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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

CERTIORARI TO SPARTANBURG COUNTY

J. Mark Hayes, II, Plea Judge
William A. McKinnon, PCR Judge

Appellate Case No: 2022-000117

JIMMY DEAN WILLIAMS,

RESPONDENT,

v.

STATE OF SOUTH CAROLINA,

PETITIONER.

APPENDIX

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1 STATE OF SOUTH CAROLINA) IN THE COURT OF
2) GENERAL SESSIONS
3 COUNTY OF SPARTANBURG) OF THE SEVENTH
4) JUDICIAL CIRCUIT
5 THE STATE OF SOUTH CAROLINA,)
6 Plaintiff,) TRANSCRIPT OF RECORD
7 vs.) 2020-GS-42-03092
8 JIMMY DEAN WILLIAMS, JR.,)
9 Defendant.)
10)

11 October 13, 2020
12 Spartanburg, South Carolina

13 B E F O R E:

14 HONORABLE J. MARK HAYES, II, Judge.

15
16 A P P E A R A N C E S

17 JAMES "EDDIE" HUNTER, Assistant Solicitor
18 For The State

19 CHAD SNYDER, ESQUIRE
20 For Defendant

21
22
23 Julie A. Cendroski,
24 Circuit Court Reporter
25 Seventh Judicial Circuit

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EXHIBITS

MARKED

ENTERED

NO EXHIBITS PROFFERED

THE STATE VS. JIMMY DEAN WILLIAMS

THE COURT: All right. You are Mr. Jimmy Dean Williams?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Okay. Let's see, Mr. Williams.

MR. SNYDER: Hey, Jimmy.

THE COURT: I'm having difficulty getting the video, so give us just a moment, Mr. Williams.

All right. Mr. Williams, you can hear me okay?

THE DEFENDANT: Yes, sir.

THE COURT: All right. Mr. Williams, we're gonna continue on. In the event that the video does not come in, your lawyer's gonna have to obtain an affidavit from you the fact that you did appear, but we will continue.

Mr. Williams, I need for you to raise your right hand and let me administer an oath to you. Do you solemnly swear that the testimony that you're about to give will be the truth, the whole truth, and nothing but the truth?

THE DEFENDANT: Yes, sir.

THE COURT: Thank you, Mr. Williams. I can now see you, thank you. Mr. Williams, I'm now gonna turn this over to the solicitor, she's [sic] going to give us the facts.

1 MR. HUNTER: Your Honor, may it please the
2 Court?

3 THE COURT: Uh-huh.

4 MR. HUNTER: Before you is Jimmy Dean Williams,
5 Jr., with his attorney Chad Snyder. He's here on one
6 indictment, 2020-3092, originally charged as attempted
7 murder, pleading to the lesser charge of assault and
8 battery of a high and aggravated nature. There are no
9 negotiations or recommendations in this case.

10 For your clerk's knowledge, there are two
11 attendees that wish to speak in this case. They are
12 labeled as Brandy Martin and Cody Williams. And he has
13 served 341 days in jail.

14 THE COURT: All right. Mr. Williams, it is your
15 intent to enter a plea to the charge that was just
16 announced?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: All right. Mr. Williams, how old
19 are you?

20 THE DEFENDANT: I'm 37 years old.

21 THE COURT: How far did you go in school?

22 THE DEFENDANT: I finished high school, and I
23 had two years of college and I dropped out.

24 THE COURT: Where did you do the two years of
25 college?

1 THE DEFENDANT: Johnson Wells University, Your
2 Honor.

3 THE COURT: Married? Single? Divorced?
4 Widowed?

5 THE DEFENDANT: I'm single, sir.

6 THE COURT: Do you have children?

7 THE DEFENDANT: Yes, sir. I have a little girl,
8 eight years old.

9 THE COURT: Prior to your arrest on this charge,
10 did you have a job outside of the home?

11 THE DEFENDANT: Yes, sir. I was working at
12 Hyzer Group, which is an electrical company, but I was
13 fired prior to being arrested, so I had just been fired
14 right when I got arrested, sir.

15 THE COURT: Ever serve in the military?

16 THE DEFENDANT: No, sir.

17 THE COURT: And you've done 341 days in jail on
18 this charge?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Mr. Williams, within the last 24
21 hours have you consumed any type of substance that's
22 adversely affecting your ability to understand what
23 we're doing today?

24 THE DEFENDANT: No, sir.

25 THE COURT: In the past, have you ever received

1 any type of substance abuse treatment for a drug or
2 alcohol problem?

3 THE DEFENDANT: No, sir.

4 THE COURT: Has anybody come to you and
5 threatened you in any way or promised you anything in
6 order to get you to make the decision to enter the plea
7 today?

8 THE DEFENDANT: No, Your Honor.

9 THE COURT: Am I correct to conclude that your
10 decision to enter the plea that it is a free and
11 voluntary decision on your part?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Are you satisfied with the work that
14 your lawyer has done for you?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Mr. Williams, I need for you to
17 understand that under the law you are presumed innocent
18 of this charge and you do have a right to have a jury
19 trial on this charge. At any jury trial that would take
20 place, it would be the State that has the burden of
21 proof and the State would have to convince all 12
22 members of a jury that you're, in fact, guilty beyond a
23 reasonable doubt. Do you understand that you have a
24 right to that jury trial?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you wish to have a jury trial on
2 this charge?

3 THE DEFENDANT: No, sir.

4 THE COURT: Sir, I need for you to understand
5 that there are other very important constitutional
6 rights that you are entitled to but that you have to
7 give up in order to enter this plea. You have to give
8 up your right to confront and cross-examine the State's
9 witnesses. You also have to give up your right to
10 present evidence, which you or your lawyer might be able
11 to establish a defense. And you have to give up your
12 right to subpoena, as well as your right to remain
13 silent. Do you understand those rights?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: And do you wish to give up all of
16 those rights?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Mr. Williams, I'm gonna turn this
19 matter back over to the solicitor. Please listen to
20 him, he is going to provide us with the facts.

21 MR. HUNTER: Thank you, Judge Hayes. If your
22 clerk will allow me to share content at the end of my
23 facts, I do have a picture I'd like to show you. I'm
24 currently not able to do that.

25 Your Honor, this incident occurred on November

1 8th, 2019, at the home of Jimmy Dean Williams, Sr., off
2 Cornmeal Road in Cowpens here in Spartanburg County.

3 On that night, Sandra Williams, which is the
4 mother of Jimmy Williams, Jr., called police because her
5 son had stabbed his father multiple times. On the 9-1-1
6 call you can hear her screaming, asking for him to stop
7 hurting them multiple times. On the 9-1-1 call, she
8 actually ended up hanging up.

9 They called back and Mr. Jimmy Williams, Jr.
10 gets on the phone, starts saying that he's Chuck Wright.
11 That his mom -- or that his dad and brother had been
12 killed. Basically talking out of his mind. Mom even
13 says on the phone she believes it's drugs.

14 But on that night he actually came to the house,
15 had an altercation with his father. His father told him
16 to stop coming in and out of the house because he was
17 gonna wake his mother up, at which point he took out a
18 knife and stabbed him multiple times, causing large
19 lacerations all over his body.

20 When he was taken to the hospital, the charge
21 nurse actually stated that it looked like he had been
22 filleted like a fish. Spent multiple days in the
23 hospital in the ICU, bills totaling over \$130,000. I
24 think actually you'll hear from one of his
25 daughter-in-law's that he actually died multiple times

1 at the hospital attempting to repair him.

2 So, Your Honor, that is the charge in this case.
3 Mr. Cody Williams is listed on this. That's actually
4 gonna be Cody Williams and his wife Casey, as well as
5 the victim. He's in that video. And then a Brandy
6 Martin. I think she also would like to be there. All
7 family members of Mr. Williams. If I could just share
8 this one picture with you.

9 THE COURT: Mr. Williams, do you believe that as
10 he stated the facts that the Solicitor's substantially
11 correct?

12 THE DEFENDANT: No, Your Honor. Not all that
13 there. I don't really recall what all happened, Your
14 Honor, because I was under the in -- I was under drugs.
15 I'm trying to seek some kind of help, if any way
16 possible the Lord would help me, I'll get through this
17 right here. But for the most part, yeah, he told most
18 of that, I guess. I wasn't really right side of my
19 mind, sir.

20 THE COURT: All right. This photograph is of
21 the dad?

22 MR. HUNTER: Yes. That's a copy of the BWC
23 video, and I actually just took a photo of the BWC
24 video. And that's the father and all the blood and cuts
25 right when police first arrived.

1 THE COURT: Okay.

2 MR. HUNTER: I'll stop it now.

3 THE COURT: Mr. Williams, are you contesting ---

4 THE DEFENDANT: No, Your Honor.

5 THE COURT: Are you contesting the fact that you
6 stabbed your dad?

7 THE DEFENDANT: No. I stabbed my father, and I
8 cut my father up.

9 THE COURT: Okay.

10 THE DEFENDANT: Stuff to the fact of that.

11 THE COURT: So I'm gonna ask the question again.
12 Do you believe that as the solicitor stated the facts to
13 me that he is substantially correct?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Okay. And, Mr. Williams, do you
16 understand that on this particular charge that I could
17 sentence you to between zero to 20 years in prison?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: And, sir, do you also understand
20 that the charge that you're pleading to is classified as
21 both a violent and serious offense under the law?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: And you've been able to talk to your
24 lawyer as to the consequences and ramifications of this
25 offense being classified as both violent and serious?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: And understanding the ramifications
3 of those two classifications, you still wish to enter
4 this plea?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Mr. Williams, are you, in fact,
7 guilty of this assault and battery of a high and
8 aggravated nature charge?

9 THE DEFENDANT: Yes, Your Honor, I am.

10 THE COURT: Mr. Williams, so far have all of
11 your answers to my questions today been truthful and
12 honest?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Discovery has been shared with the
15 defense, Mr. Hunter?

16 MR. HUNTER: Yes, Your Honor.

17 THE COURT: All right. Any prior record?

18 MR. HUNTER: Yes. Starting in '01, a disturbing
19 schools. '02, public disorderly conduct, shoplifting,
20 receiving stolen goods. '05, public disorderly conduct.
21 Then we jump to 2019, DUI, possession of meth,
22 possession of hydrocodone, and trespassing times two.
23 So both facing Cody's house, which is the neighbor's
24 house to where this incident occurred. And then he also
25 violated a protection order that Casey had out against

1 him.

2 THE COURT: All right. And we've got several
3 people appearing remotely with us today. Do they wish
4 to address the Court, Mr. Hunter?

5 MR. HUNTER: I believe they do, Your Honor.

6 THE COURT: Okay. I'll start. Now, I am
7 looking at the, on my end what is identified as Cody
8 Williams. I assume that that's the father. Okay,
9 that's Mr. Williams.

10 All right. I need to let you know that we are
11 making a recording of everything that happens here, so
12 when you speak, please speak slowly, but loud enough so
13 the court reporter can hear you. And, if you would,
14 when you start to speak to me, give us your full name,
15 if you would. But I'll turn first to the screen that
16 says Cody Williams.

17 MR. CODY WILLIAMS: Thank you, Your Honor.

18 THE COURT: Can we have your name?

19 MR. CODY WILLIAMS: My name is Cody Ryan
20 Williams.

21 THE COURT: Yes, sir, Mr. Williams. Be more
22 than happy to hear from you.

23 MR. CODY WILLIAMS: To be honest, I'm kind of
24 tore up after seeing that picture. The -- pretty much,
25 we're mainly worried about the safety of my family, of

1 my wife and son. Sorry. After everything that's
2 happened, I just can't -- I don't want him around my
3 family whatsoever.

4 I've got a three-page list of things that he's
5 done against myself and my family. I love him, he's my
6 brother and I always will love him, but he's done too
7 much to hurt our family.

8 THE COURT: Thank you, Mr. Williams. You have
9 two other people with you, do they wish to address the
10 Court? They don't have to, I'm just giving them an
11 opportunity.

12 MRS. WILLIAMS: Yes, Your Honor. My name is
13 Casey Gibson Williams. I'm Cody's wife and Jimmy
14 Williams, Jr.'s sister-in-law. I just want to say that
15 Jim has kind of been on a downward spiral for a while
16 leading up to this. He -- all the charges that the
17 solicitor was talking about, that caused him to lose
18 custody of his child. There were multiple times that I
19 picked her up from school since all this happened. And
20 to hear a seven, eight-year-old girl tell you, you know,
21 my daddy's evil. She's said he told her he's Satan and
22 she's the daughter of Satan.

23 Going back to my father-in-law, when all of this
24 happened, he was in the hospital for a while. I'm
25 actually a nurse professionally, so it made the most

1 sense when he was discharged to come and live with us
2 for a little while. And upon taking him to some of his
3 followup appointments, I spoke at length with many of
4 the surgeons that worked -- that took him in that night
5 and that worked on him during the hospital, and very
6 point blank told me, we don't know how he's alive.

7 His chest was cracked in the emergency room and
8 he had cardiac massage all the way to the OR. They told
9 me that they don't see 20-year-olds that live from this
10 kind of injury, much less with no substantial brain
11 damage.

12 He coded on the table three times. And they had
13 to replace his blood volume multiple times. I don't
14 even remember the exact number that they told us, but
15 essentially he lost every bit of his blood.

16 When we had to -- my husband and I took it upon
17 ourselves to go down to their house and attempt to clean
18 everything and get it in a state where he could
19 eventually move back in. And his entire blood volume
20 was between the doorway of that bedroom and in the
21 bedroom. There was blood on the walls, on everything in
22 the bedroom. We had to throw everything away, the bed.
23 Pull all the carpet up. I've never seen so much blood
24 in my life.

25 But I second what my husband said. We all fear

1 for our safety, for my father-in-law's safety, for my
2 mother-in-law, who is not in good health. For his own
3 daughter.

4 I did have a restraining order out against him
5 that he did violate with no sense of remorse about that.
6 And I do hope that he gets the help he needs, but we are
7 asking for the maximum possible, or at least until his
8 daughter is 18 years old so that she can make decisions
9 for herself and realize what, what has happened.

10 THE COURT: Thank you, ma'am.

11 MRS. WILLIAMS: You're welcome. Do you want to
12 speak? And Jimmy Williams, Sr. does not wish to speak.

13 THE COURT: All right. Thank you very much.

14 MRS. WILLIAMS: Uh-huh.

15 THE COURT: And then I have a, I have a person
16 that is appearing as Brandy Martin, does she wish to
17 address the Court?

18 Ms. Brandy Martin, can you hear us now? We
19 cannot hear you.

20 Mr. Hunter. Mr. Hunter, do you know what Brandy
21 Martin wished to address to the Court?

22 MR. HUNTER: I believe it was gonna be the same
23 as Casey, but I'm gonna call her here and see if I can't
24 get ahold of her.

25 THE COURT: All right.

1 MR. HUNTER: Brandy, can you hear us now? Still
2 no ---

3 MS. MARTIN: Hello?

4 MR. HUNTER: Hello, Brandy, we can't hear you.
5 I'm gonna hold you up, okay, to the speaker?

6 MS. MARTIN: Okay.

7 MR. HUNTER: And the judge is gonna let us know
8 if he can hear my phone.

9 THE COURT: I can hear you right now, yeah.

10 MR. HUNTER: Okay. Ms. Martin's on speaker
11 phone.

12 THE COURT: All right. Ma'am, just start by
13 giving us your full name.

14 MS. MARTIN: Sir?

15 MR. HUNTER: Give your full name.

16 MS. MARTIN: My name is Brandy Martin. I am
17 Jimmy Williams half-sister. Can you hear me?

18 MR. HUNTER: Yes.

19 MS. MARTIN: So, basically, I just wanted to say
20 that my dad was in the hospital. When he was in the
21 hospital he died three times on the table. He had over
22 20 people working on him at the time, trying to keep him
23 alive. They had replaced his blood volume several
24 times.

25 When I got to the hospital, he was on a

1 breathing machine in ICU with his blood pressure through
2 the roof. My brother and I were the ones at the
3 hospital trying to make sure that he was gonna stay
4 alive. I had to come home and tell my family that my
5 brother tried to kill my dad.

6 My dad told me in the hospital several times
7 with a breathing tube in his mouth, that Jim was trying
8 to stab him in the heart. He kept coming at my dad,
9 even as my dad was trying to shield himself. He got him
10 across the back, stabbed him in the back.

11 And my dad said several times -- I've never seen
12 him cry, but he was crying, saying several times that he
13 was -- Jim was trying to kill him. My dad always says
14 it's the drugs and he's exactly right. Jim has not been
15 the same person for a very long time. Jim's personality
16 is very extreme, and the drugs have caused him to be
17 extremely dangerous, mostly to my dad and my step-mom,
18 because they're the ones that he blames for not giving
19 him money and doing what he wants at the time.

20 They tried to get him to stand on his own two
21 feet, then he takes it out against them. I feel that if
22 he were to go back into that same environment, he would
23 revert right back into the person that he was before.
24 It's been the same vicious cycle for years. Him not
25 working, not helping my dad out. Not helping my

1 step-mom out. Not taking care of Kaia.

2 My dad always said he runs with the worst crowd
3 possible he could find. He takes the bottom of the
4 barrel and chooses to hang out with them. It's awful
5 for Kaia and my parents' state of mind. His mental
6 state has been terrible when he's around.

7 I would never trust him with Kaia. She has
8 health issues because of him. Her stomach is always
9 messed up. She's very nervous about when he's around.
10 There's been several times he was supposed to take her
11 to the doctor and he lied. He would turn the car, say
12 he was going to the doctor and we don't know where he
13 would take her and he wouldn't take her.

14 She at one time was very sick, strep throat. He
15 lied and said he was taking her to the doctor, she did
16 not see a doctor. She got very sick because of that.
17 The doctors wouldn't let him back in that office because
18 he's missed so many appointments. He also lost custody
19 of her when he was under the influence of
20 methamphetamine and had her in the car and there were
21 three parked cars in a parking lot.

22 So he loses custody of her. He tells Kaia that
23 he's the devil, that he's gonna kill my parents and all
24 of them. This is what we're dealing with here. He's
25 grabbed Sandy by the throat and beat her up when she

1 wouldn't do what he wanted. She's in terrible health.
2 He also took a broom handle and knocked my dad's front
3 tooth out while he was asleep on the recliner. This is
4 what I'm dealing with here.

5 He's had major anger issues since we were kids,
6 and it just progressively gotten worse. His personality
7 and drugs do not mix. He's robbed my parents blind for
8 years, selling anything and everything he could possibly
9 get his hands on for drugs.

10 He has never held down a job for more than a few
11 months. He has no means of supporting himself. My dad
12 told me he firmly believes Jim was gonna try to kill him
13 if ever he had the opportunity. I believe he feels that
14 way because Jim felt like that was his only way to get
15 what he wanted and his only way out.

16 I think that the stabbing was premeditated
17 because two days prior my dad told me he had stole the
18 keys to the truck and made a copy of it and he was gonna
19 use that -- he thinks he was gonna use that key as a get
20 away car or a truck. I believe he thinks -- well, he
21 basically has no life skills. He's a thief and a drug
22 addict who causes my parents nothing but headaches, just
23 harm. And he'll do whatever he can to get what he
24 wants.

25 My sister-in-law has to live close by where he's

1 been to his parents. He's extremely jealous of Cody and
2 the life that Cody has built for hisself [sic]. She's
3 seen him steel things from them.

4 One day he was sitting on the front porch when
5 Casey walked out of the house waiting for her. He is a
6 ticking time bomb waiting to go off. I fear for my
7 family's life and I fear for Kaia, his daughter, and the
8 damage he does. He needs to stay in jail, that's the
9 only way he would be rehabilitated. Thank you.

10 MR. HUNTER: Thank you, Ms. Martin.

11 THE COURT: Thank you. Anything else from the
12 State?

13 MR. HUNTER: Yes, Your Honor. I would just --
14 one of the reasons the charge was dropped from attempted
15 murder ABHAN is we did talk to Jimmy Williams, Sr., who
16 is seated with Cody Williams and Casey Williams. I
17 think his, his thoughts on the case, I think Mr. Snyder
18 can get into that, were a little different than his
19 kids. But he is the reason we dropped it from attempted
20 murder to the ABHAN, but the State would ask for the max
21 as well. Thank you.

22 THE COURT: All right. Yes, Mr. Snyder.

23 MR. SNYDER: Thank you, Judge. First of all,
24 I'd like to say good morning, it's been a while since
25 we've been together.

1 On behalf of Jimmy, everyone involved,
2 everyone's thankful that Mr. Williams, Sr. survived
3 this. It was a terrible incident that happened. As
4 Your Honor has been told, Jimmy was high on meth when
5 this happened. I mean, he actually thought his dad was
6 an intruder. I've spoken with Mr. Williams, Sr. He
7 also suggested that Jimmy was on drugs and his dad
8 didn't know what was going through his mind at the time.
9 He was on drugs. He thought someone was breaking into
10 the residence, and he did what he did.

11 His dad also doesn't want to see him go to
12 prison, or at least what he told me, he doesn't want to
13 see him go to prison, but he also doesn't want him
14 around his house. He wants to wait and see how Jimmy
15 conducts his life if he were to be released.

16 Jimmy has been taking Merge classes in the jail.
17 They are what it implies, they merge from incarceration
18 out to, to life outside of the jail. They have programs
19 in Spartanburg and Greenville. He needs help with his
20 meth addiction. He is, by all accounts, a different
21 person when he is on drugs than when he's off. He
22 understands he needs to address that.

