you go over what your testimony was going to be, did you practice at all?

A. Yes.

Q. Okay, and you practiced with Ms. Candice What you were going to say?

A. Yes."

Now this further proves that no one caught them, and that there was no penile or oral sex. This also proves that the solicitor knew this since she had practiced her testimony, presented the false testimony anyway, and failed to correct it when it occurred.

Further proof of the knowingly false testimony comes out as counsel continues his cross examination. (Trial transcript, pg. 182. Lines 9-13).

"Q. Ms. Pam also testified, Pam Gause, that you told her that your grandfather put his weenie inside you?

A. I did not tell her that.

Q. So you didn't tell her that either?

A. No. "

The next thing that proves the solicitor submitted Knowingly false testimony is in the forensic interview, submitted as evidence over the objection of counsel that it was hearsay. (Trial transcript Pg. 250, lines 3-24)

"Dr Rahter: And has anyone else ever touched your private parts?

K.J.: A.G., she's six years old.

Dr. Rahter: Okay. Tell me about what A.G. did?

K.J.: A.G. said for me to go on my hands and my feet, so I did and she undone my pants and put her finger on it.

Dr. Rahter: Okay.

K.J.: She didn't put it on the inside, she put it on the outside.

Dr. Rahter: Okay. And how do you know A.G.?

K.J.: She's my new next door neighbor.

Dr. Rahter: And when did that happen?

K.J.: I don't, I can't remember when that one happened.

Dr. Rahter: Was it a long time ago?

K.J.: It was about like a month ago, I told...

Dr. Rahter: Who did you tell?

K.J.: J.H. (J.H. is K.J.'s sister) Told Mr Steve (A.G.'s dad) and Mr. Steve told Ms. Pam and Ms. Pam told my mom. "

Now this proves no one caught them, they were not under the covers touching each other's vagina. K.J. was strictly passive. The Judge had obviously read the transcript of the forensic interview. Before the trial in the conference mentioned earlier in this document, The solicitor tells the judge: (Trial transcript Pg. 46, lines 5-14).

"What we have is a child who was outside and with a little friend was playing and out of curiosity or what she had learned from somewhere else, we don't know for sure because that's not actually addressed by Pamela Gause-

The Court: I thought it was their friend who committed the act?

Ms. Lively: They were both kind of showing and pointing and that kind of a thing, but with Grovenstein, your Honor, that's not specifically what is going on here."

Now this is either a lie that the solicitor, Ms. Lively, told to the judge, or she withheld evidence in violation of Brady v. Maryland, 373 U.S. 83 (1963). Further violating petitioner's right to Due process.

Even after all of this testimony that no one caught K.J. and A.G. under the covers touching each other's vagina. The solicitor in her closing argument states: (Trial transcript pg. 324, lines 12-15)

"Now May 17th is when K.J. disclosed to Pamela Gause that someone else had touched her whenever she was caught with A.G. and they were both, you know, exploring their private parts.

In Giglio v. U.S. Feb 24, 1972, 405, U.S. 150, 92 S Ct. 793, 31L Fd 2d, 104, This court ruled that:

"Deliberate deception of a court and jurors by presentation of known false evidence is incompatible with the rudimentary demands of justice."

In Napue v. People of the State of Illinois, Supreme Ct, June 15, 1959, 360 U.S. 264. 79 S. Ct. 1173, 3L, Ed 2d 1217. This court ruled that:

"Conviction obtained through the use of false testimony, known to be such by representatives of the State is a denial of due process.

In Haskell v. Superintendent Green SC1, U.S. Court of appeals, Third Circuit, Aug 1, 2017, *66 F. 3d, 139. The Court ruled that:

" The standard of review applicable to perjured testimony claims is strict; This is so not just because those claims involve prosecutorial misconduct, but more importantly because they involve a corruption of the truth seeking function of the trial process. U.S. Constitution, Amendment 14. A due process violation occurs at a criminal trial when the State, although not soliciting false evidence, allows it to go uncorrected when it appears; A

conviction must be set aside even if the false testimony goes only to the witness's credibility rather than the defendant's guilt. Amendment 14.

