

25-7380  
No.

**ORIGINAL**

IN THE

SUPREME COURT OF THE UNITED STATES

WILLIAM MARK BROCKMEYER

Petitioner;

v.

JOEL ANDERSON, Acting Director of the South Carolina Department of Corrections;

Kirkland Correctional Institution;

Respondent.

On Petition for a Writ of Certiorari to

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

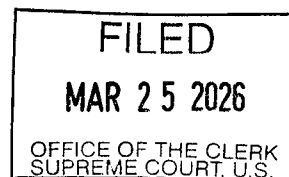
PETITION FOR WRIT OF CERTIORARI

William Mark Brockmeyer

Kirkland Correctional Institution

4344 Broad River Road

Columbia, S.C. 29210



## QUESTIONS PRESENTED

- 1) Whether a federal court of appeals violates the 5<sup>th</sup> and 14<sup>th</sup> amendments by denying a Certificate of Appealability ("COA") without engaging the petitioner's substantial constitutional claims, contrary to the standard set forth in *Slack v. McDaniel*, 529 U.S. 473 (2000), and *Miller-El v. Cockrell* U.S. 322 (2003)
- 2) Whether federal courts may defer under AEDPA to a state post-conviction court's generalized finding of "overwhelming evidence of guilt" to deny habeas relief without conducting a constitutionally adequate prejudice or harmless-error analysis of a Sixth Amendment hearsay violation.
- 3) Whether the denial of a Certificate of Appealability that rests on merits-based reasoning forecloses relief where no court has adjudicated the petitioner's constitutional claim under the correct prejudice framework.

## PARTIES TO THE PROCEEDING

Petitioner is William Mark Brockmeyer, proceeding pro se.

Respondent is Joel Anderson, acting director of SCDC; Kirkland Correctional Institution

## RELATED CASES

Brockmeyer V. State of South Carolina, 2014-CP-32-0689, the Court of Common Pleas, Eleventh Judicial Circuit. Judgement entered on October 16, 2018. Order denying Applicants "motion to alter/amend judgement" entered on April 17, 2019.

Brockmeyer V. Stirling, 1:23-CV-01645-JDA U.S. District Court for the District of South Carolina Aiken Division. Judgment entered on September 30, 2024.

Brockmeyer V. Anderson, No. 24-7012 U.S. Court of Appeals for the Fourth Circuit. Judgement entered on November 3, 2025. Rehearing denied on January 13, 2026.

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Appendix E: PCR Court order

TABLE OF AUTHORITIES CITED

CASES

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STATUTES AND RULES

U.S. Const. amend. V  
U.S. Const. amend VI  
U.S. Const. amend XIV  
28 U.S.C. §§2253(c), 2254

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 judgement below

OPINIONS BELOW

The order of the United States Court of Appeals for the Fourth Circuit denying a Certificate of Appealability and denying rehearing is unreported and reproduced at Appendix A and Appendix B.

The report and recommendation of the magistrate is reproduced at Appendix C.

The Judgement of the United States District Court denying habeas relief is unreported and reproduced at Appendix D

The final order of the state post-conviction (PCR) court denying relief is reproduced at Appendix E.

## JURISDICTION

The judgment of the U.S. Court of Appeals was entered on November 3, 2025. Rehearing was denied on January 13, 2026. Judgment took effect January 21, 2026 by mandate. This court has jurisdiction under 28 U.S.C. §1254(1). This petition is timely filed.

**CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

U.S. Const. amend. V

U.S. Const. amend. VI

U.S. Const. amend XIV

28 U.S.C. §§2253(c), 2254

## STATEMENT OF THE CASE

Petitioner was convicted in the state court following a trial in which the prosecution introduced hearsay evidence in violation of the Sixth Amendment. Trial counsel failed to object to the admission of this evidence. Petitioner consistently maintained that the unconstitutional hearsay was central to the prosecution's case and undermined the reliability and fairness of the verdict.

Petitioner raised the federal constitutional claim during state post-conviction proceedings. After Petitioner submitted his PCR application – but before PCR court ruled – the state supreme court refined the prejudice analysis governing PCR proceedings, requiring a more searching inquiry into whether constitutional error affected the reliability of the verdict. The PCR court nevertheless denied relief, concluding that counsel was not deficient and that any error was harmless based on the generalized assertion of an “overwhelming evidence of guilt.” App. E. The PCR court did not apply the refined prejudice framework or assess the effect of the unconstitutional hearsay on trial fairness. Petitioner appealed through a writ of certiorari to the state Supreme Court, and was denied without comment.

Petitioner sought federal habeas relief. The district court denied the petition, deferring under AEDPA to the PCR court's conclusions and adopting its reasoning without independently evaluating the constitutional violation. App. D.

Petitioner sought a Certificate of Appealability from the Fourth Circuit. The court denied a COA and later denied rehearing. App. A; App. B. Although the Fourth Circuit reframed the issue by stating that counsel's conduct was not strategic, it relied on the same prejudice analysis rooted in the PCR court's findings of an “overwhelming evidence of guilt.” No court at any level addressed whether the unconstitutional hearsay affected the reliability, or fundamental fairness of the trial.

As a result, Petitioner remains confined under a conviction that has never been subjected to a constitutionally adequate merits review.