23 Judge, his dad doesn't want him to go to prison,
24 and I'd ask Your Honor to take that into account when
25 sentencing Jimmy. He made a mistake. He's spent some

1 time in jail. But according to my notes he, he is very
2 involved in his daughter's life. He was on a PTA,
3 member of a Baptist church, and he provides support for
4 his daughter. Judge, taking all that into
5 consideration, we're just asking for mercy. Thank you.

6 THE COURT: Mr. Williams, do you agree with the
7 statements that were just made by your lawyer?

8 THE DEFENDANT: Yes, sir. I have, I have been a
9 part of the Merge. I've completed one key since I've
10 been here. I've been a part of Narcotics Anonymous,
11 anger management. I'm almost to complete the Merge.
12 And I'm hoping that you will take and have mercy on my
13 soul and give me a reasonable sentence.

14 They was trying to get a suspended sentence with
15 probation, and I'm willing to do anything, any kind of
16 rehab programs to get back there into my daughter's
17 life, because she's eight years old. She does not need
18 to be away from her dad for ten years or plus or however
19 long it should be.

20 I've got a lot of making up to do to her, for
21 her. I've got a lot of mending my relationship with my
22 family, as well as you hear. I'm hoping that I can
23 soften your heart, soften their hearts, and begin to
24 mend my relationship with them.

25 I have been doing a lot of things in my life.

1 I've found Christ since I've been here. I feel like the
2 year that I've been here incarcerated has really helped
3 me out a lot. And hopefully you can take and help me
4 get into some kind of rehab, extensive rehab like
5 Overcomers or Go Forth program, Faith Homes. I'm just
6 hoping that you'll have mercy on my soul, Lord. Will do
7 whatever it takes, Your Honor.

8 I want to tell my father and my family that I am
9 so sorry for what has happened. I'm sorry to take up
10 your time and the Court's time, Your Honor. I'm ashamed
11 of myself. I'm ashamed of using drugs.

12 I've been a single parent for eight years now.
13 The mother of my child, she run out on us, and that is
14 no excuse but also it's been hard on myself. But I
15 continue wanting to be in my daughter's life. I want to
16 be there. My mother, she's sick right now. My dad's
17 been taking care of my daughter on his own with the help
18 of my family.

19 So I'm hoping and praying to God that you'll
20 have mercy on my soul, this right here. And I need
21 help, Your Honor. I need help, and I believe you're the
22 guy that can help me. You and the good Lord. So, if
23 you would, please have mercy on me.

24 THE COURT: Thank you, Mr. Williams.

25 THE DEFENDANT: Thank you.

1 THE COURT: Mr. Williams, part of what I have to
2 do in my role is I have to make a recording of
3 everything and I have to be sure that this plea is made
4 freely, voluntarily, and knowingly on your part.
5 Knowingly means that you understand what it is you're
6 pleading to. I might have asked these questions. I
7 apologize if I've already asked them, but I need to back
8 up because I do not recall if I asked them.

9 On this charge of assault and battery of a high
10 and aggravated nature, it's classified as both a violent
11 and serious offense. You do understand, and have been
12 able to talk to your lawyer as to the consequence and
13 ramifications of the offense being classified as both
14 violent and serious?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Okay. And you still wish to enter
17 the plea?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: All right. Thank you, Ms. -- thank
20 you, Mr. Williams.

21 All right. I find that there is a substantial
22 factual basis for the plea. On this case, it'll be a
23 20-year sentence at the State Department of Corrections.
24 I've indicated he will receive credit for the 341 days.
25 I've indicated that there is a restraining order for no

1 contact with the victim or family members. I've also
2 indicated there is a need for mental health services, as
3 well as I'd like for him to be provided the addiction
4 treatment unit while he's at the Department of
5 Corrections. Good luck to you, Mr. Williams.

6 THE DEFENDANT: Thank you, Your Honor.

7 (Hearing concluded at 11:38 a.m.)

8

9 THIS ENDS REQUESTED TRANSCRIPT

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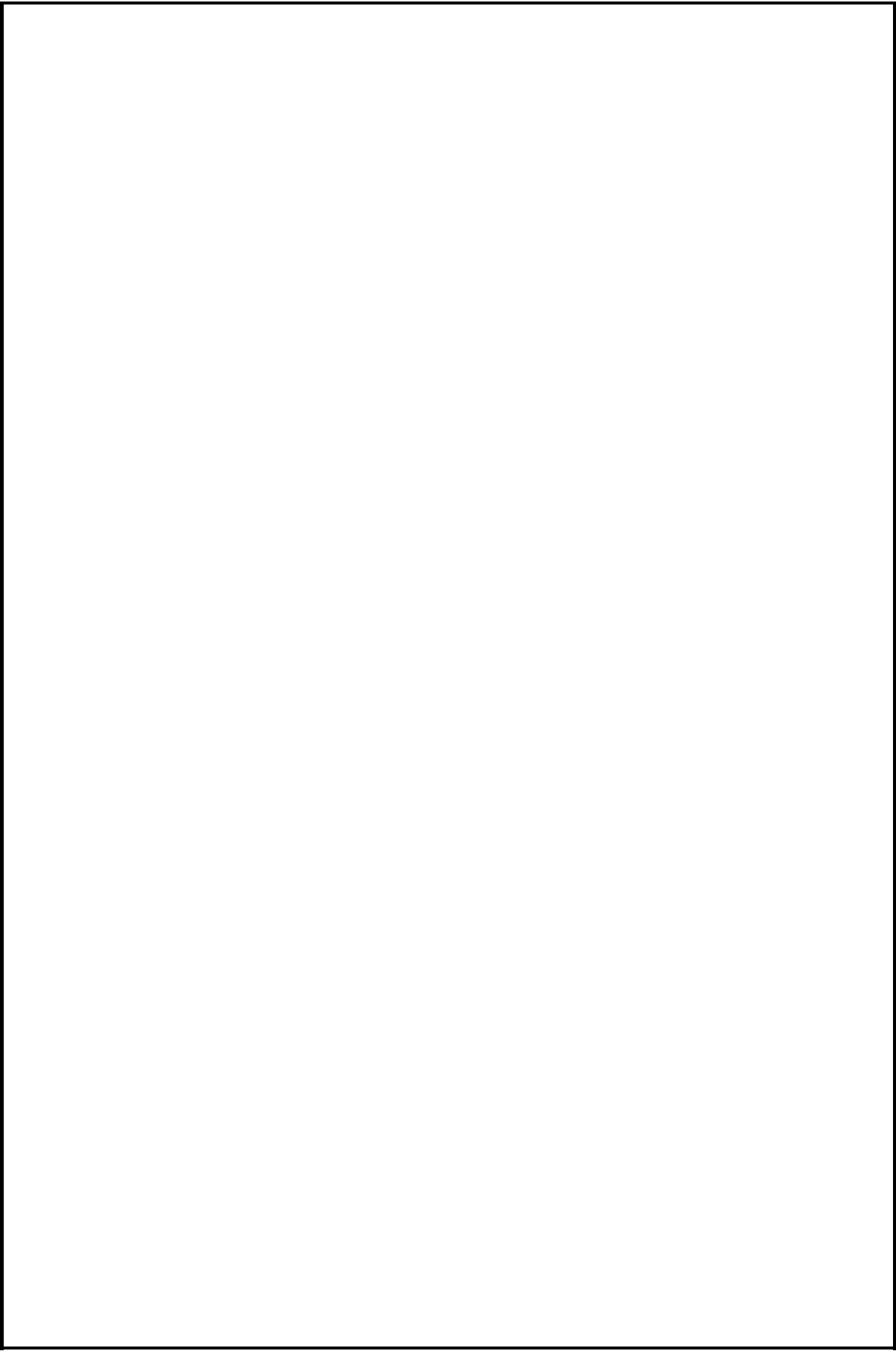
1 COURT REPORTER CERTIFICATE

2
3 I, the undersigned Julie A. Cendroski, Court
4 Reporter for the Seventh Judicial Circuit Court of the
5 State of South Carolina, do hereby certify that to the
6 best of my ability the foregoing is a true, accurate,
7 and complete transcript of record of all the proceedings
8 and evidence introduced in the hearing and/or trial of
9 the captioned case, relative to appeal, in the Court of
10 General Sessions for Spartanburg County, South Carolina,
11 on the 13th day of October, 2020.

12 I do further certify that I am neither of kin,
13 counsel, nor interest to any party hereto.

14
15
16 s/Julie A. Cendroski
17 Julie A. Cendroski
18 Circuit Court Reporter III
19 Seventh Judicial Circuit
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FORM 5

STATE OF SOUTH CAROLINA)

COUNTY OF SPARTANBURG)

JIMMY DEAN WILLIAMS, JR. #384161)
Full name and prison number (if any) of Applicant.)

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

2021-CP-42-01878

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Evans Correctional Institution, 610 Hwy 9 West, Bennettsville, SC 29512
2. Name and location of Court which imposed sentence Spartanburg County Court of General Sessions, 180 Magnolia St Ste 500, Spartanburg, SC 29306
3. Name(s) of co-defendant(s) (if any) n/a
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 20-GS-42 03092 - Assault & Battery High and Aggravated Nature
 - (b) _____
 - (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:

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 SPARTANBURG COUNTY
 AMY W. COX

(a) October 13, 2020 - Twenty (20) Years

(b) _____

(c) _____

6. Check whether a finding of guilty was made:

(a) after a plea of guilty X

(b) after a plea of not guilty _____

(c) after a plea of nolo contendere _____

7. Did you appeal from the judgment of conviction or the imposition of sentence?
no

8. If you answered "yes" to (7), list:

(a) the name of each Court to which you appealed:

i. _____

ii. _____

iii. _____

(b) the result in each such Court to which you appealed:

i. _____

ii. _____

iii. _____

(c) the date of each such result:

i. _____

ii. _____

iii. _____

(d) if known, citations of any written opinion or orders entered pursuant to such results:

i. _____

ii. _____

iii. _____

9. If you answered "no" to (7), state your reasons for not so appealing:

(a) _____

(b) _____

(c) _____

10. State concisely the grounds on which you base your allegation that you are being held in

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AMY W. COX

custody unlawfully:

- (a) Ineffective Assistance of Counsel
- (b) Involuntary Guilty Plea
- (c) _____

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) Attorney advised Applicant and the victim (Applicant's Father) that Applicant would receive a suspended sentence with Probation.
- (b) Attorney informed Applicant that the ABHAN would be dropped to an Assault charge - non-violent and 65%. Attorney indicated that the Solicitor did not want Applicant to receive jail time and was in agreement to a suspended sentence and probation. After Applicant was sentenced counsel told him it was not a paroleable offence and 85%.
- (c) Applicant asked counsel for a bond hearing. Counsel informed Applicant that it would be a waste of money because Applicant was looking at time served, suspended sentence and Probation. Applicant believes being released on Bond would have allowed him to more effectively be involved in his Defense.

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? no
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? no
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? no
- (d) any other petitions, motions or applications in this or any other Court? no

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:
 - i. _____
 - ii. _____
 - iii. _____
 - iv. _____
- (b) the name and location of the Court in which each was filed:

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 SPARTANBURG COUNTY
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 Revised 5/2003

- i. _____
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. _____
- ii. _____
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

no

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. _____
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. _____
- ii. _____

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 SPARTANBURG COUNTY
 AMY W. COX

Revised 3/2003

iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) _____

(b) _____

(c) _____

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? yes

(b) your trial, if any? _____

(c) your sentencing? yes

(d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____

(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

i. Charles Snyder, Esq., 366 N. Church Street, Suite 3000, Spartanburg, SC 29306

ii. _____

iii. _____

(b) the proceedings at which each such attorney represented you:

i. plea and sentencing

ii. _____

iii. _____

19. State clearly the relief you seek in filing this application:

New Trial

20. Are you now under sentence from any other court that you have not challenged?

no

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 SPARTANBURG COUNTY
 ANDY W. COX

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STATE OF SOUTH CAROLINA

County of MARLBORO

VERIFICATION

I, JIMMY DEAN WILLIAMS, JR., being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Jimmy D Williams Jr.

SWORN to and subscribed before me this 3rd
day of June, 2021

S. Ouster (L.S.)
Notary Public

My Commission Expires: 2/17/24

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2021 JUN 16 AM 9:13

CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, JIMMY DEAN WILLIAMS, JR., hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Jimmy D. Williams Jr.
Applicant

SWORN or affirmed to and subscribed before me this
3rd day of June, 2021

S. Oulter
Notary Public

My Commission Expires: 2/17/24

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2021 JUN 16 AM 9:13
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

JIMMY DEAN WILLIAMS, JR. #384161

Plaintiff(s)

vs.

STATE OF SOUTH CAROLINA

Defendant(s)

Submitted By: Tommy A. Thomas

Address: P.O. Box 88, Irmo, SC 29063

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2021-CP-42-01878

SC Bar #: 5536

Telephone #: 803-732-5507

Fax #: 803-781-4226

Other:

E-mail: jackie@paroleme.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|---|--|---|
| <p>Contracts</p> <p>☐ Constructions (100)
 ☐ Debt Collection (110)
 ☐ General (130)
 ☐ Breach of Contract (140)
 ☐ Fraud/Bad Faith (150)
 ☐ Failure to Deliver/Warranty (160)
 ☐ Employment Discrim (170)
 ☐ Employment (180)
 ☐ Other (199)</p> | <p>Torts - Professional Malpractice</p> <p>☐ Dental Malpractice (200)
 ☐ Legal Malpractice (210)
 ☐ Medical Malpractice (220)
 Previous Notice of Intent Case #
 20 -NI-
 ☐ Notice/ File Med Mal (230)
 ☐ Other (299)</p> | <p>Torts - Personal Injury</p> <p>☐ Conversion (310)
 ☐ Motor Vehicle Accident (320)
 ☐ Premises Liability (330)
 ☐ Products Liability (340)
 ☐ Personal Injury (350)
 ☐ Wrongful Death (360)
 ☐ Assault/Battery (370)
 ☐ Slander/Libel (380)
 ☐ Other (399)</p> | <p>Real Property</p> <p>☐ Claim & Delivery (400)
 ☐ Condemnation (410)
 ☐ Foreclosure (420)
 ☐ Mechanic's Lien (430)
 ☐ Partition (440)
 ☐ Possession (450)
 ☐ Building Code Violation (460)
 ☐ Other (499)</p> |
| <p>Inmate Petitions</p> <p>☒ PCR (500)
 ☐ Mandamus (520)
 ☐ Habeas Corpus (530)
 ☐ Other (599)</p> | <p>Administrative Law/Relief</p> <p>☐ Reinstate Drv. License (800)
 ☐ Judicial Review (810)
 ☐ Relief (820)
 ☐ Permanent Injunction (830)
 ☐ Forfeiture-Petition (840)
 ☐ Forfeiture-Consent Order (850)
 ☐ Other (899)</p> | <p>Judgments/Settlements</p> <p>☐ Death Settlement (700)
 ☐ Foreign Judgment (710)
 ☐ Magistrate's Judgment (720)
 ☐ Minor Settlement (730)
 ☐ Transcript Judgment (740)
 ☐ Lis Pendens (750)
 ☐ Transfer of Structured Settlement Payment Rights Application (760)
 ☐ Confession of Judgment (770)
 ☐ Petition for Workers Compensation Settlement Approval (780)
 ☐ Other (799)</p> | <p>Appeals</p> <p>☐ Arbitration (900)
 ☐ Magistrate-Civil (910)
 ☐ Magistrate-Criminal (920)
 ☐ Municipal (930)
 ☐ Probate Court (940)
 ☐ SCDOT (950)
 ☐ Worker's Comp (960)
 ☐ Zoning Board (970)
 ☐ Public Services Committee (990)
 ☐ Employment Security Committee (999)
 ☐ Other (999)</p> |
| <p>Special/Complex /Other</p> <p>☐ Environmental (600)
 ☐ Automobile Arb. (610)
 ☐ Medical (620)
 ☐ Other (699)
 ☐ Sexual Predator (510)
 ☐ Permanent Restraining Order (680)</p> | <p>☐ Pharmaceuticals (630)
 ☐ Unfair Trade Practices (640)
 ☐ Out-of-State Depositions (650)
 ☐ Motion to Quash Subpoena in an Out-of-County Action (660)
 ☐ Pre-Suit Discovery (670)</p> | | |

Submitting Party Signature:

Date: June 8, 2021

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.
 SCCA / 234 (03/2016)

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG	)	FOR THE SEVENTH JUDICIAL CIRCUIT
	)	
Jimmy D. Williams, Jr., SCDC No. 384161	)	Case No. 2021-CP-42-01878
	)	
Applicant,	)	RETURN
	)	
v.	)	
	)	
State of South Carolina	)	
	)	
Respondent.	)	
_____	)	

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 SPARTANBURG COUNTY
 ANY W.C.

Now comes Respondent, the State of South Carolina, making its return to Applicant Jimmy D. Williams, Jr.'s application for post-conviction relief filed June 16, 2021. Respondent would respectfully show this Court:

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections. Applicant was indicted for attempted murder and possession of a weapon during the commission of a violent crime by the Spartanburg County Grand Jury at its June 2020 term. (20-GS-42-3092). Applicant was represented by Attorney Charles W. Snyder, III and Assistant Solicitor James Edward Hunter, of the Seventh Circuit Solicitor's Office, prosecuted the case. On October 13, 2020 Applicant appeared before the Honorable J. Mark Hayes, II, and entered a guilty plea to the lesser included offense of assault and battery of a high and aggravated nature. The weapons charge was dismissed *nolle prosequi*. Judge Hayes accepted the plea and sentenced Applicant to twenty years' imprisonment with credit for time served.

Applicant filed a timely notice of appeal. The South Carolina Court of Appeals dismissed the appeal on November 17, 2020, for failure to provide a sufficient plea explanation, as required by Rule 203(d)(1)(B)(iv) SCACR. The remittitur was sent on January 15, 2021.

II. FACTUAL HISTORY

The Assistant Solicitor provided the following facts giving rise to the conviction at Applicant's guilty plea hearing:

[T]his incident occurred on November 8th, 2019, at the home of Jimmy Dean Williams, Sr., off Cornmeal Road in Cowpens here in Spartanburg County.

On that night, Sandra Williams, which is [Applicant's mother], called the police because her son had stabbed his father multiple times. On the 9-1-1 call you can hear her screaming, asking for him to stop hurting them multiple times. On the 9-1-1 call, she actually ended up hanging up.

They called back and [Applicant] gets on the phone, starts saying that he's Chuck Wright. That his mom—or that his dad and brother had been killed. Basically talking out of his mind. Mom even says on the phone she believes it's drugs.

But on that night he actually came to the house, had an altercation with his father. His father told him to stop coming in and out of the house because he was gonna wake his mother up, at which point he took out a knife and stabbed him multiple times, causing large lacerations all over his body.

When he was taken to the hospital, the charge nurse actually stated that it looked like he had been filleted like a fish. Spent multiple days in the hospital in the ICU, bills totaling over \$130,000. I think actually you'll hear from one of his daughter-in-law's that he actually died multiple times at the hospital attempting to repair him.

(Tr. 8, 25 – Tr. 10, 1).

III. CURRENT APPLICATION

In his current application for post-conviction relief, Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Counsel
 - a. Attorney advised Applicant and the victim (Applicant's Father) that Applicant would receive a suspended sentence with Probation.
 - b. Attorney informed Applicant that the ABHAN would be dropped to an assault charge – non-violent and 65%. Attorney indicated that the Solicitor did not want Applicant to receive jail time and was in agreement to a suspended sentence and probation. After Applicant was sentenced counsel told him it was not a paroleable offence and 85%.

- c. Applicant asked counsel for a bond hearing. Counsel informed Applicant that it would be a waste of money because Applicant was looking at time served, suspended sentence and Probation. Applicant believes being released on Bond would have allowed him to more effectively be involved in his Defense.
- 2. Involuntary guilty plea.

Attached and incorporated herein are Applicant's records from the South Carolina Department of Corrections, the Spartanburg County Clerk of Court's Office, the plea transcript, the direct appeal records, and the current application for post-conviction relief. Respondent reserves the right to alter or amend this application upon receipt of any relevant materials.

IV. RESPONSE TO ALLEGATIONS OF INEFFECTIVE ASSISTANCE OF COUNSEL AND INVOLUNTARY GUILTY PLEA

Applicant alleges that his counsel provided ineffective assistance by misadvising him about the sentence he would receive and his parole eligibility, and also by errantly advising him to forgo a bond hearing which deprived Applicant of an opportunity to more effectively assist in his defense.

Applicant further claims his plea was not entered knowingly or voluntarily. To find a guilty plea is voluntarily and knowingly entered into, the record must establish Applicant had a full understanding of the consequences of the plea and the charges against him or her. *Dover v. State*, 304 S.C. 433, 434, 405 S.E.2d 391, 392 (1991); *see also Boykin v. Alabama*, 395 U.S. 238, 243 (1969) (Courts must make sure defendants have "a full understanding of what the plea connotes and of its consequence. When the judge discharges that function, he leaves a record adequate for any review that may be later sought, and forestalls the spin-off of collateral proceedings that seek to probe murky memories."). In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence presented at the PCR hearing. *See Harris v. Leeke*, 282 S.C. 131, 134, 318 S.E.2d 360, 361 (1984).