A State violates the 14th Amendment's due process guarantee when it knowingly presents or fails to correct false testimony in a criminal proceeding."

In Miller v. Pate, Supreme Court of the United States, Feb 13, 1967, 386 U.S. 1, 87 S. Ct 785, 17L Ed 2s 690

"Fourteenth Amendment cannot tolerate a state criminal conviction obtained by knowing use of false evidence." USCA 14

According to U.S. v Cargill, U.S. court of appeals, Fourth Circuit, Sept. 6, 2001, 17 Fed appx. 214 WL 1019312.

"Defendant need not prove that the government deliberately used false testimony in order to obtain a new trial, as a violation of due process occurs when the government solicits testimony that it knew or should have known to be false or simply allowed such testimony to pass uncorrected. U.S.C.A 5.

The next issue is the right to confront all witnesses. Numerous times testimony was given about what "Nana", the alleged victim's grandmother had said. These out of court statements were testimonial in nature, yet, "Nana" was never called to testify by either side, even though she was available. This violates my rights under the 6th USCA, and the ruling of this Court in the case of Crawford v. Washington, Supreme Court of the United States, March 8, 2004, 541 U.S. 36, 124 S. Ct. 1354. which says: Out of court statements by witnesses that are testimonial are barred, under the Confrontation Clause, unless witnesses are unavailable and defendants had prior opportunity to cross-examine witnesses, regardless of whether such statements are deemed reliable by the court.

In the following Mom, Mama, Nana, grandmother refers to the same person, except for the one line where K.J. is talking about her mom getting him put in jail, there mom is K.J.'s mother.

During direct examination of the mother of K.J. by the solicitor: (Trial transcript pgs. 108-109, lines 13-25, Line 1. Respectively)

“Q She was eight, okay, and at any point in time after all that had taken place did you have an opportunity to come to the Solicitor’s office regarding the charges against you father?

A. I did.

Q. You did, okay will you please explain to this jury what you did?

A. I brought a video recanting my daughter’s statement here.

Q. Can you say that again a little bit slower?

A. I brought a video recanting my daughter’s statement here.

Q. Why did you do that?

A. Because my mom asked me to.”

Further talking about the affidavit saying K.J. recanted that she signed. (Trial transcript Pg 111, lines 13-15)

“Q. Why did you write that affidavit?

A. Cause it was ripping my family apart and my mom asked me to.”

The solicitor then showed the K.J.’s mom two more affidavits. (Trial transcript pgs. 111-112, lines 23-25, line 1 respectively)

“Q Who drafted those affidavits?

A My mom.

Q Your mom, who signed those affidavits?

A Mama.”

The solicitor then asked K.J.’s mom to read another statement she had signed. (Trial transcript Pg. 113, lines 1-11)

“A “After talking with my daughter further I believe that nothing happened, her story has changed. She is sorry for what she has done. I hope this video resolves everything.”

Q And what video are you talking about?

A The recantation video.

Q Okay, and, Rebecca Ann, once again had your daughter come to you and recanted at that time?

A No, she had not.

Q Okay, why did you write that statement?

A Because my mom asked me to.”

Couple of lines down . (Trial transcript Pg 113, lines 17-22.)

“Q Okay, whose idea was it to do the video of K.J.?

A My mom.

Q Okay who videotaped the child.

A My mom and my brother and I was also there and witnessed.”

Later in the trial the solicitor questioned K.J. (Trial transcript pgs. 170-171, lines 24-25 and lines 1-3)

Q And, K.J., we saw yesterday a video where you were sitting on a bed and you were talking about maybe that you had made these things up; can you explain that to the jury?

A My grandmother made me say what I said.

Further down during the solicitor’s questioning, the solicitor asks K.J. (Trial transcript pg. 174, lines 17-20)

“Q Okay, now, K.J., after this came out and your grandmother had you make that video, had you told anyone else that what your grandfather did was a lie?

A No.”

During redirect examination by the solicitor, talking about a letter K.J. wrote to me when I was in county jail awaiting trial. (Trial transcript pgs. 193-194, lines 20-25, and lines 1-8)

“Q Okay, and it’s got a p.s. at the bottom and he had you talk about how you said I am sorry I lied and got you in trouble, what was that talking about?