## REASONS FOR GRANTING THE WRIT

### I. THE 4<sup>TH</sup> CIRCUIT MISAPPLIED THE CERTIFICATE OF APPEALABILITY STANDARD

This court has made clear that the COA inquiry is a threshold determination, not a ruling on the ultimate merits. A petitioner need only show that “reasonable jurists could debate” whether the petitioner stated a valid claim of the denial of constitutional rights. *Slack v. McDaniel* 529 U.S. at 484.

Here the 4<sup>th</sup> circuit did precisely what Buck forbids. Rather than asking if reasonable jurist could debate Strickland prejudice, the court resolved the question itself by declaring the evidence “overwhelming”.

Whether evidence is “overwhelming” is a merits conclusion, particularly in a credibility-driven case hinging on intent. At the COA stage, the question is not whether the petitioner should ultimately prevail, but whether the claim is debatable.

Reasonable jurists could plainly debate whether the admission – without objection – of hearsay evidence, asserting that unnamed “people” saw Petitioner shoot the victim, undermined confidence in the verdict in a case where intent was the sole disputed issue, and no such witness testified.

The 4<sup>th</sup> circuit’s approach conflicts with this courts repeated admonition that courts may not “sidestep the COA process by first deciding the merits of an appeal”. *Buck*. 580 U.S. at 115

### II. FEDERAL COURTS IMPROPERLY DEFERRD TO AN OUTDATED AND LEGALLY DEFICIENT PCR PREJUDICE ANALYSIS

This case exemplifies a recurring failure in habeas review, where courts insulate constitutional error through reflexive deference rather than analysis. The PCR court rejected Petitioner’s claim by declaring counsel not deficient and invoking an “overwhelming evidence of guilt” to bypass any assessment of how unconstitutional hearsay affected the fairness of the trial. App. E.

Critically, the PCR court applied this reasoning after the state supreme court had refined the prejudice analysis governing PCR proceedings. *Smalls V. State*, 422 S.C. 174,188,810, S.E. 2d 836,843 (2018). That refinement required a more searching inquiry into whether constitutional error affected the reliability of the verdict. The PCR court did not apply that standard, and the district court nonetheless deferred to the PCR court’s reasoning under AEDPA. App. D. The Fourth Circuit reached the same result while altering the rationale, yet it relied on the identical prejudice analysis derived from the PCR court’s ruling. App. A.

Neither the PCR court nor the federal courts conducted a constitutionally adequate harmless-error or prejudice analysis of the hearsay violation; all relied instead on generalized assertions of guilt without assessing the effect of the unconstitutional evidence on the verdict. Deference to such a decision is not required by AEDPA and is incompatible with this Court’s Sixth Amendment jurisprudence.

### III. THE REFUASAL TO ENFORCE SUBPOENA RAISES A DEBATEABLE 6<sup>TH</sup> AMMENDMENT COMPULSORY PROCESS QUESTION

The Sixth Amendment guarantees the right to obtain witnesses in one's favor. The anonymous commenter publicly asserted potentially exculpatory first-hand knowledge of the events that took place regarding someone losing their life, and the Petitioner being charged with murder. The trial court refused to enforce the subpoena without conducting any meaningful balancing of the Petitioner's constitutional rights against anonymity interest, and instead relied on an illusory alternative that all parties acknowledged was ineffective.

Whether such a refusal violates the compulsory process clause is at least debatable among reasonable jurists and warranted appellate review.

#### IV. THE DENIAL OF A COA FUNCTIONED AS A MERITS-BASED FORECLOSURE OF RELIEF

This case presents more than a procedural defect in the issuance of a Certificate of Appealability; it presents an uncorrected constitutional violation resulting in ongoing confinement. The refusal to engage the merits of Petitioner's claims did not merely limit appellate review – it foreclosed any adjudication of whether Petitioner's conviction was obtained in violation of the Constitution.

Where the denial of a COA rests on reasoning that substitutes generalized assertions of "overwhelming evidence" for constitutional analysis – particularly where the underlying state decision applied an outdated prejudice framework – the error infects the merits determination itself. Granting certiorari is necessary not only to restore the proper COA standard, but to ensure that Petitioner receives the constitutional review required to determine whether relief for an unlawful conviction is warranted.

#### V. THIS ISSUE IS RECURRING AND EVADES REVIEW

Lower courts routinely deny COAs by adopting state-court prejudice determinations without ensuring that those determinations were made under the correct constitutional framework. This practice insulates serious constitutional violations from review and allows unlawful convictions to stand without merits adjudication.

Absent this Court's intervention, petitioners raising substantial constitutional claims will continue to be denied relief through procedural shortcuts rather than constitutional analysis.

CONCLUSION

Because the denial of a Certificate of Appealability in this case functioned as a merits-based foreclosure of substantial constitutional claims – resting on deference to an outdated and legally deficient prejudice analysis – the judgment below should be reversed, or at a minimum vacated and remanded for full consideration of the constitutional violations underlying Petitioner’s continued confinement consistent with this court’s jurisprudence.

Respectfully submitted,



**William Mark Brockmeyer**

Petitioner, pro se

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March 25, 2025

ANDREA THOMPSON  
Notary Public, State of South Carolina  
My Commission Expires 5/6/2032