An applicant who enters a plea on the advice of counsel may only attack the voluntary and intelligent character of the plea by showing that trial counsel's representation fell below an objective standard of reasonableness, and that there is a reasonable probability that, but for trial counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial instead. *Roscoe v. State*, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001); *Richardson v. State*, 310 S.C. 360, 363, 362 426 S.E.2d 795, 797 (1993). Given Applicant's burden of proof and the analysis to be applied to this claim, Applicant's claim of involuntary plea is, in essence, a claim of ineffective assistance of counsel, and it will be treated as such.

Applicant's allegations of ineffective assistance of counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in *Strickland*. First, Applicant must prove that counsel's performance was deficient. *Strickland*, 466 U.S. at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Applicant must so prove his factual allegations by a preponderance of the evidence. Rule 71.1(e), SCRCP. Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." *Cherry*, 300 S.C. at 117, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. *Butler*,

286 S.C. at 442, 334 S.E.2d at 814. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” *Id.* (citing *Strickland*, 466 U.S. at 690). “When counsel focuses on some issues to the exclusion of others, there is a strong presumption that he [or she] did so for tactical reasons rather than through sheer neglect.” *Yarborough v. Gentry*, 540 U.S. 1, 5 (2003) (citing *Strickland*, 466 U.S. at 690). The Court, in determining deficiency, must affirmatively entertain the range of possible reasons counsel may have had for proceeding as they did. *Cullen v. Pinholster*, 563 U.S. 170, 196 (2011); *Harrington v. Richter*, 562 U.S. 86, 109-10 (2011). “[E]ven if an omission is inadvertent, relief is not automatic. The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight.” *Yarborough*, 540 U.S. at 6; *see also* *Murphy v. Davis*, 901 F.3d 578, 592 (5th Cir. 2018) (“[C]ounsel’s performance need not be optimal to be reasonable.”). Applicant must overcome this presumption to receive relief. *Cherry*, 300 S.C. at 118, 386 S.E.2d at 625.

Second, counsel's deficient performance must have prejudiced Applicant such that “there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different.” *Cherry*, 300 S.C. at 117-18, 386 S.E.2d at 625. “This does not require a showing that counsel’s actions ‘more likely than not altered the outcome,’ but the difference between *Strickland*’s prejudice standard and a more-probable-than-not standard is slight and matters ‘only in the rarest case.’” *Harrington*, 562 U.S. at 111-12 (quoting *Strickland*, 466 U.S. at 697). “The likelihood of a different result must be substantial, not just conceivable.” *Id.* at 112. “The prejudice analysis requires the court deciding the ineffectiveness claim to consider the totality of the evidence before the judge or jury.” *United States v. Basham*, 789 F.3d 358, 371-72 (4th Cir. 2015) (quoting *Elmore v. Ozmint*, 661 F.3d 783, 858 (4th Cir. 2011)).

In the context of a guilty plea, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he/she would not have pleaded guilty and would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 59 (1985). Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, the PCR applicant's right to contest the validity of such a plea is usually, but not invariably, foreclosed. *See Blackledge v. Allison*, 431 U.S. 63, 73-74 (1977) ("Solemn declarations in open court carry a strong presumption of verity. The subsequent presentation of conclusory allegations unsupported by specifics is subject to summary dismissal, as are contentions that in the face of the record are wholly incredible."). Statements made during a guilty plea should be considered conclusively, unless an Applicant presents valid reasons why he or she should be allowed to depart from the truth of his statements. *Dalton v. State*, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing *Crawford v. United States*, 519 F.2d 347, 350 (4th Cir. 1975)).

The plea transcript shows that Applicant was informed and acknowledged that he was facing a potential sentence of zero to twenty years in prison. (Tr. 11, 15-18). Furthermore, Applicant stated that he was entering his plea freely and voluntarily, and that he was satisfied with his lawyer. (Tr. 7, 9-15). Respondent submits that Applicant had a clear understanding of the potential sentence he was facing as well as the consequences of his guilty plea. However, the allegations may raise questions of fact that are not conclusively refuted by the record. Accordingly, Respondent respectfully requests an evidentiary hearing be convened to fully resolve this issue. *See Sharper v. State*, 279 S.C. 264, 305 S.E.2d 247 (1983) ("Where an application for post-conviction relief alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court, a question of fact is raised which can only be resolved by an evidentiary hearing.").

V. ASSERTION OF RIGHTS TO NOTICE OF AMENDMENTS, EXPERTS

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. Rule 11(a), SCRCF. *Pro se* filings will not be considered at the PCR hearing. *State v. Devore*, 416 S.C. 115, 123, 784 S.E.2d 690, 694 (Ct. App. 2016) (*Pro se* filing a nullity where person was represented by counsel); *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010) (“Since there is no right to ‘hybrid representation’ that is partially *pro se* and partially by counsel, substantive documents, with the exception of motions to relief counsel, filed *pro se* by a person represented by counsel are not to be accepted unless submitted by counsel.”).

Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent, or in the alternative continue the matter to permit adequate time to investigate and address the claims. *See Mangal v. State*, 421 S.C. 85, 805 S.E.2d 568 (2017) (“In most PCR cases, . . . we have refused to excuse the pleading and issue-preservation requirements that apply in all civil cases.”); *Love v. State*, 428 S.C. 231, 242, 834 S.E.2d 196, 201 (2019) (“When analyzing the substance of a proposed amendment and any prejudice the State might suffer, a PCR court should consider all relevant circumstances, including, but not limited to, the timing of the motion, the complexity of the new issue, the degree of surprise to the State, the need for and availability of necessary witnesses to defend against the claim, and whether the substance of the proposed amendment is readily apparent from the underlying plea or trial record.”); *see also* Rules 15(a)-(b), SCRCF (explaining how to amend a pleading).

Under section 17-27-150 of the South Carolina Code of Laws, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless

granted leave from the Court upon a showing of good cause. Furthermore, Respondent requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to Respondent well in advance of the evidentiary hearing. Respondent reserves the right to request a continuance and oppose witness testimony and exhibits that are withheld until the last minute resulting in undue prejudice to Respondent.

VI. GENERAL DENIAL

Respondent hereby denies each and every other allegation contained in the application not expressly admitted, qualified, or explained elsewhere herein.

VII. CONCLUSION

WHEREFORE, Respondent respectfully requests that this Court convene an evidentiary hearing on the allegations of ineffective assistance of counsel and involuntary guilty plea.

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

WILLIAM H. RAY
Assistant Attorney General

By:


ATTORNEYS FOR THE STATE
Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211

8/16, 2021

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

) IN THE COURT OF COMMON PLEAS
) FOR THE SEVENTH JUDICIAL
) CIRCUIT

Jimmy D. Williams, Jr., #384161

Case No.: 2021-CP-42-01878

Applicant,

v.

Affidavit of Service by Mail

State of South Carolina

Respondent,

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Tommy A. Thomas, Esquire
P.O. Box 88
Irmo, SC 29063

DATED this 16th Day of August, 2021.

Eva D. Cook
Legal Assistant for Respondent

FILED
2021 AUG 19 AM 11:11
CLERK OF COURT
SPARTANBURG COUNTY
ALY W. COX



ALAN WILSON
ATTORNEY GENERAL

August 16, 2021

FILED
2021 AUG 19 AM 11:11
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

The Honorable Amy W. Cox
Spartanburg County Clerk of Court
Post Office Box 3483
Spartanburg, South Carolina 29304-3483

Re: Jimmy D. Williams, Jr., #384161 v. State of South Carolina
2021-CP-42-01878

Dear Ms. Cox:

Enclosed please find the original **Return** in the above-captioned case, along with its accompanying attachments, for filing in your office.

Sincerely,

William H. Ray
Assistant Attorney General

WHR/ec
Enclosures

cc: Tommy A. Thomas, Esquire

June 3, 2022

The Honorable M. Hope Blackley
Spartanburg County Clerk of Court
P.O. Box 3483
Spartanburg, SC 29304

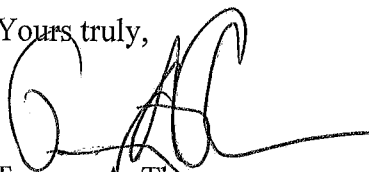
RE: Jimmy Dean Williams, Jr. #384161 v. State
Docket No.: 2021-CP-42-01878

Dear Ms. Blackley:

Enclosed please find for filing an original and a copy of an Amendment to Post-Conviction Relief Application and Certificate of Service in the above referenced matter.

Kindly return the clocked copy to me in the enclosed envelope. Thank you for your assistance in this matter and please feel free to contact me should you have any questions.

Yours truly,



Tommy A. Thomas,
Attorney at Law

TAT/jem
cc: Chelsey Marto, Esq. – Email

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG	)	
		CASE NO.: 2021-CP-42-01878
JIMMY DEAN WILLIAMS, JR. #384161	)	
	)	
	)	
v.	)	AMENDMENT TO POST-CONVICTION
	)	RELIEF APPLICATION
STATE OF SOUTH CAROLINA,	)	
	)	
	)	

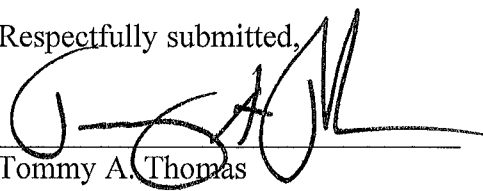
That the Applicant has alleged ineffective assistance of counsel as well as involuntary guilty plea. The Applicant appeared on October 13, 2020 before the Honorable J. Mark Hayes, II in Spartanburg County and plead guilty to Assault & Battery High and Aggravated Nature.

That the Applicant would Amend his original Application for Post-Conviction Relief filed on June 16, 2021 as follows:

1. The Applicant would contend that his plea was not freely, voluntarily, knowingly and intelligently given for the following reasons:
 - a. Applicant was informed by Defense Counsel that if he took the plea he would receive a probationary sentence with credit for time served in the detention center. Defense Counsel told Applicant that there was no need to overly prepare for the plea because he would go home that day.
2. The Applicant never signed an agreement to conduct the hearing via WebEx, nor does the record indicate a consent to plea via WebEx.
 - a. The Applicant was in the Court room, but everyone else including the Judge were in different locations and appeared via WebEx.

- b. That the Witnesses that spoke against the Defendant actually called into the hearing to speak.
 - c. The Applicant believes this virtual hearing prejudiced him.
- 3. Counsel was not prepared to mitigate the statements of Family members made to the Plea Judge.
 - 4. Any and all other issues as they may arise from the PCR Trial.

Respectfully submitted,



Tommy A. Thomas
Attorney at Law
P.O. Box 88
Irmo, SC 29063
(803) 732-5507

June 3, 2022

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

IN THE COURT OF COMMON PLEAS

CASE NO.: 2021-CP-42-01878

JIMMY DEAN WILLIAMS, JR. #384161)
)
)

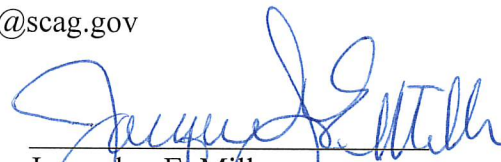
v.)

CERTIFICATE OF SERVICE

STATE OF SOUTH CAROLINA,)
)
)
 _____)

I, Jacquelyn E. Miller, Paralegal to Tommy A. Thomas, Attorney for the Applicant, hereby certify that I emailed, a copy of the Amended Post Conviction Relief Application to the Attorney General's Office, at:

Chelsey Marto, Esq.
 Attorney General's Office
 P.O. Box 11549
 Columbia, SC 29211-1549
 chelseymarto@scag.gov


 Jacquelyn E. Miller
 Paralegal to Tommy A. Thomas
 Attorney for Applicant
 P.O. Box 88
 Irmo, SC 29063
 (803) 732-5507

Irmo, SC
 June 3, 2022

1 STATE OF SOUTH CAROLINA)
2 COUNTY OF SPARTANBURG) IN THE COMMON PLEAS COURT
3
4 Jimmy Williams, Jr.,)
5 Applicant,) TRANSCRIPT OF RECORD
6 -vs-) 2021-CP-42-01878
7 The State.) June 7, 2022
8) Spartanburg, South Carolina
9

10 B E F O R E:

11 HONORABLE WILLIAM A. MCKINNON, JUDGE
12
13

14 A P P E A R A N C E S:

15 TOMMY A. THOMAS, ESQUIRE
16 Attorney for the Applicant

17 CHELSEY MARTO, ESQUIRE
18 Attorney for the State
19
20

21 Linda D. Moffitt
22 Circuit Court Reporter
23
24
25

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No exhibits entered into evidence.

1 THE COURT: Ms. Marto.

2 MS. MARTO: Thank you, Your Honor. May it please the
3 Court.

4 We are here today in the case of Jimmy Williams, Jr.
5 vs. State of South Carolina, Docket No. 2021-CP-42-01878.

6 My name is Chelsey Marto, and I represent the
7 respondent in this matter. Mr. Tommy Thomas is
8 representing the applicant.

9 Applicant is presently confined in the South Carolina
10 Department of Corrections, was indicted for attempted
11 murder and possession of a weapon during the commission of
12 a violent crime by the Spartanburg County Grand Jury during
13 its June of 2020 term.

14 Applicant was represented by Mr. Charles Snyder, and
15 Assistant Solicitor James Edward Hunter prosecuted the
16 case.

17 October 13th of 2020 he appeared before the Honorable
18 J. Mark Hayes and entered a guilty plea to the lesser
19 included offense of assault and battery of a high and
20 aggravated nature.

21 The weapons charge was dismissed as a part of the plea
22 agreement, and Judge Hayes accepted the plea and sentenced
23 him to 20 years imprisonment, credit for time served.

24 A timely notice of appeal was filed in this case and
25 was dismissed under Rule 203(b)1(B)IV for failure to

Jimmy Williams, Jr.
Direct examination by Mr. Thomas

1 provide a sufficient explanation concerning his plea. And
2 then the remittitur was issued January 15th of 2021.

3 The post conviction relief application was filed
4 June 16th of 2021 and the return was made August 16th of
5 2021.

6 And with that, I'll turn it over to Mr. Thomas.

7 THE COURT: Yes, sir, Mr. Thomas.

8 MR. THOMAS: Good morning, Your Honor. May it please
9 the Court.

10 I am here representing Mr. Jimmy Williams, and we're
11 ready to go forward. If it please the Court, we would call
12 Mr. Williams to the stand.

13 THE COURT: Yes, sir.

14 JIMMY WILLIAMS, JR., having
15 been first duly sworn, testified as follows:

16 MR. THOMAS: Your Honor, if it please the Court.

17 THE COURT: Yes, sir.

18 DIRECT EXAMINATION BY MR. THOMAS

19 Q Mr. Williams, you are currently incarcerated in the
20 South Carolina Department of Corrections?

21 A Yes, sir.

22 Q And what are you serving time for?

23 A Assault and battery of a high and aggravated nature.

24 Q Okay. And you were originally charged with what?

25 A Attempted murder.

Jimmy Williams, Jr.
Direct examination by Mr. Thomas

1 Q Okay. And do you remember -- so you ended up -- those
2 charges were reduced to assault and battery?

3 A Yes, sir.

4 Q Okay. And you were -- you received a sentence as a
5 result of a plea?

6 A Yes, sir.

7 Q And how long is that sentence?

8 A It's 20 years.

9 Q All right, sir. And when will you max out?

10 A 2036.

11 Q All right, sir. And you're how old now?

12 A I am 39 years old.

13 Q Thirty-nine. Do you know how old you'll be when you
14 max out?

15 A Fifty-four, I think.

16 Q Okay. All right, sir. And you have filed a
17 post-conviction-relief application.

18 A Yes, sir.

19 Q And you and I have spoken about this. You understand
20 what a post-conviction-relief action is?

21 A Yes, sir.

22 Q Should the -- and you're asking for a new trial, a new
23 plea, for your sentence to be set aside.

24 A Yes, sir.

25 Q You understand that there's some risk with that?

Jimmy Williams, Jr.
Direct examination by Mr. Thomas

1 A Yes, sir.

2 Q And it's possible that if you -- if the Court grants
3 your relief that you could go back in the position that
4 you're in before all of this and you could be tried.

5 A Yes, sir.

6 Q All right. Are you willing to accept that risk?

7 A Yes, sir. I am.

8 Q All right. And you wish to go forward today.

9 A Yes.

10 Q All right, sir. All right. Let me take you back a
11 little bit, Jimmy.

12 Do you remember roughly when you were arrested?

13 A October the 8th, I think.

14 Q Okay. Of what year?

15 A 2019.

16 Q 2019. And this was just prior to the pandemic?

17 A Yes, sir.

18 Q Okay. And did you retain an attorney or was one
19 appointed?

20 A One was appointed to me.

21 Q All right, sir. And who was? Who was appointed?

22 A Charles Snyder.

23 Q And did you make bond?

24 A No, sir.

25 Q So you were in the detention center?

Jimmy Williams, Jr.
Direct examination by Mr. Thomas

1 A Yes, sir.

2 Q And how long were you in the detention center?

3 A Eleven months.

4 Q And by being in the detention center was it difficult
5 to meet with your lawyer, or how did that go?

6 A Oh, yes. It was very hard to get in touch with my
7 lawyer to get anything resolved, to get any kind of answers
8 to my questions. It was over eight or nine months before I
9 heard anything from him, period.

10 Q And then of course you pled in October of '20, is that
11 correct?

12 A Yes, sir.

13 Q October 13th.

14 A Yes, sir.

15 Q Is that correct? Okay. So you were actually in the
16 detention center when the pandemic started basically in
17 March of '20.

18 A Yes, sir.

19 Q Did that make things more difficult? How did you
20 communicate with your lawyer then?

21 A Through the machine, the kiosk as they call it, from
22 the Spartanburg Detention Center.

23 Q Yes, sir.

24 A And that was about the only thing. Other than that he
25 came and -- well, he didn't come. I seen him over a

Jimmy Williams, Jr.
Direct examination by Mr. Thomas

1 monitor one time before we went to court.

2 Q Right.

3 A Yes.

4 Q All right. So how many -- how many times did you have
5 the opportunity to speak with him about your case and how
6 he was going to defend you?

7 A One time.

8 Q You only met with him the one time?

9 A Yes.

10 Q And was that in person or was that through video?

11 A That was over video.

12 Q Okay. Now, what did y'all talk about?

13 A He told me that it'd be best for me to enter this plea
14 because I would be getting -- he thought that I was going
15 to get time served or a suspended sentence and go home that
16 today with probation hanging over my head. And I was fine
17 with that.

18 Q What was going on in your life during this period of
19 time?

20 THE COURT: Let me stop you a second.

21 MR. THOMAS: Yes, sir.

22 THE COURT: Sir, your attorney told you that he
23 thought you would get time served for stabbing your dad
24 multiple times?

25 THE WITNESS: Yes. He told me -- well, he told me

Jimmy Williams, Jr.
Direct examination by Mr. Thomas

1 that I would get probation with time served and probably go
2 home.

3 THE COURT: Stabbing your dad so many times he had
4 over \$130,000 in medical bills?

5 THE WITNESS: Yes, sir.

6 THE COURT: why? why did he say that? what
7 convinced --

8 THE WITNESS: I do not know, sir. That is what he had
9 told me. That was what I was under the impression. That's
10 the only reason I entered into that plea, sir.

11 THE COURT: All right.

12 MR. THOMAS: May it please the Court.

13 BY MR. THOMAS

14 Q Mr. Williams, now, when you talk about time served,
15 you're talking about credit for the time that you were in
16 the detention center?

17 A Yes, sir.

18 Q Okay. And against whatever sentence that you
19 received. And it was your expectation that that sentence
20 was going to be reduced to probation?

21 A Yes, sir.

22 Q Okay. And the Court asked you the question about, you
23 know, you stabbing your dad. What was going on in your
24 life during that period of time?

25 A I had been using drugs and I had thought that it was

Jimmy Williams, Jr.
Direct examination by Mr. Thomas

1 someone else. I did not think it was my father at the
2 time. But/and the result of using drugs, this is what has
3 got me here.

4 So, and I was taking care of my daughter. And, like I
5 said, using drugs is what got me put here. But I apologize
6 to the Court and I apologize to taking up your time and I
7 apologize to my -- my family, my father which is here in
8 the courtroom.

9 And I've got a lot of time to -- to make this up to
10 them, you know. I will never get the time back that I've
11 lost being away from them.

12 My little girl -- it's only been me and her since she
13 was six months old since her mother left us. So I've been
14 raising her on my own with the help of her grandparents,
15 and that's it.

16 So it was a tough time, and then I started using
17 drugs, and things got out of hand, and this is the end
18 result.

19 Q And did you talk to your attorney about that?

20 A Yes.

21 Q He understood all of that.

22 A Yes.

23 Q Okay. And so, in essence, did you talk about a trial
24 at all, or you talked about a plea?

25 A I did not talk to him. He never asked me about a

Jimmy Williams, Jr.
Direct examination by Mr. Thomas

1 trial. He said it would be best not to go to trial, be
2 best just to enter this plea. So that's what I was
3 thinking would be the best thing to do, because he is my
4 lawyer. So that's what we did. We entered that plea right
5 there.

6 Q Okay. Now, did you look at your -- the discovery, the
7 evidence that the state had against you?

8 A I had not -- I had got it, yes. I had got it the week
9 prior. So I had just going -- just been going through it.
10 But it really hurt me so much to even try to even look at
11 it.