A Talking about mom getting him put in jail.

Q Okay, and why did you write this letter?

A Cause my Nana wanted us to write him letters and send them to him.

Q So ;your Nana asked you to write this letter?

A Yes.

Did she tell you what to write?

A Down at the p.s. part, yes.

Q She told you to write that:

A Yes.”

Later Detective T. Allen Large was called to the stand, during his testimony while being examined by the solicitor the following takes place: (Trial transcript pgs. 201-202, lines 24-25 and lines 1-24)

“Q Okay, did you ever run into any problems in your investigation or post investigation with the victim’s family?

A Yes, we did start having some problems with, with the grandmother and the mom.

Q Okay and what kind of problems were those?

A Exposing the child to changing her testimony.

Q Okay, all right ---

A and that was a concern.

Mr. Truslow: objection your honor, that calls for speculation.

Ms. Lively: It's his personal knowledge, your honor, regarding ---

The court: I'm going to allow it, I think he can testify to that.

Q And, so you ran into some problems at that time; did you do anything personally or did you let our office handle it?

A Your office, we discussed it and like I said I went out and checked on the victim one time, went re-interviewed her and advised the mother of the situation of violations of any law and like I said just try and straighten it out if there, if there was a change in testimony that we needed to know, if not then this needed to go let it be handled here in court."

Now Detective Large never interviewed petitioner or his wife, how can it be his personal knowledge as the solicitor stated told the judge. Detective large is saying he had a problem with the grandmother and the mom. How did the grandmother get thrown in here if he never talked to the grandmother.

In the solicitor's closing argument she brings out again testimony about what the grandmother said: (Trial transcript pg. 326, lines 7-9)

"K.J. told you the only time she said it was whenever her Nana told her to say it, Nana who has a lot to gain and a lot to lose."

Then again in closing argument: (Trial transcript pg. 332, lines 15-19)

"Ladies and gentlemen, there's been a lot of bad acts by these parents, grandparent mainly, and ya'll have heard it, how Nana told her to write the letter and say she lied. How Nana told her to get on the video and say that she lied, okay? Don't let Nana win.

The judge in this case also repeats part of the hearsay and illegal testimony in this case by saying: (Trial transcript pg. 328, line 1-2)

"The Court: She testified that she did what her mother asked her to do."

Further violating my right to confront all witnesses is the testimony of Mr. Tony Collins: (Trial transcript pg. 280, lines 20 -22)

“Q All right, and at any time did I, did I threaten to take away her Children?

A No, ma’am.’

This is testimonial, the solicitor should have recused herself from the case, particularly since she was doing this interview instead of the investigator.

The last issue I am going to address is Ineffective assistance of Counsel guaranteed by the 6th USCA.

My defense counsel failed to be familiar with discovery, failed to interview witnesses and prospective witnesses. Failed to obtain an expert witness as he said he needed in his motion for continuance.

My counsel based my whole defense on what he should have known from discovery was false evidence: (Trial transcript, pg. 43, lines 14-16) defense counsel talking.

“K.J., who’s the accuser in this case, was playing at the neighbor’s house. She was caught with her clothes off with the neighbor girl “

Then again, defense counsel still talking: (Trial transcript pg. 44, lines19-22)

“it’s my theory that the accusation came from that based upon a way to get out of trouble for what was going on at the time and that’s my Defense.”

My defense counsel failed to interview witnesses: (PCR Transcript, pg. 17, lines 2-5) Me talking on the witness stand.

“A: Well, basically, he didn’t even investigate. He talked to my daughter, the accuser’s mother. I don’t know if he talked to one of their star witnesses, the babysitter or not. He talked to me, he talked to my wife.”

Now later in the PCR hearing, Mr. Truslow, my attorney being on the stand. (PCR transcript pg. 54, lines 15-17)

“Q: All right. And do you recall who you interviewed?

A: I interviewed the people that Mr. Jarrard said when he testified.

Had my defense counsel been familiar with discovery, interviewed witnesses/prospective witnesses, or even interviewed K.J. the alleged victim in this case. He would have known that no one caught K.J. and A.G. under the covers touching each other's vagina, as indicated above and would not have based his whole defense strategy on the false testimony.

