

The Supreme Court of South Carolina

4-2022

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JUN 17 2022

S.C. SUPREME COURT

RE: Christopher Lole Williams v. State
Appellate Case No. 2022-000376
Lower Court Case No. 2011 CP1500402

I
Petitioner, Christopher L. Williams requests that this Court accept the letter and included Affidavit in accordance with *Jennison v. State* 371 S.C. 221, 639 S.E. 2d 35 (2006).

On April 8th, 2022 Patricia A. Howard filed a letter to Attorney Tristan Shatter. [cc: Christopher Williams].

SCPC/BRCI mailroom received that letter on April 12, 2022. Broad River Correctional Inst. served this letter on petitioner April 27, 2022. That's [15] fifteen days late, by office Gossett.

II

In the Court's April 8th, 2022 letter, this Court directed Attorney Shatter to include proof of service showing that a copy of his letter has been sent to the Petitioner. This has NOT happened. Petitioner has NOT received any mail from Shatter, NOT one piece of mail in 8 yrs. of representation. Petitioner does NOT know what Attorney Shatter has sent to this Court. Whatever Shatter provided is in PERECT CONFLICT of this Petitioner's interests. Shatter can NOT legally submit anything concerning this case because he does NOT have knowledge of this case and petitioner requested to be relieved of his counsel in 2016. Petitioner has sent Shatter several letters over the past 8 years and Shatter has refused to respond. This has never been a hybrid representation because petitioner has been in sole control of his own case since filing in 2011.

The motion Petitioner filed to relieve counsel was Accepted and granted by the Lower Court. Attorney Shatter has NOT filed any responses to any other orders nor against the states return. He simply can NOT be relied on as a legal authority concerning this case. In fact, Petitioner is filing a Bar Complaint against him for failure to brief claims of Petitioner. Breach of contract.

Petitioner.
Petitioner has submitted on file with this court a Pro-se Petition for Writ of Certiorari. Petitioner asks that this court hold it as his response and letter.

On May 4, 2022 Petitioner mailed to Shatter a letter requesting him to rescind his letter filed with this court because it was filed without Petitioner's consent or knowledge. Shatter is refusing to respond to that letter and request.

III.

The issues before this court are 2 fold; ① -

1: TOLLING

2: Exceptions to allowing a successive PCR.

1. TOLLING.
On April 27, 2016 Williams submitted an Affidavit and Exhibit (SEE: [EX: A] Attached). To prove proper tolling of first PCR in accordance with 28 USC § 2244 (D), which is the states correct tolling, filed against his Federal Habeas Corpus (6:12 CV 01590), filed June 7, 2012. The correctly calculated timeliness of the first PCR C/A No. 2004-CP-15-0208, at 276 days, Feb. 20, 2004.

The Matter (C/A No. 2004-CP-15-0208)

"Was Tolloed during the PCR and Appeal until April 24, 2012 when the Remittur was issued", [SEE: EX-F], in Notice of Appeal. or Attachment 1 included.

This Proves this Petitioner filed his successive PCR (C/A No.

2011 CP 150402 During the Paused/Tolled time of 276 days,
According to states tolling in Federal Case (6:12-cv-01590).
The statutory time between Feb. 04, 2004, and April 24, 2012,
is 276 days. This is statutory time NOT consecutive days.
The lower court's decision is improper because they are
counting consecutive days. They are NOT counting statutory
time, as the law directs.
This petitioner filed his state writ of certiorari, on April 13,
2011.
This petitioner filed his ~~state~~ successive PCR on May 1,
2011. During the tolled period.

2. Exceptions to successive PCR
As detailed in his PCR Application, "Amended Petition" titled PCR Appeal
Pages 5, 6, 7, all state the specifics of what Polzin did NOT DO; PCR
Application [10.(b) and 11.(a)]. Which are on file with this court.

The exceptions to allowing a successive PCR are;

A: Did PCR Courts order filed October 29, 2009 in CA
2004-CP-15-0208, comply with; U.S. Constitution Amend. 14,
SC Code Ann § 17-27-80 and S.C.R.C.P 52(a), 52(e)??

B: Did PCR Counsel Pamela J. Polzin fail to comply with; U.S.
Const. Amend. 14 SC Code Ann. § 17-27-80; S.C.R. Civ. Pro.
52(a), 59(e)??

The PCR Courts order failed to comply with the US const,
SC codes and Rules. The PCR court failed to properly
adjudicated the issues. Petitioner Has NOT Had His
True (1) One Bite of The Apple.

Petitioner's PCR Counsel failed to comply with US const, SC
codes, and Rules, by failing to ensure all raised issues

were addressed in PCR Court order.

These violations of Petitioner's Rights can only be corrected by the Lower Court Addressing the [2] also Unaddressed issues raised in PCR Application and Hearing.

Thanks for your Time and energy

Chris L. Williams

6-14 -2022

Christopher Love Williams 281434
Monticello 230
4460 Broad River Rd
Columbia SC 29210

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S.C. SUPREME COURT

~~NO. 1000~~

EXHIBIT A

J. C. Van

EXI

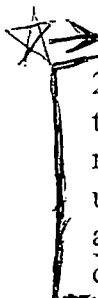
105 F.3d 907, 911 (4th Cir. 1997) (recognizing that, although not jurisdictional, the exhaustion requirement is strictly enforced; and that failure to exhaust remedies will be excused only where exhaustion requirement is expressly waived by the state or petitioner has technically complied therewith). The exhaustion requirement is met only if the federal claim has been “fairly presented” to the state courts, *Picard v. Connor*, 404 U.S. 270, 275 (1971), or no state remedy remains available. *Matthews*, 105 F.3d at 911. To fairly present a claim, a petitioner must “include reference to a specific federal constitutional guarantee, as well as a statement of facts that entitle the petitioner to relief.” *Gray v. Netherland*, 518 U.S. 152, 162-63 (1996) (citing *Picard*, 404 U.S. at 271).