12 Q Right.

13 A You know, looking at the photos and then a recap of
14 what really took place, because at the time I still did not
15 know what had all took place, but I knew that my father was
16 hurt and that I was -- I was the one who done it to him.

17 Q Okay. And you tried to make amends with your dad for
18 that?

19 A Yes, sir.

20 Q Now, when you talked to your attorney did he prepare
21 you for the plea or did -- I know that you said that you
22 met him or that you spoke with him via a camera or some
23 sort of video conferencing. Did you -- did you also talk
24 to him the day of court?

25 A The day of the court, he didn't really speak to me.

Jimmy Williams, Jr.
Direct examination by Mr. Thomas

1 He just -- he come. It was on a video monitor and we were
2 having some problems with trying to get the reception
3 through so we could hear them. So, no, I was not. I did
4 not get to talk with him whatsoever.

5 Q Okay. How about as far as your mental health? were
6 you -- were you ever evaluated for? Did you have an
7 underlying mental health condition as well as this drug
8 addiction?

9 A I -- I'm -- I wasn't evaluated, so I'm not -- I never
10 was asked to even attend any kind of evaluation for the
11 drugs.

12 Q Okay.

13 A Or for mental health, I should say.

14 Q And did you talk to counsel about how this plea was
15 going to go? I mean, the first thing that kind of jumps
16 out at me is that this was by, I would assume by, webex,
17 some sort of video conferencing system?

18 A Yes.

19 Q Okay. And where were you?

20 A I was in the detention center. They put us in a
21 little office with a T.V. monitor, and that's where it took
22 place at, was over that webex.

23 Q Okay. Were you -- were you in a courtroom?

24 A No. I was not in the courtroom.

25 Q All right. Where was -- and it was Judge Hayes.

Jimmy Williams, Jr.
Direct examination by Mr. Thomas

1 where was Judge Hayes?

2 A He was in the courtroom over the monitor, and
3 everybody was in, you know, divisional slots, you know,
4 face.

5 Q Yes, sir.

6 A Yes.

7 Q And where was your attorney?

8 A I don't know where he was at. He wasn't -- I think he
9 was in his office at his -- where he -- where he works at.
10 He wasn't at the courthouse. He wasn't face to face to me.
11 So I really don't know where he was at.

12 Q Okay. But he wasn't with you at the detention center.

13 A No, sir.

14 Q Okay. And there were witnesses who also gave
15 statements at your hearing.

16 A Yes.

17 Q Plea hearing. Okay. And who were they?

18 A It was my half sister and my sister-in-law and my
19 younger brother.

20 Q Okay. And they made -- well, how would you categorize
21 the statements that they made against you?

22 A Very, very bad, I mean very bad, almost like -- well,
23 my half sister that I don't really don't even know, she
24 made out like I was a monster, basically, and that I'd had,
25 you know, mental health issues as a child.

Jimmy Williams, Jr.
Direct examination by Mr. Thomas

1 I didn't meet my half sister until I was 14 years of
2 age. And right now my sister does not even speak with my
3 father after all of this has took place.

4 He does not -- she does not come around the family
5 whatsoever. They don't have any kind of contact. And I've
6 known that for going on a year and a half, almost two years
7 now. After everything took place she -- she just doesn't
8 come around no more.

9 There's nothing I can say else about that right there,
10 just except she talks so poorly about me, and badly, like I
11 did not take care of my family as far as my daughter goes,
12 like I was just, like I said, a monster, and I am not.
13 I -- I messed up. I made a bad decision using drugs and
14 hurt my father, and I apologize.

15 Q So you had a drug addiction. That's true?

16 A Yes. That's true.

17 Q Were all of the things that they said about you to the
18 Court, were they true?

19 A No, no. Since I've been incarcerated I have not
20 been -- I've been drug free for going on three years now.
21 And I look back at myself as, you know, I was an idiot, you
22 know.

23 I can't stand to be around the guys in the prison that
24 are on drugs. I mean, I've took a total different leave of
25 my life trying to change everything, trying to better

Jimmy Williams, Jr.
Direct examination by Mr. Thomas

1 myself, trying to better my little girl, you know, because
2 I don't want her looking at me as, you know, a drug user,
3 or I want her to be able to make her proud of me.

4 Q Now, prior to the plea did you talk with your attorney
5 about the possibility of those family members coming to
6 court and talking about you?

7 A He told me, he said, your family's -- your family's
8 going to be showing up and I think it's going to go really
9 well with them showing up. So he never talked with them,
10 obviously, because he would have sort of knew what was
11 about to take place. But no. He never spoke to them. He
12 never spoke to none of them.

13 He had so-called -- he had called my father and asked
14 him would it be -- what did he want done, you know, would
15 it be okay, would he want for Jimmy, for me, to get
16 probation, would that be okay. You know, my father agreed,
17 yeah, that's fine, that's exactly what I want, I don't want
18 to see him go to prison, so.

19 Q Is your dad afraid of you?

20 A No, sir.

21 Q Now, was there a condition of -- did you talk to your
22 attorney or did he mention to you that a condition of all
23 of this plea and everything was that you were going to be
24 on some sort of home monitoring or...

25 A Yeah. He did mention about me getting an ankle

Jimmy Williams, Jr.
Direct examination by Mr. Thomas

1 monitor and, you know, being out there with that on. But,
2 like I say, none of this ever took place. Everything that
3 he told me, didn't none of it take place. He did not.

4 Q And based upon those representations that he made to
5 you was why you entered into the plea?

6 A Yes, sir.

7 Q Yeah.

8 A That's the only reason I entered that plea.

9 Q Did you have any idea, although you knew that you
10 could get up to -- well, what was the top range of what you
11 could get?

12 A It was -- it was an open plea, zero to 20 -- 20 being
13 the most that I could get.

14 Q And you got how much?

15 A I got the full 20, sir.

16 Q The full 20.

17 A Yes, sir.

18 Q Did your attorney talk to you about that, that there
19 was -- I mean, you knew that it was zero to 20.

20 A Yes. And that's what I was a little leery about, but
21 like he had -- he had told me what he thought I was going
22 to get and that everything was going to be okay, let's go
23 ahead and enter this plea, you know, get you outta prison,
24 because I'd even asked him. I said, well, why don't we go
25 for a bond hearing. And he said that would be just a waste

Jimmy Williams, Jr.
Direct examination by Mr. Thomas

1 of money, which going to go ahead and go to court and get
2 this right here settled, get it behind you, you know, try
3 to get out.

4 Q Was that because he was going to use the time, the
5 service time, in the detention center?

6 A Yes. I would think so.

7 Q Okay. Okay. And that's what you were talking about
8 earlier about time served?

9 A Yes, sir, yes, sir.

10 Q Okay. Now, so what happened at the plea? Were you
11 surprised?

12 A I was shocked.

13 Q Yeah.

14 A There was the point I had to ask the bailiff did they
15 just -- did he just give me 20 years. And the bailiff said
16 yes, sir, he did.

17 Q All right. Now, let's talk about the webex or the
18 video conferencing for your plea. Did you -- did your
19 attorney describe that or explain that process to you?

20 A Not -- not really. He just said it'll be over virtual
21 court. So as we had talked at one time, I was assuming
22 that I would see him on a monitor like a T.V. up there.
23 And that's all I was told, that it would be virtual court.
24 He never went into details about any of it.

25 Q And he didn't -- did he explain to you what you should

Jimmy Williams, Jr.
Direct examination by Mr. Thomas

1 expect or how this was going to work or what limitations it
2 might have or anything like that?

3 A No, sir. He didn't prepare me for none of that.

4 Q All right. And did you --

5 THE COURT: Let me stop you for a second.

6 So again --

7 THE WITNESS: Yes, sir.

8 THE COURT: Mr. Williams, what difference would it --
9 now, are you saying you would not have pled guilty if your
10 attorney had explained to you what it would be like on
11 Webex?

12 THE WITNESS: Yes, sir. I would -- I would have pled
13 guilty but it was -- I was told what he -- he thought that
14 I would be getting and he -- he told me not to even worry
15 about that bond hearing, that it would be just a waste of
16 money and that we should go with this plea and see how this
17 goes.

18 THE COURT: Yes, sir. I'm just -- I'm confused about
19 the relevance of the Webex. Are you saying that -- what
20 part of it did you not understand beforehand?

21 THE WITNESS: I -- I didn't know what to expect.
22 I'm -- I'm not sure.

23 THE COURT: Well, how was it different? I guess
24 that's what I'm trying to say. What -- what were you
25 expecting? How did it differ from what you were expecting?

Jimmy Williams, Jr.
Direct examination by Mr. Thomas

1 THE WITNESS: Being able to be in the courtroom like
2 this right here, being face to face. I -- I just -- I
3 don't know what -- I didn't what to expect.

4 THE COURT: But he told it would be virtual, right?

5 THE WITNESS: Yeah. That's all -- that's all I knew,
6 is it's virtual. But, I mean, I been locked up -- I been
7 locked down for a year.

8 THE COURT: So what did you expect virtual court to be
9 like?

10 THE WITNESS: Over a computer.

11 THE COURT: And that's what it was.

12 THE WITNESS: Yes.

13 THE COURT: I'm still -- I'll let you.

14 MR. THOMAS: Your Honor, if I can, I've got just a
15 couple of other questions, and hopefully I can tie that
16 into the relevancy.

17 THE COURT: Okay.

18 MR. THOMAS: If it please the Court.

19 BY MR. THOMAS

20 Q Were you able to -- we talked earlier about your
21 sister-in-law and your stepsister that spoke against you,
22 and you said that their statements, there were large
23 portions of the statements that were not true.

24 A Yes, sir.

25 Q Especially about you having like a prior mental

1 illness, you'd been mentally ill for years.

2 A Yeah. That was not true.

3 Q Okay. During the process of this plea, with it being
4 video conferencing, were you able to speak to your attorney
5 and to let him know that these things they were saying
6 about you were not true?

7 A No, sir.

8 Q Okay. Did he have any idea about what they were
9 saying factually at all?

10 A No, sir.

11 Q He had not spoken about that prior to the plea.

12 A No. We had not spoken at all about that.

13 Q And you were unable to speak to him during the plea.

14 A I was not.

15 Q Were you ever able to have a private conversation with
16 him during this plea?

17 A No, sir.

18 Q Okay. And do you feel like the things that they said
19 against you were prejudicial against you?

20 A Yes, sir.

21 Q And do you feel that they contributed to the amount of
22 time that you received?

23 A Most definitely, sir.

24 Q Did you ever sign a consent to have this hearing
25 virtually?

Jimmy Williams, Jr.
Cross-examination by Ms. Marto

1 A No, sir.

2 Q Were you ever asked by the Court to have it, your
3 consent to have it virtually?

4 A No, sir.

5 Q Okay.

6 MR. THOMAS: Your Honor, if I could beg the Court's
7 indulgence, I may just have a few more questions.

8 THE COURT: Yes, sir.

9 Q Jerry [sic], this is your opportunity. You know, you
10 and I have talked about this, and you've been waiting quite
11 some time for this hearing to come up.

12 I don't believe that there's anything that I have
13 forgotten, but is there anything that you'd like to bring to
14 the Court? Is there anything that you feel like that I may
15 have left out of this presentation?

16 A Well, the time since I have been incarcerated, I have
17 maintained a job in the kitchen working over the COVID,
18 been quarantined for over a year. I have just recently in
19 the past few months just got in the prison industries where
20 I actually work 40 hours a week. I'm in a character-based
21 unit. I have completed a merge program, a work keys
22 program.

23 THE WITNESS: So the whole time I've been incarcerated
24 I have been trying to better myself, Your Honor.

25 THE COURT: Yes, sir.

Jimmy Williams, Jr.
Cross-examination by Ms. Marto

1 THE WITNESS: And I hope you will take that into
2 consideration with this whole ordeal.

3 THE COURT: Well, I mean, Mr. Williams, I'm proud of
4 what you're doing in the detention, in the department of
5 corrections, but I do have to tell you I can't take that
6 into consideration.

7 I mean, I have to look at what happened at the plea
8 and beforehand. I can't -- I can't give you credit for the
9 good things you've been doing in the department of
10 corrections.

11 THE WITNESS: Yes, sir.

12 MR. THOMAS: Your Honor, I have no further questions.

13 THE COURT: Ms. Marto.

14 MS. MARTO: Yes, Your Honor.

15 CROSS-EXAMINATION

16 BY MS. MARTO

17 Q Good morning, sir.

18 A Good morning.

19 Q So you always wanted to go to a plea hearing on this
20 matter, right?

21 A Excuse me?

22 Q Did you always want to plead out on this case?

23 A When you say I always wanted to plead out?

24 Q Did you ever want to go to trial on this matter?

25 A Well, he told me it was best not to go to trial.

Jimmy Williams, Jr.
Cross-examination by Ms. Marto

1 Q Because you would get less time if you pled?

2 A That's what he was -- he was -- well, he was saying,
3 you know, like I told the Court, that he was talking about
4 a probation sentence, going on an ankle monitor. So that's
5 really what I was assuming, and that's the reason why I
6 entered this plea, ma'am.

7 Q And then if you went to trial you would be going on
8 the attempted murder charge, correct?

9 A Correct.

10 Q And you pled to the lesser included of ABHAN, correct?

11 A Yes, ma'am.

12 Q Okay. And do you recall the judge letting you know
13 that you were pleading, you could receive anywhere in the
14 range of zero to 20 years for pleading?

15 A Yes, ma'am.

16 Q Okay. But you didn't think that you would get all 20
17 years.

18 A No, ma'am.

19 Q But did the Court ever promise you that you would
20 receive probation only?

21 A No, ma'am.

22 Q Okay. The only person that said that was your
23 attorney, correct?

24 A Right.

25 Q And you knew the charge you were facing, correct?

1 A Yes, ma'am.

2 Q And you knew the sentencing range that was attached to
3 that.

4 A well, yes, ma'am. I knew what he had -- the plea said
5 zero to 20. So I'm assuming, yeah.

6 Q And then you knew all of the rights you waived by
7 pleading, right?

8 A Yes, ma'am.

9 Q Now, and you were told that the hearing was going to
10 be virtual, correct?

11 A Yes, ma'am.

12 Q If you were uncomfortable on the virtual setting why
13 didn't you interrupt the Court and state that you wanted to
14 wait until you could have it in person?

15 A well, I didn't know if that there would even be an
16 option.

17 Q But you understood everything that happened during the
18 plea hearing, right?

19 A well, yes. Yes and no, I mean.

20 Q You were just surprised by the sentence. Is that fair
21 to say?

22 A well, I was surprised that what he had told me, didn't
23 none of it take place, that I was not prepared for none of
24 that.

25 Q And are you saying that you are guilty of what you

Jimmy Williams, Jr.
Cross-examination by Ms. Marto

1 were charged with?

2 A Yes, ma'am.

3 Q Okay. Did you have any suspicion that your other
4 family members would speak out against you before the plea
5 hearing?

6 A No, ma'am.

7 Q So they didn't speak at your -- you said you didn't
8 have a bond hearing, correct?

9 A No. I said I was asking for a bond hearing, and he
10 told me that it would be a waste of money.

11 Q Okay. So did you think other family members beside
12 your dad were going to take your side in this whole ordeal?

13 A No, ma'am. I wasn't thinking that they was going to
14 take my side, but I didn't -- I most definitely did not
15 expect them to speak as harshly as they did, you know.

16 Q So you had a suspicion that they disapproved of what
17 happened.

18 A Correct.

19 Q But you didn't think it would be that strong. Okay.
20 Did you know that they were going to be present and speak
21 at the plea hearing?

22 A No, ma'am.

23 Q Was your dad present at the plea hearing?

24 A Yes, ma'am.

25 Q Why didn't he speak?

1 A Because he was under the assumption also that I would
2 be getting a suspended -- well, she -- a suspended sentence
3 with probation, is why he was under -- he was under the
4 assumption he thought that it may hurt my case by just
5 speaking, just and it was, like he said, it's hard to come
6 back after what my half sister had said. You know, he
7 thought that, you know, to leave it alone. But, like I
8 say, he's here today, you know, on my behalf.

9 MS. MARTO: No further questions, Your Honor.

10 THE COURT: Counsel, can y'all approach the bench,
11 please?

12 MR. THOMAS: Yes, Your Honor.

13 (Bench conference held off the record.)

14 THE COURT: All right. Do you have any more questions
15 for this defendant?

16 MR. THOMAS: No, Your Honor.

17 MS. MARTO: No, sir.

18 THE COURT: The Court's concern is the Court has
19 looked at -- it's reviewed -- just to make sure I've heard
20 it correct -- the April 14th of 2020 order regarding the
21 operation of the courts during the coronavirus emergency
22 that would have been the operative order during this plea.

23 Part of that is if the attorney is not present in the
24 room with the defendant during the plea -- read it
25 correctly -- the Court must ensure the defendant has the

Charles W. Snyder, III
Direct examination by Ms. Marto

1 ability to consult privately with counsel during the plea
2 proceeding as may be necessary. I don't see that in the
3 transcript. So that's the Court's concern.

4 MR. THOMAS: That's correct, Your Honor, and that's --
5 and our argument was going to be that although it was
6 amended to take out whether or not the attorney and the
7 defendant had to consent, which was no longer required, our
8 argument was going to go beyond that and say that he was
9 prejudiced in that he didn't have an opportunity to speak
10 to his lawyer about the problems that occurred about the
11 other witnesses.

12 THE COURT: Mr. Thomas, you elicited that testimony
13 earlier.

14 MR. THOMAS: Right.

15 THE COURT: That was why I looked it up.

16 MR. THOMAS: Yes, sir.

17 THE COURT: You know, so I think that's an issue.

18 MR. THOMAS: Thank you, Your Honor.

19 THE COURT: Ms. Marto, I want to make sure I haven't
20 missed anything in the transcript. I don't see any -- any
21 mention of that.

22 MS. MARTO: I do not see any specific mention of
23 private telephone conversations throughout the plea
24 transcript.

25 THE COURT: Okay. All right. Sir, you can step down.

1 THE WITNESS: Yes, sir.

2 MR. THOMAS: Your Honor, may I have just a second with
3 my client?

4 THE COURT: Yes, sir.

5 (Pause.)

6 MR. THOMAS: Your Honor, if it please the Court. We
7 have no further -- no further witnesses.

8 THE COURT: Okay. Yes. Mr. Marto.

9 MS. MARTO: Yes, Your Honor. We would call Mr.
10 Charles Snyder to the stand.

11 CHARLES W. SNYDER, III, having
12 been first duly sworn, testified as follows:

13 DIRECT EXAMINATION BY MS. MARTO

14 Q Good morning, sir.

15 A Good morning.

16 Q So did you represent Mr. Williams from the case's
17 inception?

18 A I did.

19 Q And you work with public defender's office, correct?

20 A That's correct.

21 Q So roughly how many times did you speak with
22 Mr. Williams about this case?

23 A Well, I was -- I saw personal contact. There was four
24 times. It may have been more times. There were -- but a
25 lot of this happened during 2020, which was an unusual

1 year.

2 So contact was harder to make during that time, but we
3 did stay in touch through the kiosk system where we can
4 exchange messages. I didn't print those. I don't have the
5 amount of times, but with all my clients that were in
6 custody, we kept regular communication as much as possible
7 through virtual meetings and through the kiosk system.

8 Q And so what did y'all discuss during those meetings --
9 conversations?

10 A The first meeting, I met him at his preliminary
11 hearing. This is before the pandemic started.

12 We just discussed what had happened, the allegations,
13 a little bit about -- about Mr. Williams, and basically the
14 allegations against him, what was required at a preliminary
15 hearing, what's standard. And after that conversation we
16 decided there was probably no need for a hearing, so it was
17 waived.

18 Our next personal meeting, we -- we discussed the fact
19 that he was on probation at the time. He thought at that
20 point he was off. That he was high on meth when the
21 incident happened. He thought his father was intruding.

22 I see I spoke with his father. He told me that Jimmy
23 was on drugs, he didn't know what he was thinking at the
24 time, that he doesn't want him to go to prison. But he
25 didn't want him to live with him at the time until he could

1 prove that he was a different person.

2 A Couple of more times. Looks like about a week prior
3 to his -- his plea we met on webex. We discussed the
4 process, how much time he had served, the fact that -- I
5 leveraged what his father wanted to get the attempted
6 murder reduced to ABHAN. I tried to get it reduced to
7 assault and battery first, which is what I went for
8 initially.

9 I referenced speaking with his father. He went over.
10 He reviewed his notes. Looks like he reached out. I don't
11 know if he reached out to his father or additional family
12 members, but he mentioned that. What his father told me
13 did not line up with what he understood. And he mentioned
14 that family members were asking for prison time and they
15 were very upset with what happened.

16 Q Okay. So there was an awareness before the plea that
17 the family members would come out strongly against him.

18 A Yes.

19 Q The only person that stood beside him was his father,
20 correct?

21 A Correct.

22 Q So what were the conversations roughly about
23 concerning the decision to plea via webex? Do you recall?

24 A Like I said, 2020 was an unusual year. We -- the
25 only -- not only was there a pandemic.

1 There was also -- they are currently constructing a
2 new courthouse. As part of that they had to demolish a
3 holding area where they would bring inmates over from the
4 detention center.

5 Since there's -- they had to demolish that area.
6 There's nowhere to hold them. They weren't transporting
7 inmates, unless for very little exceptions. Mostly -- the
8 only time I had a client actually come to the courthouse
9 during this whole process was when he was -- when it was a
10 jury trial.