Is it reasonable for him not to be familiar with discovery and not to interview witnesses. Had he done this he would have objected to the testimony of Pamela Gause and been able to argue my case effectively. He admits at the PCR hearing that he should have objected to Ms. Pam's testimony: (PCR hearing pg. 56, lines 14-15) talking about Ms. Pam's testimony

"I did not object to it as hearsay and it should've been."

He should have at a minimum, interviewed the accuser in this case, K.J., A.G. , the babysitter's daughter Mr. Steve, the babysitter's husband, The forensic interviewer and medical examiner, J.H. the accuser's sister, the babysitter, the investigators and my two sons. Defense filed a motion for continuance (Appendix D) in which he stated that my two sons were important witnesses in this case. He stated also that he needed to retain and work with an expert witness in this case.

How can he defend me if he is not familiar with the facts of the case. When he did interview the mom of the accuser, my daughter, he did it on the phone and made no record of the interview. So when what she said in court didn't agree with what she told him he had no record of what she had said to confront her with.

He failed to inform me that if I testified in court, I could lose the right to go last in closing arguments: (PCR transcript pg. 58, lines 15-17 and 19-21) Mr. Truslow talking.

"A: Sure, well, yeah. And you know, in regards to him testifying and then not having the last closing arguments, I'm not sure if we talked about that"

"I do not remember discussing that what the – that he would not be able to claim the last closing arguments if we put anything on.

He failed to ask for limiting instructions immediately after Detective large testified about the prior conviction in 1997. And failed to object to Mr. collins testimony later, bringing the prior conviction up for a second time in the trial: (PCR Transcript, pg. 59, lines 14-25)

"Q: Okay . Did you have concerns with Detective Large testified about his prior investigation that the Court at that time did not put in the limiting instruction about the purpose of the ---

A: I don't remember. I don't remember that. And I didn't ask for one at that point in time.

Q: Okay.

A: And I just – I think I was just, just beside myself that it was in evidence. You know, in that trial, because it – I think it made all the difference.

Q. And then Collins got to testify to it again?

A. Right."

Now this case was based on credibility, the judge states it before the trial actually starts:(Trial transcript pg. 51, lines 21-24) The judge talking.

"Also this, in this case we have a situation where we basically have, just like in Grovenstein, a contest between the credibility of the defendant and the victim."

The solicitor also states this in her closing argument: (Trial transcript pg. 319, lines 18-19)

" we're dealing with credibility issues. We're dealing with not having evidence."

My attorney brings out bolstering evidence that he should have known was illegal by asking the mom of the accuser: (Trial transcript pg. 135, lines 9-13)

“Q Ever since that time now you’re saying that in fact you believe that this did happen?

A I do believe it happened.

Q Right but you didn’t before?

A I did even then.

Now is he advocating for me or for the State. Whose attorney is he. Why is he, in a case where credibility is the issue asking the mom if she believes the accusations.

He should have impeached Pamela Gause, she testified that she was a nurse, my attorney left it at that, even though I had told him that the reason she was babysitting was because she lost her job as a nurse due to narcotics use.

I had also told him that she had been arrested for trying to sell fake narcotics to an undercover agent, he had even looked it up at J. Reuben Long detention center. I do not know what ever happened to these charges.

My attorney also failed to object to bolstering in the forensic interview, and to the invasion of the province of the jury and vouching by the solicitor during closing arguments by making comments of “its not my job to convict, that’s going to be your job” its not the jury’s job to convict, it is to consider the evidence and make a decision ,”Mr. Jarrard told you he didn’t do it, did you expect him to say anything else”, a direct attack on my credibility in a case that turns on credibility, “The defendant did it”, “Don’t let him get away with It.” My attorney should have objected to these statements, but didn’t. There are others, I won’t quote them all. The solicitor brings up the false testimony of they were caught as talked about earlier, about what nana said, pure hearsay since nana was never called to testify.