It appears that the grounds alleged were addressed at the state PCR hearing and order of Judge Macaulay, as set forth more fully below. In addition, it appears that the assertions were raised within his *pro se* response to the Johnson petition in the PCR appeal. Respondent therefore would submit that the allegations are technically exhausted.²

B.

Nevertheless, he is not entitled to relief. The United States Supreme Court has explained that:

The writ of habeas corpus stands as a safeguard against imprisonment of those held in violation of the law. Judges must be vigilant and independent in reviewing petitions for the writ, a commitment that entails substantial judicial resources.

 ²Respondent has calculated the timeliness of the petition under 28 U.S.C. Section 2244(d). It appears that he has expended 320 statutory day. The conviction became final when the Court of Appeals issued its remittitur on May 20, 2003 after Petitioner failed to either seek rehearing or certiorari to the South Carolina Supreme Court. The statutory time ran for 276 days until the PCR application was filed on February 20, 2004. The matter was tolled during the PCR and appeal until April 24, 2012 when the remittitur was issued. The habeas petition was delivered 44 days later on June 7, 2012. [276+44=320]. The petition appears to be timely.

Affidavit of Christopher Love Williams

I, Christopher Love Williams do hereby swear under penalty of perjury state to following:

1.

I am a prisoner, held at the Broad River Correctional Inst. of the South Carolina Department of Corrections.

I filed my Second PCR Application 5-4-2011. With the Application I filed an Amended Petition, as stated on page 3 section 10 (b), 11 (a).

3.

In January of 2014 I wrote The Attorney General inquiring into the status of my filed Application.

4.

On or About Jan 31, 2014 I received a letter (c.c.) from The Assistant Attorney General, Ashleigh R. Wilson. The letter was sent to Clerk of Court MS. Grant. Requesting my 2nd Application be forwarded to their office.

5.

The Clerk of Court in Colleton County, MS. Patricia C. Grant did NOT mail that Application to The Attorney General until 2014.

6.

On May 14, 2014 Tristan M. Shatter was appointed to my case. CA No: 2011 CP 1500402.

7.

Within 15 days of this Appointment, Tristan M. Shatter registered my case with the South Carolina Center for Indigent Defense.

8.

On 5-22-2014, I began writing letters to Tristan M. Shatter and he did NOT respond.

9.
On or about Oct. 8, 2014 The Attorney General's office Mailed Tristan M. Shaffer The Return and motion to Dismiss.

I did NOT receive a copy of^{10.} the Return NOR MOTION to Dismiss. From Tristan Shaffer. I did NOT know of these filings until 2016.

11.
On or about March 22, 2016 I was served by SCDC/KCI Law Librarian Ray Anderson and general Counsel Jonathon R. Eckstrom. via a memorandum. The Conditional Order of Dismissal. I was served 2 years after it was filed.

12.
From 2014 to 2016 Attorney Tristan M. Shaffer did NOT respond to my letters NOR Assist With The Case in anyway, known to me.

13.

On or about 4/4/2016 I mailed another letter to Shaffer. Stipulating that 1: I had written up my legal issues, 2: Needed Him to file it, and Return me Copies, as well as, 3: Send me a copy of the file which The Respondent incorporated for the record.

14.
In that 4/4/2016 Letter to Shaffer I requested that if He can NOT do as requested and does NOT want to be a part of the case to remove himself because His appointment to the case is allowing SCDC officials to deny me legal copies and access to courts.

15.
On or about 4/4/2016 I submitted, to the Court, a motion for "leave/relief/firing of Counsel." Stating that Shaffer was mailed a last opportunity to become an Actual Counsel in this case. By providing copies, look over legal work, and Request/Retrieve certain evidence applicant is unable to obtain.

16.
On or about 4/19/2016 I Filed a disciplinary Counsel Complaint against Shaffer file Number: 16-DE-L-0560.

17.
On 5-20-2016 I mailed another letter to Shatter explaining that I'd been given his updated address, explained all of what had taken place with case, and explained what I needed from him to do in regards to case if he wants to accept it.

18.
Mr. Shatter came to visit me soon after that letter and office of disciplinary complaint was filed. During that visit he verbally agreed to my stipulations/requests in letters and motion, and I agreed to drop my complaint.

19.
On or about 5/31/2016 I wrote the office of disciplinary counsel asking to drop the complaints.

20.
On 5/31/2016 after having an attorney visit with Shatter, I mailed him another letter detailing my cases issues/argument, and requests of him.

21.
Shatter did NOT respond to that 5/31/2016 letter/request either. Nor has he responded to my 5-4-2022 letter, in which I asked him to rescind that letter because it was filed without knowing the facts of the case.

22.
Shatter has recently filed a letter to the court and I have NOT received a copy of it. He informed me of its filing in a phone call and this directly conflicts with my interests.

23.
Tristan Shatter has been drawing money and being paid for work which he has NOT factually participated in.

24.
At no point over the last 8 years has Tristan Shatter been of any assistance to me in this case. His non compliance with lawyer conduct has jeopardized my case.

25.

Shatter has violated his verbal agreement with me to participate in the case. For all of the included reasons I am filing a complaint against him.

Further I saith NOT.

Ch L Williams

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4460 Broad River
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June 14, 2022