11 Q So.

12 A So we -- every -- everything, especially during 2020,
13 everything we did was done virtually.

14 Q And did Mr. Williams have a full understanding of
15 that, what it entailed?

16 A I explained to him that we would all be in different
17 locations and that it would be virtual and that there was
18 nothing I could do about that.

19 Q Were you at the plea hearing surprised by the
20 statements made by his family members?

21 A I wasn't surprised. Again, what happened was a pretty
22 horrific incident. I didn't know they would come out and
23 demand for the maximum amount of time. I didn't think they
24 would refer to his daughter thinking he was the devil. And
25 they -- they spoke at length about how the daughter, his

1 daughter, had been traumatized by this incident as well as
2 other events that had taken place prior. But I knew they
3 were not happy.

4 Q And did you have an ability to contact Mr. Williams
5 privately if needed during the hearing?

6 A Now, when that was mentioned, I went through the
7 transcript. I didn't see it, but I know it's a standard
8 colloquy that judges give defendants that at any time
9 should the defendant want to speak with their lawyer that
10 we have a system in place where there are phones at the
11 jail that we can contact our client. I didn't see it in
12 the transcript, but the judges almost always give that
13 instruction.

14 Q Do you recall anything happening at the plea hearing
15 that would have caused a phone call to be necessary?

16 A In going through the transcript he -- he acknowledged
17 and understood everything that was asked of him. He
18 understood what he was pleading guilty to; he understood
19 the range; he understood there are no negotiations.

20 Seems like the one thing that he is upset about is the
21 fact that his family spoke out against him.

22 In the virtual setting, absent the judge saying you
23 can call your lawyer any time, I don't know what else could
24 have been done about that.

25 Q And was it your understanding he understood what the

1 charges were and what his rights were before the plea
2 hearing?

3 A He absolutely understood.

4 Q And, again, he understood that his family members were
5 going to come out against him before the plea hearing,
6 correct?

7 A The prosecutor told me that family was going to be
8 present virtually, I guess. I think one had to phone in
9 because she had a bad connection, but I told him that they
10 were going to be present and they wanted to speak. And I
11 knew that they were not happy. I didn't know exactly what
12 they would say. There was no way for me to know that.

13 Q Now, did you promise Mr. Williams probation only?

14 A As with all cases like this, I give them the options.
15 I tell them what they're charged with, what the possible
16 penalty could be and also that what I would be asking the
17 Court.

18 I informed him way earlier based on conversations I
19 had with his father that I was trying to get him a
20 reduction to assault and battery in the first degree. I
21 couldn't get that, but I did get it lower.

22 Based on what happened, he had no business going to
23 trial. But I guess what his father said, to get a
24 reduction. And also if you go through the transcript I
25 mentioned it numerous times to the Court, to the Court

1 during the plea, in an effort to get him a suspended
2 sentence.

3 I also asked in the alternative if the Court wanted
4 more than just the suspended sentence that home detention
5 is always an option. Based on what the judge heard from
6 the family, he decided to give him the full 20 years. He
7 did give him credit for 341 days.

8 Q Did you think it was a plea he would credit for time
9 or get -- I don't know -- credit for a time-served sentence
10 going into the plea?

11 A Considering the victim didn't want him to go to
12 prison, I thought that he had a chance. I thought he
13 had -- he was in front of the right judge. However, based
14 on what his family said and based on what the prosecutor
15 had said he -- he got a sentence that I -- a greater
16 sentence than I thought he was going to get, but he and I
17 both knew it was a possibility.

18 MS. MARTO: One moment, Your Honor.

19 THE COURT: Yes, ma'am.

20 (Pause.)

21 BY MS. MARTO

22 Q Did ever tell him that there was need to overly
23 prepare for his case because he would be going home that
24 day?

25 A If I understand what you're asking correctly based on

1 the allegation, is reference to a bond hearing?

2 Q No. I --

3 A Because he did have a bond hearing.

4 Q He did have a bond hearing.

5 A Yes.

6 Q what happened at the bond hearing?

7 A Judge Cole denied it.

8 Q Okay.

9 A Denied bond basically, which is kind of standard that
10 bond issues can get revisited in six months unless they
11 otherwise in court. Six months from the bond hearing would
12 put it at about September. He pled in October. And I saw
13 mentioned about me telling him it would a waste of money.
14 That's not how it works.

15 Q Did you think the plea was in his best interest?

16 A Based on what happened, absolutely.

17 Q And do you still believe that to this day?

18 A Yes. I mean, he -- this is not a case that was --
19 that should have been tried.

20 Q If he went to trial he would have been found guilty?

21 A Most certainly. And based on what happened, he would
22 have probably received in excess of 20 years.

23 Q And he would have received that on an attempted murder
24 charge, correct?

25 A Correct, which carries up to 30.

1 MS. MARTO: No further questions.

2 THE COURT: Mr. Thomas.

3 MR. THOMAS: If it please the Court.

4 CROSS-EXAMINATION

5 BY MR. THOMAS

6 Q Counsel, I kind of start back at the bottom and go
7 back the other way.

8 You talked about the bond hearing and the bond was
9 denied. Was part of the strategy, was to basically keep him
10 in jail because that would look better going in front of the
11 judge that he had not been out on bond?

12 A What?

13 Q Okay. Rather than get him out on bond would it have
14 been a better strategy, or was that your strategy since he
15 was denied a bond, for him to remain in the detention
16 center until such time as he pled? Because when he
17 appeared in front of the Court he would have had
18 300-something days or whatever it was already done in the
19 county facility.

20 A Okay. He was taken up for bond.

21 Q Right.

22 A It was denied. At that point there was nothing I
23 could do to get him out until we had another bond hearing.

24 Q Right.

25 A As I just mentioned, there's a rule in place that bond

1 can be revisited in six months absent a judge providing a
2 different timetable. So at that point there was nothing
3 else I could do to get him out of jail at that moment was
4 it was denied.

5 But to answer your other question, privately speaking,
6 I think it's better when a defendant goes in front of a
7 judge having served time if you're asking for a suspended
8 sentence.

9 Q Right. And that's exactly what my question was, was
10 that --

11 A It's -- it's not a strategy.

12 Q Yeah. But -- but it was part of what you were
13 thinking in regards to preparation for this plea.

14 A It was part of what I was thinking when I asked the
15 Court to give him credit for the almost year he had been in
16 our detention center --

17 Q Right.

18 A -- and to allow that to serve the -- to allow that to
19 have -- suffice the time that he needed to serve in that I
20 asked for probation based on his father's wishes.

21 Q Okay. Let me ask you this.

22 Did you ever, or your office, send paperwork to, I
23 guess, Mr. Williams, Sr. or to some of the family or
24 somebody in the family in regards to filling out paperwork
25 for home monitoring, G.P.S. monitoring?

1 A The -- his father was the victim.

2 Q Right.

3 A We don't necessarily have any obligation to the
4 victim.

5 Q No. But you -- you had spoken to his dad, is that
6 correct?

7 A I did -- I did.

8 Q Okay. And, lack of better words, he was a friendly
9 witness. He didn't necessarily wish for his son to go to
10 jail.

11 A He didn't want to see his son go to prison, but he
12 didn't want to see his son live with him.

13 Q Okay. All right. So --

14 A He told me that specifically.

15 Q Right. So you don't remember sending any paperwork to
16 him or to that house to establish some sort of G.P.S.
17 monitoring.

18 A I don't.

19 Q Okay. Okay. But based in your testimony just now you
20 did have some hope that he could get credit for his time in
21 the detention center.

22 A Which he did.

23 Q And also that the Court could take that into
24 consideration possibly. And I'll use the term G.P.S.
25 monitoring. But you were hoping that maybe he would give

1 him a large sentence and suspend it to probation and
2 monitoring.

3 A That's what I was going for.

4 Q That's what you were hoping for.

5 A Correct.

6 Q And you don't think that that was -- I mean, I guess
7 it was maybe not a likely event, but it wasn't an unlikely
8 event. You thought it was a possibility.

9 A Whenever -- in my opinion in most of the circumstances
10 the victim's desires should be taken into consideration.
11 Considering the victim didn't want him to go to prison, I
12 thought his chances of getting less were better than more.

13 Q And that was the strength of your case.

14 A I don't know what you're getting at, but he had served
15 a good amount of time in jail. His father didn't want him
16 to go to prison. So I thought those two factors were in
17 his favor.

18 Q Right, right. In his favor. But what you -- what
19 happened was that his -- the family members, the
20 sister-in-law and the stepsister, spoke to the Court.

21 A Correct.

22 Q And they basically just devastated him.

23 A They were pretty upset with what happened.

24 Q Yeah, yeah. And, in essence, would it be fair to say
25 that they painted the picture that he was so dangerous that

1 the Court needed to put him in prison because that was the
2 only way that he could be managed?

3 A Going through the transcript, they were really worried
4 about his daughter. They were really upset with what
5 happened. And it wasn't an isolated event. So I think
6 they were concerned what would happen if he did get
7 released.

8 Q Right.

9 A But, I mean, I --

10 Q You knew -- I mean, your testimony is that you knew
11 that they were going to speak.

12 A Yes.

13 Q would it have been possible for you to have spoken
14 with them prior to the hearing?

15 A To the family members?

16 Q Uh-huh.

17 A Maybe. But I called the victim who is the main person
18 affected by this whole thing.

19 Q Right.

20 A And I don't even have an obligation to do that, but I
21 did it anyway --

22 Q I understand.

23 A -- to try to get support for Mr. Williams.

24 Q I understand. And -- and maybe hindsight is 20-20,
25 but if you -- you didn't speak with him, so you really

1 didn't know what was coming.

2 A Not exactly. I knew they were not in favor of his
3 release.

4 Q Right. Now, and you brought up the fact about, I
5 think, daughter or the stepdaughter -- stepsister says that
6 he had told the -- his child that he was satan and that she
7 was the spawn of satan and all of this stuff. Did you know
8 whether that was true or not?

9 A I did not.

10 Q Okay. And also I think the stepsister says that he
11 had a mental illness as a child or talks or alludes to a
12 mental illness and about how dangerous he was then. Do you
13 remember that?

14 A Was there a question?

15 Q Yeah. Well, do you remember that being said?

16 A While going through the transcript, I saw that.

17 Q Okay. Okay. All right. But my concern was going
18 forward to the video conferencing, was that had he been
19 standing or sitting before, I guess, in the plea, standing
20 beside you, he could have said those things are not true.
21 And also I think the relationship that he had with the
22 stepsister wasn't even until he was 14 years old.

23 A What was the question?

24 Q Had he been beside you --

25 A Okay. Well, I'll answer. I'll answer that this way.

1 Q Right.

2 A I hate webex. I hate everything about webex. I hate
3 not being next to my client in webex --

4 Q Right.

5 A -- because there are lots of things that can be easily
6 handled if the client is right next to me. I've made it
7 known to everyone that I hate how this system is working,
8 but no one cares what I think.

9 Q Right. And that's my question. Had he been standing
10 beside you those things -- he could have spoken to you
11 something. Those things could have been done.

12 A Things can always be better than webex. It's the
13 problem that presents. And-but knowing -- but I didn't
14 have any other options other than doing it that way.

15 Q I understand.

16 A We were in the middle of a pandemic and the courts --
17 there were rules from Columbia that we had to operate
18 certain ways, and I -- I couldn't do anything about it.

19 Q I understand.

20 A But he's not alone. I mean, we have handled --

21 Q Yeah, yeah, yeah. And I've done cases through webex
22 too and -- and that is -- has always been one of my
23 concerns.

24 A But it's definitely a disservice to the client. It's
25 a disservice to his lawyer, to everyone, and it's -- it

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1 needs to stop.

2 Q Right.

3 MR. THOMAS: Your Honor, can I beg the Court's
4 indulgence, Your Honor?

5 THE COURT: Yes, sir.

6 (Pause.)

7 MR. THOMAS: Your Honor, I have no further questions.

8 THE COURT: Ms. Marto.

9 MS. MARTO: Yes, Your Honor. Just briefly.

10 REDIRECT EXAMINATION

11 BY MS. MARTO

12 Q Do you recall why Mr. Williams, Sr. didn't speak at
13 the plea hearing?

14 A why he did not?

15 Q Yes.

16 A I don't. I know he was given an option.

17 Q And so it's your understanding he elected not to
18 speak.

19 A Yes.

20 Q And, again, he was present at the plea hearing,
21 correct?

22 A Yes.

23 Q Now, and after his family members spoke out against
24 Mr. Williams were you aware of anything you could have done
25 in that moment to basically do damage control?

1 A I don't know of anything I could do to walk back those
2 comments. I mean, they -- they had the right to speak.
3 They spoke. And no.

4 Q You provided mitigation in this case, correct --

5 A I did.

6 Q -- where you spoke about his daughter and the fact
7 that he was an addict and was working to better himself,
8 correct?

9 A Correct. And I indicated what his father told me.

10 MS. MARTO: No further questions.

11 THE COURT: Anything, Mr. Thomas?

12 MR. THOMAS: No, Your Honor. Nothing further.

13 THE COURT: Thank you, sir. You can step down.

14 All right. Before we get to arguments I'll tell you
15 where I am.

16 Honestly, I don't see a lot of merit to the P.C.R.
17 except that one issue.

18 MR. THOMAS: Yes, sir.

19 THE COURT: And that does concern me a lot. I mean,
20 it's -- it's a Sixth Amendment issue. The order from
21 Columbia is very clear what has to be done. And that's of
22 serious concern for the Court. So let me hear, Mr. Thomas.

23 MR. THOMAS: Your Honor, if it please the Court.

24 And I think this case demonstrates that one of the
25 witnesses -- actually, I think she calls him the step --

1 the stepsister. And it's devastating. I mean, the things
2 that they say. When I read the transcript, they're
3 devastating. And it would be my thought that that's what
4 kind of drove the Court to give that amount of time.

5 Had he had the opportunity to have been standing with
6 his attorney or even if the attorney had been with him at
7 the detention center, I mean, I've done a lot of pleas and
8 I've had clients to tug on my shoulder, you know, I mean,
9 you know, and say that's not true. Then I think that
10 something could have been done, and I do think it's
11 prejudicial.

12 He knew that the dad was a friendly witness. He could
13 have -- if he could have spoken to him possibly he could
14 have even spoken to the dad.

15 I just think that because of the way it played out and
16 because of the things that they did say and his inability
17 to be able to talk to his attorney or stand down for a
18 minute or two resulted in that testimony, so to speak,
19 going to the Court, and I think it was detrimental. I
20 think it was devastating.

21 THE COURT: Ms. Marto.

22 MS. MARTO: Yes, Your Honor.

23 It's the state's position this plea was voluntarily,
24 knowingly and intelligently entered.

25 I believe Mr. Williams himself testified that he knew

1 the charges, he knew the sentencing range, he knew the
2 constitutional rights he was waiving.

3 And it was counsel's testimony that they knew the
4 family members were going to talk against him. They had
5 talked to the victim. He stated that he elected not to
6 talk.

7 He gave them a mitigation strategy after the family
8 members talked. Defendant's primary response was not to
9 freeze the plea or to cancel the plea or withdraw it in any
10 way but was rather to say, sir, you know, I been working to
11 better myself and clean and I'm a different person now, I
12 really want to be there for my daughter for support, and so
13 it would be the state's position that no prejudice has
14 really been shown in this.

15 The applicant has indicated he did not want to go to
16 trial, that he wanted to plead. He just wished for less
17 time. And though he may wish for less time than the max,
18 which many do once they receive that in a plea, that
19 doesn't itself render the plea involuntary or unknowing or
20 unintelligent. And so it's the state's position that this
21 plea is still valid.

22 And though communication may not have been perfect,
23 that in and of itself shouldn't be enough to vacate the
24 plea.

25 THE COURT: I'm going to grant the P.C.R. in this

1 case. The basis for the Court's ruling is in the Court's
2 view the testimony from the family members other than the
3 father was very damaging to the defendant.

4 I don't know if it would have been different. It very
5 well may have. The Sixth Amendment right to counsel is the
6 most fundamental right in the criminal justice system.

7 The defendant says he wanted to consult with his
8 attorney and was not able to to tell his attorney that. So
9 at least some of what the family was saying he did not
10 agree with and thought it was factually inaccurate.

11 And then of course the administrative order from
12 Columbia says that the Court must ensure that the defendant
13 is able to consult privately with his attorney. I don't
14 see that in the transcript. So for that reason I'm going
15 to grant the P.C.R.

16 Mr. Thomas, will you draft an order?

17 MR. THOMAS: I'll be glad to. Thank you, Your Honor.

18 END OF REQUESTED TRANSCRIPT OF RECORD
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CERTIFICATE

I, the undersigned Linda D. Moffitt, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of all the proceedings had and evidence introduced in the trial of the captioned cause, relative to appeal, in the Common Pleas Court for Spartanburg County, South Carolina, on the 7th day of June 2022.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

June 10, 2022

s/Linda D. Moffitt

Linda D. Moffitt
Circuit Court Reporter

STATE OF SOUTH CAROLINA)

COUNTY OF SPARTANBURG)

Jimmy D. Williams, Jr., #384161,
Applicant,)

vs.)

State of South Carolina,
Respondent.)IN THE COURT OF COMMON PLEAS
OF THE SEVENTH JUDICIAL CIRCUIT

Case No.: 2021-CP-42-01878

**ORDER GRANTING
POST-CONVICTION RELIEF**

The above-captioned matter come before the court via an application for post-conviction relief filed by Jimmy D. Williams, Jr. on June 16, 2021. This court convened an evidentiary hearing into the matter on June 7, 2022 before the Honorable William A. McKinnon. Applicant was present at the hearing and represented by Tommy A. Thomas, Esquire, and Chelsey Marto, Esquire of the South Carolina Attorney General's Office represented Respondent.

The court had the opportunity to listen to testimony and rule on the witnesses' credibility. This court also had before it a copy of the plea transcript, the record on appeal, the records of the Spartanburg County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, and the pleadings in this matter.

PROCEDURAL HISTORY

Applicant was indicted at the June 2020 term of the Spartanburg County Grand Jury for attempted murder and possession of a weapon during the commission of a violent crime (2020-GS-42-3092).

Applicant was represented on these charges by Charles W. Snyder III, Esquire ("Counsel"), and Assistant Solicitor James Edward Hunter prosecuted the case. Applicant pleaded guilty before the Honorable J. Mark Hayes, II on October 13, 2020 to the lesser included offense

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of assault and battery of a high and aggravated nature, and the weapons charge was dismissed. Applicant was sentenced to twenty years' imprisonment with credit for time served.

Applicant filed a timely notice of appeal. The South Carolina Court of Appeals dismissed the appeal on November 17, 2020 for failure to provide a sufficient explanation as required by Rule 203(d)(1)(B)(iv), SCACR. Remittitur was issued on January 15, 2021.

ALLEGATIONS

Applicant alleged the following grounds in his initial application:

1. Ineffective Assistance of Counsel

- a. Attorney advise Applicant and the victim (Applicant's father) that Applicant would receive a suspended sentence with probation.
- b. Attorney informed Applicant that the ABHAN would be dropped to an assault charge – non-violent and 65%. Attorney indicated that the Solicitor did not want Applicant to receive jail time and was in agreement to a suspended sentence and probation. After Applicant was sentenced, counsel told him it was not a paroleable offense and he would have to serve 85%.
- c. Applicant asked counsel for a bond hearing. Counsel informed Applicant that it would be a waste of money because Applicant was looking at time served, suspended sentence, and probation. Applicant believes being released on bond would have allowed him to more effectively be involved in his defense.

2. Involuntary guilty plea.

Applicant filed an amendment on June 3, 2022 that alleged the following additional grounds:

1. Applicant would contend that his plea was not freely, voluntarily, knowingly, and intelligently given for the following reasons:
 - a. Applicant was informed by Defense Counsel that if he took the plea he would receive a probationary sentence with credit for time served in the detention center. Defense Counsel told Applicant that there was no need to overly prepare for the plea because he would go home that day.
2. The Applicant never signed an agreement to conduct the hearing via WebEx, nor does the record indicate a consent to plea via WebEx.
 - a. The Applicant was in the Court room, but everyone else including the Judge were in different locations and appeared via WebEx.
 - b. That the Witnesses that spoke against the Defendant actually called the hearing to speak.
 - c. The Applicant believes this virtual hearing prejudiced him.
3. Counsel was not prepared to mitigate the statements of Family members to the Plea Judge.

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4. Any and all other issues that may arise from the PCR Trial.

Applicant seeks that his convictions be overturned and a set for a new trial.

TESTIMONY ADDUCED AT TRIAL

Applicant, Jimmy D. Williams, Jr.

Applicant began by testifying that he was appointed a public defender, did not make bond, and was in the detention center for 11 months before his plea. He testified that it was very hard to contact his lawyer as he had to use the kiosk in the detention center, and he only met with him over a monitor right before going to court, never in person. During that meeting, trial counsel advised Applicant he should enter a plea because he would get time served or a suspended sentence with probation, with which Applicant was satisfied. He knew there was a possibility of an ankle monitor. When asked by the Court if it seemed plausible that he would get time served for stabbing his father repeatedly, Applicant admitted it seemed unlikely but he trusted his attorney.