These things mentioned demonstrate that he did not present a reasonable defense and these things had an adverse impact on the jury’s decision. How can he present my case if he knows nothing about it. How can he defend me if

he doesn't have the facts to present to the jury. The jury could not make a fair decision because my attorney failed to present them with the actual facts of the case. Yes he showed up at the trial but was totally unprepared because he had not investigated the case and could not inform the jury of the facts.

In the case of Strickland v. Washington, Supreme Court of The United States, May 14, 1984, 446 U.S. 668, 104 S. Ct 2052, 80 L. Ed 2d, 624 This court ruled that counsel has a duty to make reasonable investigations or to make a reasonable decision that makes particular investigations unnecessary citing USCA 6.

It further stated that actual or constructive denial of assistance of counsel altogether is legally presumed to result in prejudice.

REASONS FOR GRANTING THE PETITION

The U.S. Court of Appeals and the U.S. District have entered decisions that are contrary to the decision of this court and other U.S. Courts of Appeals on the same important matter. The State Court of Appeals has done the same. If you simply look at the cases quoted in this writ, that will be obvious. Some solicitors do not care about justice, due process or anything else. All they care about is their conviction rate. They have ceased to be public servants and have become tainted corrupt politicians. Some feel like they are above the law. Many of the regular people in the United States already feel betrayed by the justice system. The perception is that justice is only for the rich and the powerful. Not for the common man. We have seen people in this country dishonor our flag and our country because the perception is that there is no fairness, no liberty and justice for all, but simply for a select few.

CONCLUSION

This petition for a writ of certiorari should be granted.

Respectfully submitted,



JON WYNN JARRARD SR

May 7, 2025

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 24-6940

JON WYNN JARRARD, SR.,

Petitioner - Appellant,

v.

WARDEN WILFREDO MARTELL,

Respondent - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Orangeburg. Sherri A. Lydon, District Judge. (5:23-cv-02588-SAL)

Submitted: December 19, 2024

Decided: December 27, 2024

Before KING and BERNER, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Jon Wynn Jarrard, Sr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

"Appendix A" pg 1

FILED: December 27, 2024

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-6940
(5:23-cv-02588-SAL)

JON WYNN JARRARD, SR.

Petitioner - Appellant

v.

WARDEN WILFREDO MARTELL

Respondent - Appellee

J U D G M E N T

In accordance with the decision of this court, a certificate of appealability is denied and the appeal is dismissed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ NWAMAKA ANOWI, CLERK

Appendix A p52

FILED: February 20, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-6940
(5:23-cv-02588-SAL)

JON WYNN JARRARD, SR.

Petitioner - Appellant

v.

WARDEN WILFREDO MARTELL

Respondent - Appellee

M A N D A T E

The judgment of this court, entered December 27, 2024, takes effect today.

This constitutes the formal mandate of this court issued pursuant to Rule
41(a) of the Federal Rules of Appellate Procedure.

/s/Nwamaka Anowi, Clerk

Appendix B

FILED: February 12, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-6940
(5:23-cv-02588-SAL)

JON WYNN JARRARD, SR.

Petitioner - Appellant

v.

WARDEN WILFREDO MARTELL

Respondent - Appellee

O R D E R

The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 40 on the petition for rehearing en banc.

Entered at the direction of the panel: Judge King, Judge Berner, and Senior Judge Traxler.

For the Court

/s/ Nwamaka Anowi, Clerk

Appendix C

The Supreme Court of South Carolina

Jon W. Jarrard Sr., Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2020-000675

ORDER

Pursuant to Rule 243(1) of the South Carolina Appellate Court Rules, this post-conviction relief appeal is hereby transferred to the South Carolina Court of Appeals.

FOR THE COURT

BY



DEPUTY CLERK

Columbia, South Carolina
May 12, 2021

cc:

Chelsey Faith Marto, Esquire
Susan Barber Hackett, Esquire
The Honorable Jenny Abbott Kitchings

'Appendix D'



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

September 07, 2022

The Honorable Renee Elvis
PO Box 677
Conway SC 29528-0677

REMITTITUR

Re: Jon W. Jarrard, Sr. v. State
Lower Court Case No. 2016CP2605170
Appellate Case No. 2020-000675

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen

CLERK

Enclosure

cc: Chelsey Faith Marto, Esquire
Susan Barber Hackett, Esquire
Alan McCrory Wilson, Esquire
Jon W. Jarrard, Sr., 00387434

"Appendix E"

The South Carolina Court of Appeals

Jon W. Jarrard Sr., Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2020-000675

ORDER

This matter is before the court on a petition for a writ of certiorari following the denial of Petitioner's application for post-conviction relief. Based on the vote of the panel, the petition for a writ of certiorari is denied.

FOR THE COURT

BY

Joy A. Kitchens
CLERK

Columbia, South Carolina

cc:

Chelsey Faith Marto, Esquire
Susan Barber Hackett, Esquire
The Honorable Kristi F. Curtis

FILED
Aug 15 2022

Appendix F

UNITED STATES DISTRICT COURT

for the

District of South Carolina

Jon Wynn Jarrard, Sr.,

Petitioner

v.

Warden Wilfredo Martell,

Respondent

Civil Action No. 5:23-CV-2588-SAL

SUMMARY JUDGMENT IN A CIVIL ACTION

The court has ordered that (*check one*):

☐ the petitioner (*name*) _____ recover from the respondent (*name*) _____ the amount of _____ dollars (\$___), which includes prejudgment interest at the rate of ____ %, plus postjudgment interest at the rate of ____ %, along with costs.

☐ the petitioner recover nothing, the action be dismissed on the merits, and the respondent (*name*) _____ recover costs from the petitioner (*name*) _____.

☒ other: Summary Judgment is entered in favor of Respondent Wilfredo Martell and this case is dismissed with prejudice. A certificate of appealability is denied.

This action was (*check one*):

☐ tried by a jury, the Honorable _____ presiding, and the jury has rendered a verdict.

☐ tried by the Honorable _____ presiding, without a jury and the above decision was reached.

☒ decided by the Honorable Sherri A. Lydon, United States District Judge, who adopted the Report and Recommendation of the Honorable Kaymani D. West, United States Magistrate Judge, which granted Respondent's Motion for Summary Judgment.

Date: September 16, 2024

Robin L. Blume
CLERK OF COURT

s/ Penelope W. Roulston

Signature of Clerk or Deputy Clerk

Appendix G

④

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

STATE OF SOUTH CAROLINA)

v.)

JON WYNN JARRARD, SR.,)

DEFENDANT.)

COURT OF GENERAL SESSIONS
FIFTEENTH JUDICIAL CIRCUIT
2011-GS-26-01335
2011-GS-26-00365

**NOTICE OF MOTION AND MOTION
FOR CONTINUANCE**

CLERK OF COURT
JANIE HIGGINS-WARD
MAY 31 AM 11:49
Horry County

YOU WILL PLEASE TAKE NOTICE that Defendant, by and through undersigned counsel, will move this Honorable Court for an Order continuing the trial of this case past the June term of Court, within ten (10) days notice, or as soon thereafter as the matter may be heard. Said motion is based upon the following grounds:

1. Defendant is indicted for the offenses of Criminal Sexual Conduct with a Minor, First Degree, and Lewd Act on a Minor Child.
2. Defendant was held without bond until May 26, 2011, at which time bond was set, and defendant was released.
3. Within the last week, defendant and his family suffered a horrible tragedy, as one of defendant's four (4) children committed what appears to be at this point the murder of his wife, and suicide.
4. Neither defendant, his wife, nor his two (2) other sons, all important witnesses in the instant case, are in any condition to prepare for trial with counsel in any meaningful way, but are rather dealing with funeral arrangements and the grieving process.
5. Additionally, now that defendant is released on bond, he is in a position to seek the money necessary for an expert witness in this case.
3. Counsel for Defendant is in need of a continuance to conduct a proper investigation, retain and work with the expert witness, and prepare for trial, in order to provide Defendant with effective representation.
4. This motion is not made for the purpose of delay.

(Appendix H)

pg 1) ORIGINAL

ISO MOVE.

TRUSLOW LAW FIRM, LLC



T. KIRK TRUSLOW

Attorney for Defendant

Post Office Box 238

North Myrtle Beach, SC 29597

(843) 280-9438

May 27, 2011

"Appendix H. Pg 2"