Applicant admitted that he was heavily using drugs at the time of the incident and did not realize the victim was actually his father. Despite this, his father was in favor a light sentence for Applicant and appeared at the plea hearing, as well as appeared at this evidentiary hearing. Meanwhile, Applicant's half-sister, sister-in-law, and brother, none of whom he was close with, spoke against him, stating he was a monster with horrible mental health issues.¹ Applicant testified that Counsel stated he thought the family statements would go really well, which made it clear that he never actually spoke with them. Applicant further testified that he received a copy of discovery a week before his plea, but it hurt him to see what he did to his father so he did not review it thoroughly.

¹ In the course of his prosecution and while at SCDC, he received no mental health evaluation and no concern about competence was raised.

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The day of the plea hearing, counsel did not speak with Applicant because it was via a video monitor and reception was poor. He testified that he was in the detention center in a little office with a TV monitor with Judge Hayes in the courtroom and everyone else seemed to be in their offices. Applicant testified that he understood he faced zero to twenty years' imprisonment but, based on the representation of Counsel, he went forward with the open plea. Applicant also testified that his attorney said a bond hearing was a waste of money because he thought they should go to court and get him out of jail.

Applicant testified that his counsel did not describe to him what to expect in a WebEx virtual hearing. He testified that he was not able to speak privately during the plea hearing, which was crucial because of the untrue statements his family members were making about him. He felt that these statements significantly contributed to the sentence he received but he was not able to make his attorney aware of this due to the virtual nature of the hearing.

On cross-examination, Applicant testified that he had no independent thoughts about whether he should plead or go to trial because he trusted his attorney's advice to plead guilty. He further testified that he understood he could receive twenty years by pleading and that he was aware of the rights he waived in doing so. When asked why he did not speak up to stop the hearing so he could speak to Counsel, Applicant testified that he was not aware that was an option, nor was he aware he could ask to wait and have the hearing in person.

At the close of cross-examination, this court expressed its concern regarding the inability of Applicant to speak with Counsel. This court referred to the Supreme Court's April 13, 2020 order regarding operation of the courts during the coronavirus emergency, which required that, if the attorney and defendant were not in the same room, the court must ensure that the defendant has the ability to consult privately with counsel during the plea proceeding as may be necessary.

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Mr. Thomas, as Applicant's counsel, agreed with this assessment and Ms. Marto confirmed that the plea transcript did not reflect any private communications or phone calls between Applicant and Counsel, *or that applicant was informed he had a right to communicate privately with counsel.*

Defense Counsel, Charles W. Snyder, III

Mr. Snyder, Applicant's defense counsel at the entry of his plea, testified that he was appointed to represent Applicant via his employment at the office of the public defender. He testified that had personal contact with Applicant at least four times before his plea, and he attempted to maintain regular communication through virtual meetings and the kiosk system.² He testified that he first met Applicant in person at his preliminary hearing, which was shortly before the pandemic began. They ultimately waived that hearing. At their next meeting, counsel informed Applicant that he had been on probation at the time of the incident, which Applicant did not know. Applicant informed counsel that he was high on meth and thought his father was an intruder, which led to the altercation. Counsel further testified that he spoke with Applicant's father who did not want his son to go to prison, but also did not want Applicant living with him until he had shown he was a different person.

Counsel further testified regarding meetings with Applicant, including once a week before the plea via WebEx. He informed Applicant that he had been able to leverage his father's wishes to reduce the charge from attempted murder to ABHAN. Counsel testified that he knew before the hearing that family members were not going to speak in his favor. He was surprised that they said Applicant's own daughter was traumatized by the incident, but otherwise was aware of what family members would say.

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² These meetings would have occurred during 2020, the height of the coronavirus pandemic.

Counsel then testified that he explained to Applicant that, during the virtual hearing, everyone would be in different locations and he could not change that. Counsel testified that he did not see in the plea transcript what he thought of as a standard colloquy, which is that the defendant can speak to their lawyer at any time during the virtual hearing. He maintained that Applicant answered the questions during the plea hearing properly and he knew what was happening in advance, including the rights he was waiving. He also did not believe there was a reason for him to reach out to Applicant during the hearing. During the plea, he continued to request a suspended sentence or home detention. He testified that he thought it was possible Applicant would get a time-served sentence but what the prosecutor and Applicant's family said worked against him. Counsel testified that Applicant "had no business" going to trial and he still believed the plea was in Applicant's best interest. He further stated that Applicant had a bond hearing before the Honorable J. Derham Cole, which was denied.

On cross-examination, Counsel admitted that it is often a beneficial strategy to go before a judge with a defendant who has served some time when asking for his sentence to be suspended. Regardless, he took Applicant to a bond hearing. Regarding WebEx, Counsel testified that he hates WebEx and always wishes he could be next to his client, but he had no other option.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court has reviewed the records submitted to it by the parties and the legal arguments made by the attorneys. Pursuant to S.C. Code Ann. § 17-27-80, the Court makes the following findings based upon all of the probative evidence presented.

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Sixth Amendment Violation

The Sixth and Fourteenth Amendments to the United States Constitution guarantee criminal defendants the right to the effective assistance of counsel. Strickland v. Washington, 466 U.S. 668 (1984). In this matter, unlike most post-conviction relief cases, the question is not about ineffective assistance of counsel but the complete lack of available counsel during the entry of his guilty plea. This court finds credible Applicant's testimony that he wanted to speak with Counsel regarding his family members' statements, but was not aware that he had the right or ability. This finding is bolstered by the lack of such information in the plea transcript and testimony from Counsel regarding the same.

This court is able to grant relief on this ground pursuant to S.C. Code Ann. § 17-27-20(A)(1) – “the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State.” Further, the lack of communication was in contravention of the South Carolina Supreme Court's order regarding operation of the courts during the pandemic, which required that a defendant must be able to consult privately with his attorney. This information was also not present in the plea transcript.

The right to speak privately with one's attorney is a well-accepted tenet of the Sixth Amendment to the U.S. Constitution. In fact, Federal courts have held that “the essence of the Sixth Amendment right is, indeed, privacy of communication with counsel.” *United States v. Rosner*, 485 F.2d 1213, 1224 (2d Cir. 1973), citing *Glasser v. United States*, 315 U.S. 60, 62 S.Ct. 457 (1942) (overruled on other grounds). “As a necessary part of the right to the assistance of counsel is the petitioner's right to consult and communicate with his attorney during the course of the proceedings.” See *United States v. Venuto*, 182 F.2d 519 (3d Cir. 1950). *Williams v. State*, A.L.R.3d 1360 (1966). “If the petitioner is not allowed the right of private consultation with his

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attorney, he is deprived of the effective aid of counsel.” *Coplon v. United States*, 89 U.S.App.D.C. 103, 191 F.2d 749 (1951). Based on the deprivation of private communication with his attorney, Applicant did not receive effective assistance of counsel as required by the Sixth Amendment. For these reasons, relief is granted and Applicant’s conviction is vacated.

Involuntary Guilty Plea

Because Applicant received ineffective and inadequate assistance of counsel, he could not have entered a voluntary guilty plea. A general idea in this state has been that, in order to reverse a guilty plea, an applicant must prove “something more” because “it would be wholly impractical to maintain a rule which requires the automatic reversal of a guilty plea without something more.” *Hunter v. State*, 316 S.C. 105, 109, 447 S.E.2d 203, 205 (1994). *Hunter* and the “something more” idea have been repeatedly cited in challenges of guilty pleas when it comes to satisfying the second prong of *Hill*, being that Applicant would have proceeded to trial but for counsel’s errors. *Hill*, 474 U.S. at 595. This was expressly adopted by South Carolina in *Roscoe v. State*, 345 S.C. 16, 546 S.E.2d 417 (2001).

It is abundantly clear that, in this matter, the inability of Applicant to speak with his attorney regarding what he knew to be incorrect statements by his family members led Applicant to plead guilty. It is apparent from the testimony that Applicant was not aware that he could stop the hearing in order to speak to his counsel because this information was not provided to him by either his counsel or the court. Applicant further testified that he wanted to speak alone to his attorney regarding his family’s statements but did not know this was an option. This court is satisfied that, because of the nature of the statements, a private conference between these gentlemen may have changed the outcome of the hearing. Regardless, “an allegation of ineffective assistance of counsel sets forth a *prima facie* violation of an appellant’s constitutional rights.”

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Clayton v. State, 278 S.C. 654, 657, 301 S.E.2d 133, 134 (1983). After a required evidentiary hearing, this court finds that a fundamental Constitutional right was violated and, therefore, Applicant's guilty plea could not have been given freely, voluntarily, knowingly, or intelligently. Therefore, relief on this allegation is granted and Applicant's sentence is vacated.

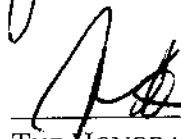
CONCLUSION

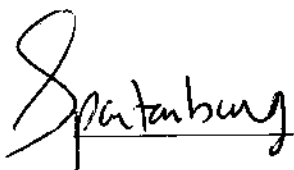
Based on the totality of information and evidence before this court, it is clear that Applicant's Sixth Amendment right to effective counsel was violated. Because of this, Applicant was induced to enter an involuntary guilty plea because he could not make it in a knowing, voluntary, intelligent, or free manner. Therefore, this court grants relief on both counts, vacates the conviction and sentence of the plea court, and remands Applicant and this charge to Spartanburg County for further proceedings.

IT IS THEREFORE ORDERED:

1. This court grants relief on the allegations of ineffective assistance of counsel and involuntary guilty plea;
2. Applicant's conviction and sentence are vacated; and
3. Applicant and his charge are remanded to Spartanburg County for further proceedings.

AND IT IS SO ORDERED this 30 day of June, 2022.

 2761
 THE HONORABLE WILLIAM A. MCKINNON
 Presiding Circuit Court Judge
 First Judicial Circuit

, South Carolina

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STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

IN THE COURT OF COMMON PLEAS

CASE NO.: 2021-CP-42-01878

JIMMY DEAN WILLIAMS, JR. #384161)

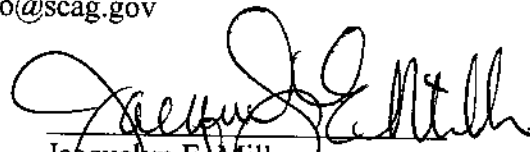
v.)

CERTIFICATE OF SERVICE

STATE OF SOUTH CAROLINA,)
_____)

I, Jacquelyn E. Miller, Paralegal to Tommy A. Thomas, Attorney for the Applicant,
hereby certify that I emailed, a copy of the signed Order Granting Post-Conviction Relief to the
Attorney General's Office, at:

Chelsey Marto, Esq.
Attorney General's Office
P.O. Box 11549
Columbia, SC 29211-1549
chelseymarto@scag.gov



Jacquelyn E. Miller
Paralegal to Tommy A. Thomas
Attorney for Applicant
P.O. Box 88
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(803) 732-5507

Irmo, SC
July 5, 2022

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July 5, 2022

The Honorable M. Hope Blackley
Spartanburg County Clerk of Court
P.O. Box 3483
Spartanburg, SC 29304

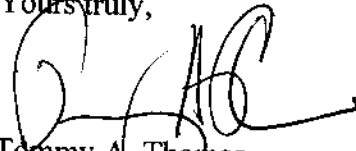
RE: Jimmy Dean Williams, Jr. #384161 v. State
Docket No.: 2021-CP-42-01878

Dear Ms. Blackley:

Enclosed please find for filing an original and a copy of a signed Order Granting Post-Conviction Relief and Certificate of Service in the above referenced matter.

Kindly return the clocked copy to me in the enclosed envelope. Thank you for your assistance in this matter and please feel free to contact me should you have any questions.

Yours truly,


Tommy A. Thomas,
Attorney at Law

TAT/jem
cc: Chelsey Marto, Esq. – Email

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TOMMY A. THOMAS, P.C.
803 732 5507 | FAX 803 781 4226 | INMATE LINE 803 732 6542
HARRINGTON BUILDING, 7588 WOODROW STREET, IRMO, SC 29063
MAIL: P.O. BOX 88, IRMO, SC 29063

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG	)	IN THE SEVENTH JUDICIAL CIRCUIT
	)	
Jimmy Williams, Jr., #384161,	)	Case No.: 2021-CP-42-01878
Applicant,	)	
	)	
v.	)	RESPONDENT'S MOTION
	)	TO RECONSIDER, ALTER, OR AMEND
	)	PURSUANT TO RULE 59(e), SCRCF
State of South Carolina,	)	
Respondent.	)	
_____	)	

The matter before this Court by way of an application for post-conviction relief (hereafter "PCR") filed June 16, 2021. This Court convened an evidentiary hearing into the matter on June 7, 2022, at the Spartanburg County Courthouse. Applicant was present at the hearing and represented by Tommy A. Thomas, Esquire. Respondent was represented by Chelsey F. Marto, Esquire, of the South Carolina Attorney General's Office. The Court granted relief by written order filed June 8, 2022, finding Applicant's Sixth Amendment right to counsel was violated because the plea court failed to ensure a direct line of communication was established between Counsel and Applicant. Specifically, the Court found that a structural error occurred and found a complete lack of Counsel existed, which rendered a prejudice analysis unnecessary. Respondent respectfully contends that this constituted an error of law.

Respondent, by and through undersigned counsel, making its Motion to Reconsider, Alter, or Amend, pursuant to Rule 59(e), SCRCF, would respectfully show the Court:

I. Procedural History

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. In June 2020, the Spartanburg County Grand Jury indicted Applicant for attempted murder (count one) and

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possession of a weapon during the commission of a violent crime (count two) (2020-GS-42-03092). Charles W. Snyder, III, Esquire represented Applicant. Assistant Solicitor J. Edward Hunter, Esquire, prosecuted the case. On October 13, 2020, Applicant pled guilty through the virtual Webex platform to the lesser-included offense of assault and battery of a high and aggravated nature before the Honorable J. Mark Hayes, II, circuit court judge. Judge Hayes sentenced Applicant to twenty years' imprisonment for ABHAN and the weapons charge was dismissed *nolle prosequi*.

Applicant filed a timely notice of appeal. The South Carolina Court of Appeals dismissed the appeal on November 17, 2020, for failure to provide a sufficient plea explanation, as required by Rule 203(d)(1)(B)(iv) SCACR. The remittitur was sent on January 15, 2021.

II. Current Action Before this Court

In his first PCR application, filed June 16, 2021, Applicant alleged:

1. Ineffective Assistance of Counsel
 - a. Attorney advised Applicant and the victim (Applicant's father) that Applicant would receive a suspended sentence with probation.
 - b. Attorney informed Applicant that the ABHAN would be dropped to an assault charge – non-violent and 65%. Attorney indicated that the Solicitor did not want Applicant to receive jail time and was in agreement to a suspended sentence and probation. After Applicant was sentenced counsel told him it was not a paroleable offence and 85%.
 - c. Applicant asked counsel for a bond hearing. Counsel informed Applicant that it would be a waste of money because Applicant was looking at time served, suspended sentence and Probation. Applicant believes being released on Bond would have allowed him to more effectively be involved in his Defense.
2. Involuntary guilty plea.

Applicant filed an amendment on June 3, 2022, alleging the following:

1. Applicant would contend that his plea was not freely, voluntarily, knowingly, and intelligently given for the following reasons:
 - a. Applicant was informed by Defense Counsel that if he took the plea he would receive a probationary sentence with credit for time served in the detention center. Defense Counsel told Applicant that there was no need to overly prepare for the plea because he would go home that day.

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AND DEPT. OF CORRECTIONS

2. The Applicant never signed an agreement to conduct the hearing via WebEx, nor does the record indicate a consent to plea via WebEx.
 - a. The Applicant was in the Court room, but everyone else including the Judge were in different locations and appeared via WebEx.
 - b. That the Witnesses that spoke against the Defendant actually called into the hearing to speak.
 - c. The Applicant believes this virtual hearing prejudiced him.
3. Counsel was not prepared to mitigate the statements of Family members made to the Plea Judge.
4. Any and all other issues that may arise from the PCR Trial.

The PCR Court granted relief, by written order, on June 30, 2022, based upon the following allegations:¹

1. Denial of Sixth Amendment Rights.
 - a. The plea court did not ensure Applicant had a direct line to access Counsel by phone during the plea proceedings.
2. Involuntary plea because of the failure to explicitly ensure Applicant had a direct line to access Counsel through.

III. Argument

Here, the Court found that a structural error existed that was so egregious it constituted a Sixth Amendment violation. This violation was the alleged deprivation of Applicant's ability to directly and privately communicate with Counsel during the plea hearing. Accordingly, because a structural error was found, the Court did not engage in an analysis concerning prejudice. The Court further found that the structural error inherently led to the plea not being entered freely, voluntarily, knowingly, and intelligently. Respondent respectfully contends that this was an error of law and, accordingly, inappropriate in this case.

"[T]he right to the effective assistance of counsel is recognized not for its own sake, but because of the effect it has in the ability of the accused to receive a fair trial." *United States v. Cronin*, 466 U.S. 648, 658 (1984). Further, "[a]bsent some effect of challenged conduct on the

¹ These issues were not raised by Applicant but, instead, were raised *sua sponte* by the Court.

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 HARTSBURG COUNTY
 AMY W. COX

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reliability of the trial process, the Sixth Amendment guarantee is generally not implicated.” *Id.* The burden of proof still remains on Applicant to demonstrate a constitutional violation, though there are “circumstances that are so likely to prejudice the accused that the cost of litigating their effect in a particular case is unjustified.” *Id.* Among these are “if the accused is denied counsel at a critical stage of his trial”, “if counsel entirely fails to subject the prosecution’s case to meaningful adversarial testing”, and circumstances in which “although counsel is available to assist the accused during a trial, the likelihood that any lawyer, even a fully competent one, could provide effective assistance is so small that a presumption of prejudice is appropriate without inquiry into the actual conduct of the trial.” *Id.* at 659-60.

In South Carolina, structural issues, as addressed in *Cronic*, have been found sparingly and typically in the most egregious of cases. *See Nance v. Ozmint*, 367 S.C. 547, 555, 626 S.E.2d 878, 882 (2006) (finding ineffective assistance of counsel under *Cronic* when lead counsel was ill and on heavy medication and co-counsel had only practiced law for eighteen months, for failure to communicate to the jail to stop anti-psychotic medication when claiming mental illness in court, for clearly communicating to the jury that the defense attorneys did not want to be at the trial, for failure to qualify the defense expert when asserting a defense of guilty but mentally ill, and for failure to present adaptability evidence at the sentencing hearing); *McKnight v. State*, 320 S.C. 356, 359-60, 465 S.E.2d 352, 354 (1995) (finding ineffectiveness under *Cronic* when trial counsel was absent during the testimony of a victim at trial).

Though a novel issue, courts that have begun addressing issues concerning virtual court hearings have generally found that any constitutional violations need to be rooted in the prejudicial impact extending beyond the format of the hearing itself. *See Lewis v. State*, 2022 F.3d 994, 1001 (2021) (finding that the issue was not rooted in the hearing occurring through

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AMY W. COX

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telephone or zoom, but that the attorney did “absolutely nothing for [the defendant] regardless of format); *State v. Torres*, 2022 WL 829907, ¶¶ 12, 14, 48 (Ct. App. Ohio filed Mar. 21, 2022) (finding that the defendant was entitled to relief because he was not afforded any opportunity to meet with counsel *before* the virtual hearing).

Applicant’s case does not fit one of the structural errors or circumstances as delineated by the Court in *Cronic* and its progeny. Counsel was present for the entirety of the hearing, was professional and otherwise adequately did his job, and seemingly spoke to Applicant in detail before the plea. Thus, a structural error is not present, and prejudice cannot be presumed accordingly.

Respondent contends that any failure to establish a direct line of communication between Applicant and Counsel during the plea was non-prejudicial. The plea hearing transcript itself reflects that the plea was entered freely, knowingly, intelligently, and voluntarily. Applicant informed the Court he wanted to plead to the lesser-included offense of ABHAN. (Plea Tr. 5). Applicant stated he was not on any substances impacting his ability to understand the plea. He stated he was not promised or threatened into pleading, that the plea was free and voluntary, and that he was satisfied with his lawyer, and that he understood the rights he was waiving by pleading, including the right to a jury trial, to call and confront witnesses, to present evidence, to establish a defense, to remain silent, and to subpoena. (Plea Tr. 6-8). He admitted to the facts as stated by the prosecutor. (Plea Tr. 8-11). He stated he knew he could be sentenced up to twenty years and that he was pleading to a violent and serious charge, while knowing the consequences of the distinctions. (Plea Tr. 11-12). He stated all his answers were truthful. (Plea Tr. 12). At the PCR hearing, Applicant confirmed he wanted to plead because he was afraid of facing more time at trial. (PCR Tr. 22-23). Applicant stated he was confused as to why he did not receive a lesser

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PARANBING COUNTY
JAMES H. COY

sentence, but admitted guilt to the crime, and that he understood the charge plead to, the rights waived by pleading, and the sentencing range he was pleading to. (PCR Tr. 23-25). Counsel stated that based upon his recollection and review of the transcript Applicant understood what he was pleading to and that his only issue was concerning the statements made by his family members. (PCR Tr. 32-33). Applicant's discontentment seemingly hinges only on the statements his family made prior to sentencing.

Though Applicant claims he wanted to correct erroneous statements made by family members prior to sentencing, he has failed to establish any prejudice on this ground. Applicant gave a well-spoken statement following his family members' statements, in which he never stated that anything in those statements were erroneous. (Plea Tr. 23-24). Additionally, during and after the statements were offered, Applicant never attempted to interrupt the proceedings and request the Court permit him to speak with Counsel. (Plea Tr. 14-21). At the PCR hearing, he stated he did not expect his family to take his side and suspected they disapproved of what happened but did not expect for them to speak against him as harshly as they did. (PCR Tr. 25). Additionally, Counsel testified that he reached out to Applicant's father and seemingly thought that Applicant spoke to his father and additional family members. (PCR Tr. 30). He stated that he knew Applicant's family members beyond his father were seeking prison time and that they were very upset with what happened. (PCR Tr. 30). Counsel testified that they were aware Applicant's family members were coming out strongly against him and that the only person standing beside Applicant was his father. (PCR Tr. 30). Counsel testified he was not surprised by the statements made but did not think they would demand the maximum sentence. (PCR Tr. 31). Counsel testified he informed Applicant that his family members were going to speak at his plea hearing that they were not happy about what happened. (PCR Tr. 33). Counsel testified that Applicant

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likely would have received more time at trial. (PCR Tr. 35). Counsel testified that he was unaware of anything he could have done to walk back the family members' statements once they were offered. (PCR Tr. 43-44). After these statements, he offered a statement in mitigation, which included what Applicant's father told him. (Plea Tr. 22; PCR Tr. 44). Thus, the record reflects Applicant understood the plea proceedings, did not want to proceed to trial instead, understood he could be sentenced to up to twenty years, that he knew his family would speak against him at the plea hearing, and that there was nothing Counsel could have done to walk back these statements. Thus, no prejudice has been established in this instance.

In sum, Respondent contends that there was no denial of the right to speak to Counsel. If Applicant was explicitly forbidden from speaking with Counsel during the proceedings, the analysis may be different. Instead, the record remains silent on this issue and, Respondent contends, there has been no showing of a denial of a direct line to Counsel because no attempt on Applicant's part to speak to Counsel was ever made. Further, Respondent respectfully contends that the Court erred as a matter of law by either presuming prejudice or alleviating him from showing prejudice based on a finding that this was a structural error or otherwise constituted a circumstance so egregious where a prejudice analysis is not needed. A finding of prejudice is required, and a showing of prejudice has not been made here. Accordingly, relief should be denied on this ground.

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IV. Conclusion

Based on all the foregoing, Respondent respectfully requests this Court reconsider its prior ruling and deny relief to Applicant based on the erroneous finding that Applicant Sixth Amendment Rights were violated. Respondent requests a hearing to fully argue this 59(e), SCRCF, motion and address each of the raised issues before this Court.

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

CHELSEY F. MARTO
Assistant Attorney General

By: /s Chelsey F. Marto
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Telephone: (803) 734-0386

July 18, 2022

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SPARTANBURG COUNTY
AMY W. COX

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG	)	FOR THE SEVENTH JUDICIAL
	)	CIRCUIT
Jimmy Williams, Jr., #384161,	)	
	)	Case No.: 2021-CP-42-01878
Applicant,	)	
	)	
v.	)	Certificate of Service
	)	
State of South Carolina	)	
	)	
Respondent,	)	
_____	)	

1. Undersigned is counsel of record for the Respondent in the above-captioned action.
2. Pursuant to the South Carolina Supreme Court's Order "RE: Operation of the Trial Courts During the Coronavirus Emergency" (Appellate Case No. 2020-000447), dated April 3, 2020), "a lawyer admitted to practice law in this state may serve a document on another lawyer admitted to practice law in this state using the lawyer's primary email address listed in the Attorney Information System (AIS)."
3. Undersigned has served a copy of the Respondent's Motion to Reconsider, Alter, or Amend Pursuant to Rule 59(e), SCRCP, in the above-captioned matter on opposing counsel by emailing a copy to the email address as listed in the AIS:

Tommy A. Thomas, Esquire
thomaslaw@me.com

DATED this 18th Day of July, 2022.

/s Chelsey F. Marto
Chelsey F. Marto
Assistant Attorney General
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3737
ChelseyMarto@scag.gov

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SPARTANBURG COUNTY
AMY W. COX

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ALAN WILSON
ATTORNEY GENERAL

July 18, 2022

The Honorable Amy W. Cox
Spartanburg County Clerk of Court
Post Office Box 3483
Spartanburg, South Carolina 29304-3483

Re: Jimmy Williams, Jr., #384161v. State of South Carolina
2021-CP-42-01878

Dear Ms. Cox:

Enclosed please find Respondent's Motion to Reconsider, Alter, or Amend Pursuant to Rule 59(e), SCRCP, in the above-captioned case for filing in your office.

Sincerely,

/s Chelsey F. Marto
Chelsey F. Marto
Assistant Attorney General

CFM
Enclosures

cc: The Honorable William A. McKinnon
Tommy A. Thomas, Esquire

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SPARTANBURG COUNTY
AMY W. COX

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	OF THE SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
Jimmy D. Williams, Jr., #384161,	)	
Applicant,	)	RETURN TO RESPONDENT'S
	)	59(E) MOTION
vs.	)	
	)	
State of South Carolina,	)	
<u>Respondent.</u>	)	Case No.: 2021-CP-42-01878

The above-captioned matter came before the court via an application for post-conviction relief filed by Jimmy D. Williams, Jr. on June 16, 2021. This court convened an evidentiary hearing into the matter on June 7, 2022 before the Honorable William A. McKinnon. Applicant was present at the hearing and represented by Tommy A. Thomas, Esquire, and Chelsey Marto, Esquire of the South Carolina Attorney General's Office represented Respondent.

An order granting relief in this matter was signed June 30, 2022, Respondent filed a motion to reconsider, alter, or amend pursuant to SCRCP 59(e) on July 19, 2022. This response to that motion follows.

ARGUMENT

Respondent disagrees with this court's alleged failure to do a prejudice analysis in regard to the finding of a Sixth Amendment violation. In order to make this argument, Respondent cites *Cronic v. United States*, 446 U.S. 648, 104 S.Ct. 2039 (1984) and the South Carolina case adopting it, *Nance v. Ozmint*, 367 S.C. 547, 626 S.E.2d 878 (2006). These cases state that there are three limited issues in which prejudice, to the extent that the *Strickland*¹ standard is satisfied, can be presumed and, therefore, further analysis is unnecessary. Applicant believes that this situation falls into the category of denial of counsel at a critical stage of his trial. *Nance*

¹ *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984).

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SPARTANBURG COUNTY
AMY COX

at 552, 626 S.E.2d at 880. In *McKnight v. State*, 320 S.C. 356, 465 S.E.2d 352 (1995), our Supreme Court held that even though an attorney was present for most of a trial, absence during an important part constituted *per se* prejudice as contemplated by *Cronic*. Though counsel here was present, he was not available for private conversation as required by the Sixth Amendment and case law.

Regardless, Applicant argues that a prejudice analysis was performed and this court was satisfied as to its finding. Multiple cases were cited in the order granting relief that held defendants have a constitutional right to private communications with counsel. Failure to allow this, as evidenced by testimony at the hearing, prevented Applicant from discussing the proceedings with his attorney as he wished. Neither the court nor the attorney informed Applicant that he could confer privately with his counsel during the hearing. "If the petitioner is not allowed the right of private consultation with his attorney, he is deprived of the effective aid of counsel." *Coplon v. United States*, 89 U.S.App.D.C. 103, 191 F.2d 749 (1951). This clearly satisfies the effectiveness prong of *Strickland*.

If any relief may be granted on this motion, it should be limited to further written analysis in the order of how the prejudice prong of *Strickland* is satisfied. This satisfaction requires the defendant to "show that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome." *Strickland*, 466 U.S. at 694, 104 S.Ct. 2052. Testimony adduced at the post-conviction relief hearing showed that he was genuinely concerned about the statements made during sentencing but did not know he could speak to his attorney about them. Had he been able to speak with his attorney about these

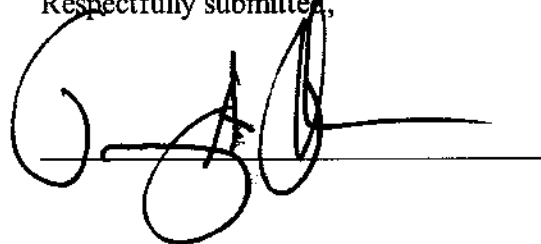
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SPARTANBURG COUNTY
MARY W. COX

statements, there is a probability that the plea hearing would have been stopped or withdrawn due to the chance these statements would significantly increase his sentence.

Not only was the right to private conversation counsel violated, but the Supreme Court's order also requiring private communication during virtual hearings was violated. Though there is no direct sanction for violation of this order, it should cause this court grave concern that this hearing was not conducted in compliance with the Court's requirements.

Lastly, Respondent wholly ignores this court's second finding that, due to the lack of private communication, Applicant's guilty plea was not knowingly, voluntarily, freely, and intelligently entered. Applicant testified that, before the plea, he did not have any independent thoughts about whether he should plead or go to trial, so he followed counsel's advice to plea because he felt he would get a light sentence. When counsel was essentially unavailable during the entry of the plea, Applicant did not have the benefit of advice or conference, especially as things began to take a turn for the worse. Applicant had no inkling that his family members would testify so harshly against him and, if he had, he would have chosen a different course of action. Deprivation of the right and ability to discuss with counsel led him to enter a guilty plea without full knowledge, intelligence, freedom, or voluntariness.

Respectfully submitted,



Tommy A. Thomas
Attorney for Applicant
P.O. Box 88
Irmo, SC 29063
July 28, 2022

(803) 732-5507

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SPARTANBURG COUNTY
AMY W. COOPER

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)

IN THE COURT OF COMMON PLEAS

CASE NO.: 2021-CP-42-01878

JIMMY DEAN WILLIAMS, JR. #384161)
)
)

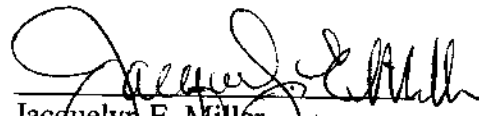
v.)

CERTIFICATE OF SERVICE

STATE OF SOUTH CAROLINA,)
)
)
 _____)

I, Jacquelyn E. Miller, Paralegal to Tommy A. Thomas, Attorney for the Applicant,
 hereby certify that I emailed, a copy of the Return to Respondent's 59 (e) Motion to the Attorney
 General's Office, at:

Chelsey Marto, Esq.
 Attorney General's Office
 P.O. Box 11549
 Columbia, SC 29211-1549
 chelseymarto@scag.gov



Jacquelyn E. Miller
 Paralegal to Tommy A. Thomas
 Attorney for Applicant
 P.O. Box 88
 Irmo, SC 29063
 (803) 732-5507

Irmo, SC
 July 28, 2022

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 SPARTANBURG COUNTY
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July 28, 2022

The Honorable M. Hope Blackley
Spartanburg County Clerk of Court
P.O. Box 3483
Spartanburg, SC 29304

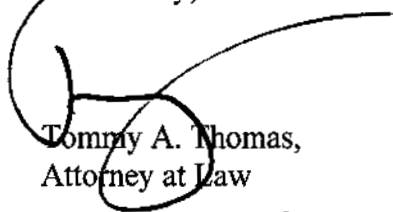
RE: Jimmy Dean Williams, Jr. #384161 v. State
Docket No.: 2021-CP-42-01878

Dear Ms. Blackley:

Enclosed please find for filing an original and a copy of the Return to Respondent's 59 (e) Motion and Certificate of Service in the above referenced matter.

Kindly return the clocked copy to me in the enclosed envelope. Thank you for your assistance in this matter and please feel free to contact me should you have any questions.

Yours truly,


Tommy A. Thomas,
Attorney at Law

TAT/jem
cc: Chelsey Marto, Esq. – Email
The Honorable William A. McKinnon – Email and mail

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SPARTANBURG COUNTY
AMY W. COX

TOMMY A. THOMAS, P.C.

803 732 5507 | FAX 803 781 4226 | INMATE LINE 803 732 6542
HARRINGTON BUILDING, 7588 WOODROW STREET, IRMO, SC 29063
MAIL: P.O. BOX 88, IRMO, SC 29063

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

Jimmy Williams, Jr., #384161,

Applicant,

vs.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLES
FOR THE SEVENTH JUDICIAL CIRCUIT

Case No.: 2021-CP-42-01878

Order Denying Motion to Reconsider

This matter comes before the Court by way of Respondent's Motion to Reconsider, Alter or Amend. The Motion to Reconsider, Alter or Amend is DENIED.

IT IS SO ORDERED.

Spartanburg, South Carolina
August 1, 2022

 2761
The Honorable William A. McKinnon
Circuit Judge

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SPARTANBURG COUNTY
AMY W. COX



August 8, 2022

The Honorable M. Hope Blackley
Spartanburg County Clerk of Court
P.O. Box 3483
Spartanburg, SC 29304

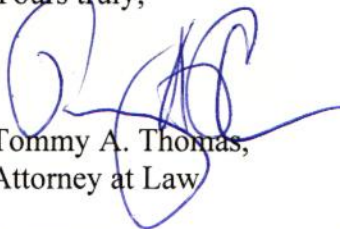
RE: Jimmy Dean Williams, Jr. #384161 v. State
Docket No.: 2021-CP-42-01878

Dear Ms. Blackley:

Enclosed please find for filing an original and a copy of the signed Order Denying Motion to Reconsider in the above referenced matter.

Kindly return the clocked copy to me in the enclosed envelope. Thank you for your assistance in this matter and please feel free to contact me should you have any questions.

Yours truly,



Tommy A. Thomas,
Attorney at Law

TAT/jem
cc: Chelsey Marto, Esq. – Email

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SPARTANBURG COUNTY
AMY W. COX

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TOMMY A. THOMAS, P.C.

803 732 5507 | FAX 803 781 4226 | INMATE LINE 803 732 6542
HARRINGTON BUILDING, 7588 WOODROW STREET, IRMO, SC 29063
MAIL: P.O. BOX 88, IRMO, SC 29063

WITNESSES

SCSO

Jimmy G. Owens

ARREST WARRANT NUMBER

2019A4210204694-Count 1
 2019A4210204695-Count 2

ACTION OF GRAND JURY

True Bill

Jimmy G. Owens
 Foreperson of Grand Jury
 Date:

VERDICT

Foreperson of Petit Jury
 Date

DOCKET NO.

20-GS-42-3092

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

JUN 15 2020

TERM

THE STATE

VS.

NP Court II only

per pre agreement

JEH JEL 10/13/20

Jimmy Dean Williams, Jr

Indictment for

COUNT ONE- ATTEMPTED MURDER, COUNT
 TWO-POSSESSION OF WEAPON DURING
 VIOLENT CRIME

SC Code: 16-3-029, 16-23-490

CDR Code: 3410, 549

Class FEL-A & FEL-F

FILED

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 CLERK C.T. COOPER
 SPARTANBURG COUNTY
 AMY W. COX

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

SPARTANBURG

VS.

Jimmy Dean Williams Jr

AKA:

37

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2020GS4203092

A/W#: 2019A4210204694

Date of Offense: 11/8/2019

S.C. Code § 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
 In disposition of the said indictment comes now the Defendant who was
 ID: Assault/Battery of a High and Aggravated Nature (0-20)

is violation of § 16-03-0600(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3411

☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC) ☐ §17-25-45

The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Prosecution to Grand Jury, (defendant's initials)
 The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: *James E Hunter*
 HUNTER, JAMES EDWARD

SCB77517
 SC Bar

at Jimmy Dean Williams Jr
 Defendant

at Charles W. Snyder
 Snyder III, Charles W.
 Attorney for Defendant
 SCB79961
 SC Bar

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed years
 and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
 of \$; plus costs and assessments as applicable; the balance is suspended with probation for
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation. *3410*

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-19-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Del. Waives Hearing ☐ Ordered *PTUP*

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fees:

§14-1-306 (Assessment 107.5 %)	\$	
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100</u>
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2895 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25</u>
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(7) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ <u>3.75</u>

TOTAL

\$ 138.75

Clerk of Court/ Deputy Clerk

Court Reporter: *[Signature]*

SCCA/217 (04/2018)

Obtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning \$ paid to Public Defender Fund

Other:

*No Contact Order with Victim or Family member**Need to attend 12 weeks of treatment*☒ Appointed PD or appointed other counsel

Proviso requires \$500 be paid to Clerk
 during probation and shall be collected before
 any other fees.

Presiding Judge

Judge Code: *245*Sentence Date: *12/23/2020*

ARREST WARRANT

2019A4210204694

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

THE STATE

19110488

Jimmy Dean Williams, Jr

Address: 835 Corn Mill Rd

Cowpens, SC 29330-9304

Phone: (864)809-5148

SSN: 248-75-4548

Sex: M Race: W Height: 6'1" Weight: 180

Offense: Assault / Attempted Murder

Offense Code: 3410

Code/Ordinance Sec: 16-03-0029

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on November 8, 2019

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
180 Magnolia Street
P O Box 3483
Spartanburg, SC 29304

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2011
SCCA 511

Personally appeared before me the affiant Megan E Burrell who being duly sworn deposes and says that defendant Jimmy Dean Williams, Jr did within this county and state on or about 11/8/2019 violate the criminal laws of the State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Spartanburg) in the following particulars:

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on November 8, 2019, in the county of Spartanburg, one Jimmy Dean Williams Jr did commit the crime of Assault / Attempted Murder in that he did use a knife as a weapon with the attempt to kill the victim Jimmy Dean Williams Sr. Affiant belief based on police investigation. so

Signature of Affiant

Megan E Burrell (Bennett)

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Spartanburg

Affiant's Address 8045 Howard Street

Spartanburg, SC 29303-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 11/8/2019 defendant Jimmy Dean Williams, Jr

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Spartanburg) as set forth below:

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 11/8/2019Signature of Issuing Judge
Donnie Benjamin Blackley

Judge Code: 5862

Judge's Address Spartanburg County Judicial Center

Spartanburg, SC 29306-2335

Judge's Telephone (864)596-3424

Issuing Court ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

BAIL set by

Judge _____
 on _____
 Type and Amount: _____
 Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
 on _____
 Defendant Attorney: _____
 Decision: _____

DISPOSITION before

Judge _____
 on _____
 by _____
 (indicate jury trial, bench trial, plea, not pros., etc.)
 Disposition: _____
 Sentence: _____

JURORS

WITNESSES

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

Name: _____
 Address: _____
 Telephone: _____

CODEFENDANTS





Spartanburg County Sheriff's Office

Deputy Report for Incident 19110488

Nature: Assault-Knife
Location: 39

Address: 835 CORNMILL RD
COWPENS SC 29330

Offense Codes: AKNF

Received By:	How Received:	Agency: SCSO
Responding Officers: McGill J		
Responsible Officer: Nix J R	Disposition: ACT 11/08/19	
When Reported: 01:24:00 11/08/19	Occurred Between: 00:00:00 11/08/19 and 00:25:00 11/08/19	

Assigned To:	Detail:	Date Assigned: **/**/**
Status:	Status Date: **/**/**	Due Date: **/**/**

Complainant: 89967

Last: WILLIAMS	First: SANDRA	Mid: EUBANKS
DOB: 0	Dr Lic: 0	Address:
Race: W	Sex: F	Phone: (864)809-0572

Offense Codes

Reported:	Observed:
Additional Offense: AKNF Assault with a Knife	

Circumstances

BM88 No Bias
LT20 LOC-Residence or Home
VTR03 Victim was Parent: PA
WKNIF W-Knife/Cutting Instrmnt Used

Responding Officers: McGill J
Unit :

Responsible Officer: Nix J R	Agency: SCSO
Received By:	Last Radio Log: **/**/**
How Received:	Clearance: UND Under Investigation
When Reported: 01:24:00 11/08/19	Disposition: ACT Date: 11/08/19
Judicial Status:	Occurred between: 00:00:00 11/08/19
Misc Entry:	and: 00:25:00 11/08/19

Modus Operandi:	Description :	Method :
-----------------	---------------	----------

Involvements

Date	Type	Description	
11/08/19	Name	WILLIAMS, SANDRA EUBANKS	Complainant
11/08/19	Name	WILLIAMS, JIMMY DEAN JR	Suspect
11/08/19	Name	WILLIAMS, JIMMY DEAN SR	Victim

Deputy Report for Incident 19110488

Page 3 of 5

Narrative

On the above date and time I responded to 835 Cornmill Rd in reference to a stabbing and a disturbance.

Responsible LEO:

Approved by:

Date

Supplement McGill J**INVESTIGATION REPORT**

Spartanburg County Sheriff's Department

Case Number: 19110488

Incident Type: Attempted Murder

Victim: Jimmy Williams Sr

Location: [REDACTED] [REDACTED] [REDACTED]

Incident Date: 11/08/2019

Patrol Officer: J. Q. McGill

Investigator:

On 11/08/2019 I Deputy Johnathan McGill responded to 835 Corn mill Rd, within the county limits of Spartanburg, in reference to a stabbing call. While in route Spartanburg County Communications stated a female caller, later identified as Ms. Sandra Williams, stated her son stabbed her husband. In addition, Spartanburg County Communications further advised a male was now on the line whom appeared to be inconsistent with his statements. Spartanburg County Communications further stated the line was disconnected. While simultaneously monitoring the radio I activated my emergency equipment (lights & siren) and proceeded to the scene.

Upon arrival I was met by Ms. Sandra Williams whom was standing on the porch, yelling he ran that way; pointing toward a path behind the house. It was then myself and Deputy J. Nix (D-39) proceeded down the path to a white storage building. The door to the storage building was secure and locked. I stood by with the building while Deputy J. Nix and other deputies cleared the house. Spartanburg County EMS arrived on scene along with other support deputies.

I observed Deputies yell "contact" from the other side of the property. I proceeded on foot to the other side and visually observed other deputies take Mr. Jimmy Williams Jr. in custody. I then returned to the area where my patrol vehicle was parked.

This concludes my involvement in the case.

Name Involvements:**Suspect : 162053****Last: WILLIAMS****First: JIMMY****Mid: DEAN****DOB: [REDACTED]****Dr Lic: [REDACTED] 4****Address: [REDACTED]****Race: W Sex: M****Phone: (864)809-5148****[REDACTED]****Victim : 217425****Last: WILLIAMS****First: JIMMY****Mid: DEAN****DOB: [REDACTED]****Dr Lic: [REDACTED]****Address: [REDACTED]****Race: W Sex: M****Phone: (864)809-0574****[REDACTED]****Complainant : 89967****Last: [REDACTED]****First: SANDRA****Mid: EUBANKS****[REDACTED]****Dr Lic: [REDACTED]****Address: [REDACTED]****Race: W Sex: F****Phone: (864)809-0572****[REDACTED]**

VICTIM NOTIFICATION (560) FORM

STATE OF SOUTH CAROLINA)

COUNTY OF SPARTANBURG)

STATE OF SOUTH CAROLINA

VS

WILLIAMS JR., JIMMY

CHECK AND COMPLETE ONE OF THE FOLLOWING

☒

A representative of the Spartanburg County Detention Facility, (the facility having custody of the defendant), acknowledges that a reasonable attempt was made to notify the victim(s) sufficiently, in advance of the bond hearing.

Name of Victim(s)

WILLIAMS SR., JIMMY☐

A representative of the Spartanburg County Detention Facility, (the facility having custody of the Defendant) indicates the victim(s) did not wish to be notified of the bond hearing.

Name of Victim(s)

Freshman

(Printed name of Representative)

K. J. M. [Signature]

(Judge's Signature)

- Or the arresting officer if Defendant is brought directly before the judge
- SCCA/560



SPARTANBURG COUNTY SHERIFF'S OFFICE

DETENTION

CHUCK WRIGHT, SHERIFF

MAJOR FREEMAN

VICTIM/WITNESS JAIL NOTIFICATION FORM
Victim Notification Form of Arrest & Bond Hearing

SUSPECT WILLIAMS JR., JIMMY
 OFFENSE ATTEMPTED MURDER
 WARRANT # 2019A4210204694

VICTIM WILLIAMS SR., JIMMY
 ADDRESS / PHONE [REDACTED]
 OTHER CONTACT [REDACTED]

ATTEMPTS MADE TO CONTACT VICTIM:

DATE: 11/8/2019 TIME: 0502 VM
 DATE: _____ TIME: _____
 DATE: _____ TIME: _____

COMMENTS:

NOTIFIED VIA HIS WIFE. HE IS IN CRITICAL CARE AT THE
HOSPITAL. WILL NOT BE ATTENDING. FORWARDING TO A.
ARRIWOOD FOR ASSISTANCE.

PRESTON

PRINTED NAME OF JAIL OFFICIAL

*My signature certifies that I advised the victim of their right to attend the bond hearing and to make a statement regarding bond or bond conditions.

- ☒ c. Defendant was informed orally and provided a copy of this form advising him of his right to obtain court-appointed counsel if indigent (must meet guidelines set forth in Rule 602(b), SCACR) and instructions on how to obtain court-appointed counsel. In order to apply for court-appointed counsel, defendant is required to appear before Public Defender Office located at 366 North Church Street Suite 3000 Spartanburg SC for indigency screening. Defendant is responsible for a statutory fee of \$40.00 for indigency screening unless that fee is waived or reduced pursuant to §17-3-30(B).
- ☐ 6. _____ (Def. Initials) In all domestic violence cases and any case where defendant is subject to an Order of Protection or Restraining Order, defendant signed and was provided a document explaining that entering the grounds or property of a domestic violence shelter in which the person's household member resides constitutes an additional misdemeanor charge and, if in possession of a dangerous weapon, an additional felony charge.
- ☒ 7. If the charges that have been brought against you are discharged, dismissed, or nolle prossed or if you are found not guilty, you may have your record expunged.
- ☒ 8. Defendant is required to keep court notified of any change of address until final disposition of charge(s).

First

Appearance or January 9, 2020
 Bond Hearing 9:00 AM
 Date


 Judge's Signature


 Defendant's Signature

November 8, 2019

☐ Defendant refused to sign.

Jimmy Dean Williams Jr

County Of Spartanburg

Case Number/Charge:

2019A4210204694/Assault / Attempted Murder

Trial Court:

General Sessions

CHECKLIST FOR MAGISTRATES AND MUNICIPAL JUDGES

Directions: Magistrates and municipal court judges must use this checklist for ALL GENERAL SESSIONS and for ALL MAGISTRATE AND MUNICIPAL COURT CASES IN WHICH BOND IS SET BY A JUDGE. Magistrates and municipal judges must also use the Checklist on those offenses, for which bond cannot be set by a summary court judge ("non-bailable"), that are GENERAL SESSIONS OFFENSES IN WHICH THEY ARE CONDUCTING FIRST APPEARANCES. The judge shall attach this checklist to the charging document (arrest warrant or uniform traffic ticket) when the defendant first appears before a judge for a bond hearing or first appearance, and complete the appropriate sections. Defendant must initial where indicated, sign, and be provided a completed copy of this form.

☐ BAIL PROCEEDING/☐ FIRST APPEARANCE BEFORE A MAGISTRATE OR MUNICIPAL JUDGE
OFFENSES THAT ARE NON-BAILABLE BY A SUMMARY COURT JUDGE)

1. Form used at bail proceeding ☐ Bond Form I (personal recognizance) ☐ Bond Form II (surety, cash, percentage)
☐ None (Non-Bailable Offense) because ☐ charge carries penalty of life or death; or
☐ defendant charged with violent offense while bonded

out * BOND To Be Set By Circuit Court on violent offense

2. JD (Def. Initials) For cases in which bond was set, defendant was informed:

☐ a. JD Warrant for arrest may be issued for violation of any condition of bail bond order.

☐ b. His right and obligation to be present at trial and that trial may proceed in his absence if he fails to attend.

☐ c. Failure to appear in court as required may result in institution of additional criminal charges. S.C. Code Ann. § 17-15-90 (2014). Failure to appear in connection with a felony, or while awaiting sentence after conviction, carries an additional penalty of not more than \$5,000 or imprisonment for not more than 5 years, or both. Failure to appear in connection with a charge for a misdemeanor for which the maximum possible sentence is at least one year, carries an additional penalty of not more than \$1,000 or imprisonment for not more than one year, or both. Failure to appear in court as required on any charge not specified above may result in the issuance of a warrant for defendant's arrest, as well as loss of any posted bond.

3. JD (Def. Initials) For cases to be tried in Court of General Sessions, defendant was informed of right to preliminary hearing if requested within ten (10) days:

☐ Orally ☐ In writing {NOTE: Defendant must be informed of right both orally and in writing.}

☐ 4. JD (Def. Initials) Defendant was informed of the right to trial by jury.

5. JD (Def. Initials) In all general sessions cases, in all domestic violence cases, and in all magistrate or municipal cases in which the defendant is subject to a prison sentence, defendant was informed of the following:

- ☐ a. Charges against defendant and nature of the charges.
☐ b. Right to counsel and right to court-appointed counsel if financially unable to employ counsel.

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

)
) AGREEMENT FOR TEXT,
) TELEPHONE, EMAIL NOTIFICATION
)

The State of South Carolina VS Jimmy Dean Williams Jr

WARRANT/TICKET NUMBER(S): OFFENSE(S):

2019A4210204694

Assault / Attempted Murder

Agreement to Receive Text, Telephone or Email Reminder of Hearing Dates

By my signature below, I agree to receive text, telephone, and/or email reminders of my hearing dates for the criminal charge(s) pending against me. I understand that the text, telephone, and/or email reminders are provided in addition to the oral and written notice of my mandatory appearance at the upcoming hearing dates that I received at my bond hearing. By my agreement to receive these notifications, I understand that not receiving a text, telephone, and/or email reminder of any hearing date does not serve as a cancellation or reason/excuse for me not to appear as mandated by my bond form.

I provide the following contact information to receive text, telephone, and/or email reminders of hearing dates and agree to keep the court updated of any changes to that information.

Cell phone number for texting: _____

Cell phone number for telephone call or voicemail: _____

Alternate number for telephone call or voicemail: _____

Email address: _____

☒ Defendant agrees:☐ Defendant does not agree

 Defendant Signature

 11-8-19
 Date

Defendant Name - Jimmy Dean Williams Jr

2019A4210204694 / Assault / Attempted Murder
Jimmy Dean Williams Jr

November 8, 2019

INFORMATION REGARDING YOUR RIGHTS

You have been charged with a criminal offense and if you are found guilty, you are facing serious consequences which may include payment of a fine, loss of your driver's license, and the possibility of a jail sentence. In addition, you may face increased penalties for later convictions, the loss of your right to possess firearms and/or ammunition, and your immigration status will be affected. You have important constitutional rights, including the right to representation by an attorney, but you may lose these rights or waive them if you do not act to protect these rights.

You have the right to hire an attorney to represent you in every case. If you cannot afford an attorney, you may be eligible for a free attorney. If you want a determination made as to whether you are qualified for a free lawyer, then it is your obligation to be screened at the location identified in Paragraph 5(c) of the Bond Checklist Form that you received after your Bond Hearing. If you do not hire an attorney or go to be screened, then you may be found to have waived your right to an attorney at your trial.

You also have the right to represent yourself. However, you should be aware that self-representation can be dangerous. For example, there may be certain factual or legal defenses to your charge that you are not aware of or legal issues related to the conduct of your trial or guilty plea that an attorney would know how to preserve for an appeal. If you exercise your right to proceed without a lawyer, then you are responsible for complying with all applicable rules of court, including rules of evidence, procedural rules, and proper behavior before the Judge and/or Jury.

If convicted on the charge(s) filed against you and ordered to pay a fine, you may request a reasonable scheduled payment plan to pay the fine.

It is your obligation to keep up with your trial date and to obtain an attorney, either by hiring one or by being screened and found eligible for a court-appointed attorney prior to your trial date. If you do not appear at your trial with your attorney, you may be deemed to have waived your right to have an attorney represent you.

You are required to keep the court notified of any change of address until the completion of the case.

Signature of Defendant

Jimmy Williams

☐ Defendant Refused to Sign

THE STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

State of South Carolina

vs.

JIMMY DEAN WILLIAMS

) IN THE COURT OF GENERAL SESSIONS
) SEVENTH JUDICIAL CIRCUIT
)

) Indictment(s):
)

) Warrant(s): 2019A4210204694
)

) **CERTIFICATE OF SERVICE**
)

Personally appeared before me, Paul Bennett, who being duly sworn, deposes and says that he is employed by the Spartanburg County Public Defender's Office, and is a person of such age and discretion as to be competent to serve papers.

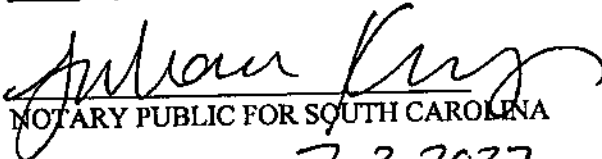
That on November 27, 2019, he served a copy of the Notice Of Appearance And Request For Discovery, by delivering a copy of same to the person herein after named at the address given below:

ADDRESSEE: Barry Barnette
 Solicitor, Seventh Judicial Circuit
 Spartanburg County Judicial Center
 180 Magnolia Street
 Spartanburg, SC 29306



Sworn to before me this

3 day of December, 2019


 NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission expires: 7-3-2027

I ACCEPT SERVICE:


 Seventh Judicial Circuit Solicitor's Office

Date: 12-8-19

FILED
 2019 DEC -3 AM 9:47
 CLERK OF COURT
 SPARTANBURG COUNTY
 AMY W. COX

THE STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

) IN THE COURT OF GENERAL SESSIONS
) SEVENTH JUDICIAL CIRCUIT
)

State of South Carolina

) INDICTMENTS:

vs.

) WARRANTS: 2019A4210204694
)

Jimmy Dean Williams

**NOTICE OF APPEARANCE
AND REQUEST FOR DISCOVERY**

Defendant

The Defendant respectfully requests that the Solicitor produce or otherwise make available to the Defense statements of the Defendant, the Defendant's prior record, all documents, tangible objects, reports of examination and tests, witness statements, physical evidence and any other information subject to disclosure pursuant to Rule 5 and 6 of the South Carolina Rules of Criminal Procedure.

The Defendant further requests the Solicitor to produce all evidence favorable to the Defendant subject to disclosure pursuant to Brady v. Maryland, 373 U.S. 83 (1963), Kyles v. Whitney, 514 U.S. 419 (1995), and their progeny. This includes all information which may tend to exculpate the Defendant and which may tend to mitigate any punishment should he be found guilty.

This request is a continuing request for all such discoverable information as it becomes known to the prosecution or any prosecution agents or which, by the exercise of due diligence, may become known to the prosecution.

The Defendant hereby asserts his Fifth Amendment right to remain silent and does not wish to be questioned in the absence of counsel, pursuant to McNeil v. Wisconsin, 111 S. Ct. 220 (1991) and Edwards v. Arizona, 451 U.S. 477 (1981).

Furthermore, pursuant to Rule 6 of the South Carolina Rules of Criminal Procedure, Defendant objects to the introduction of a chemist's or analyst's report without such person being personally present at trial. Defendant also requests the appearance in Court of all persons within the chain of custody of all physical evidence.

Respectfully Submitted
Charles W. Snyder
Bar Number: 79961
Seventh Judicial Circuit Public Defender Office

Spartanburg, South Carolina
Dated: November 27, 2019

FILED
2019 DEC -3 AM 9:48
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

STATE OF SOUTH CAROLINA,

V.

JIMMY WILLIAMS,

DEFENDANT

IN THE COURT OF GENERAL SESSIONS

FOR THE SEVENTH JUDICIAL CIRCUIT

REQUEST FOR DISCOVERY

(Reciprocal Rule 5)

Warrant(s): 2019A4210204694-95

TO THE DEFENDANT AND HIS/HER ATTORNEY, CHARLES SNYDER

PURSUANT to the South Carolina Rules of Criminal Procedure, the State in the above-captioned matter requests the disclosure of all evidence by the Defendant to the State that is required by Rule Five (5) of the Rules of Criminal Procedure, including but not limited to the following items:

1) That the Defendant notify the State of and permit the State to inspect and copy books, papers, documents, photographs, tangible objects or copies or portions thereof, which are within the possession, custody or control of the Defendant, the Defendant's witnesses, or his/her attorney and which the Defendant intends to use as evidence;

2) That the Defendant notify the State of and permit the State to inspect and copy any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof, which are within the possession, custody or control of the Defendant, Defendant's witnesses, or his/her attorney, which the Defendant intends to use as evidence or when the results or reports relate to his/her testimony;

3) The prosecution requests that the Defendant serve upon the prosecution a written notice if he/she intends to offer an alibi defense, stating the specific place or places at which the Defendant claims to have been on or about the date(s) of November 8, 2019, and the names, addresses, and birthdays of the witnesses upon whom he/she intends to rely to establish such an alibi;

4) That any and all evidence is available for viewing at the arresting agency or the South Carolina Law Enforcement Division.

5) All the Defendant's jail phone calls and visitations are available at the Spartanburg County Detention Center.

The State further requests that the Defendant notify the State of the Defendant's intention to rely upon the defense of insanity or to enter a plea of guilty but mentally ill at the time of the crime.

These requests are continuing requests for disclosure and any relevant matters arising subsequent to the date hereof should be regarded as included in this request.


James E. Hunter
Assistant Solicitor
Seventh Judicial Circuit

Spartanburg, South Carolina
Date: December 30, 2019

FILED
2019 DEC 30 AM 11:37
CLERK OF COURT
SPARTANBURG COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

The State

-vs-

Jimmy Dean Williams

Defendant

IN THE COURT OF GENERAL SESSIONS

FIRST COURT APPEARANCE REPORT

To: THE CIRCUIT SOLICITOR and THE CLERK OF COURT

This letter shall serve as notice that the undersigned has been appointed to the defendant, **Jimmy Dean Williams**, for representation on the below-referenced criminal warrant(s) and/or indictment(s) and provides the following information pursuant to Administrative Order(s) providing for the management of criminal cases in the Court of General Sessions:

Charge(s): Assault / Attempted Murder

Warrant(s)/Indictment Number(s): 2019A4210204694

A preliminary hearing has been requested.	☒ Yes	☐ No
A discovery request has been filed and served.	☒ Yes	☐ No
Discovery has been provided.	☐ Yes	☒ No
A mental health evaluation is necessary.	☐ Yes	☒ No
A drug analysis report has been provided.	☐ Yes	☒ No
There is a conflict in representation.	☐ Yes	☒ No
An interpreter will be needed for the plea / trial.	☐ Yes	☒ No
if yes, what type interpreter _____		
The 180 day track is affected by an issue(s).	☐ Yes	☒ No



Charles W. Snyder, Attorney for the Defendant
 366 N. Church Street, Suite 3000
 Spartanburg, South Carolina 29303
 Telephone Number: 864 596 2561
 Fax Number: 864 596 2284
 E-mail Address: csnyder@spartanburgcounty.org

AMY W. COX
 SPARTANBURG COUNTY
 CLERK OF COURT

2020 JAN -2 PM 2:27

FILED

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE COURT OF GENERAL SESSIONS
SEVENTH JUDICIAL CIRCUIT

JEN

The State of South Carolina,

v.

RECEIPT OF DISCOVERY

Indictment No(s):

Warrant No(s):

2019A4210204694-95

Jimmy Williams Jr
Defendant.

PERSONALLY APPEARED BEFORE ME, the undersigned deponent who being duly sworn, says that he/she copied the following materials and provided same to the Defendant's attorney of record by:

☐ HARD COPY or ☒ MEDIA (CD DVD, DOUBLE SIDED DVD, FLASH DRIVE)

DOCUMENT	Page No.	DOCUMENT	Page No.
☒ Warrant(s) or Ticket(s)	27-28	☒ BWCs (11)	
☒ Incident Report(s)	14-37	☒ Evidence Sheet(s)	2-9
☐ Investigation Report(s)		☒ Photograph(s)	48-86
☐ Supplemental Report(s)		☐ Line-up(s) & Affidavit	
☒ Waiver of Rights Form(s)	38	☐ CAC Video	
☒ Voluntary Statement(s)	47	☐ SLED Request Form(s)	
☐ Witnesses Written Statement(s)		☐ DSS Records	
☒ Defendant's NCIC (Rap)	39-46	☐ Hospital Records	
☒ Consent to Search Form(s)	13	☐ EMS Records	
☐ Search Warrant and Return		☐ Mug Shot	
☐ Drug Report(s)		☐ Driver Records	
☐ SLED Lab Report(s)		Crime & Cho log	10-12
☐ Booking Report(s)			
☒ Solicitor's Reciprocal Rule 5	1		

☒ Other

all call w/ GAO

TOTAL COPIED/NUMBERED: 88 DATED: 12.30.19

I, Chad Snyder, attorney for the Defendant(s) or his/her designee, have reviewed the above-referenced documents and accept them as the response to the Rule 5/Brady Motion in this matter. I also accept service of the Solicitor's Reciprocal Rule 5.

Signed/Accepted this 31 day of Dec, 2019

Paul Brown
Attorney or Designee (signature)

P. Brown
Attorney or Designee (print)

Kristina Catoe
Witness (signature)

Kristina Catoe
Witness (print)

12/31/19
Date

SOLICITOR'S OFFICE

SPARTANBURG COUNTY
CLERK OF COURT
JAN - 2
10:10

FILED

THE STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

State of South Carolina

Vs.

Jimmy Dean Williams

Defendant

IN THE GENERAL SESSIONS COURT
SEVENTH JUDICIAL CIRCUIT

Charges: Assault / Attempted Murder; Weapons / Poss.
Weapon During Violent Crime, If Not Also Sentenced To
Life Without Parole Or Death

Warrants: 2019a4210204694; 2019a4210204695

Arrest Date: November 08, 2019

MOTION FOR BOND

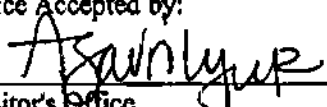
TO: Barry Barnette, Solicitor, Seventh Judicial Circuit

YOU WILL PLEASE TAKE NOTICE that the undersigned attorney for the Seventh Judicial Circuit Public Defender's Office, on behalf of the above-named Defendant, will move immediately before the presiding judge of the Seventh Judicial Circuit during the term of General Sessions Court beginning Monday, March 9, 2020 or as soon thereafter as counsel may be heard, for an order allowing the Defendant to be released upon the filling of a Personal Recognizance Bond; or in the alternative, for an Order setting a reasonable bond for Defendant's release.


Stephen Sutherland
Assistant Public Defender
Seventh Judicial Circuit Public Defender

Date: 3.9.2020

Service Accepted by:


Solicitor's Office
Seventh Judicial Circuit

FILED
2020 MAR -9 PM 4:50
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

The STATE,

Prosecutor,

-vs-

Jimmy Dean WILLIAMS,
Defendant.

IN THE COURT OF GENERAL SESSIONS

ORDER DENYING BOND

Warrant/Indictment Number(s)

2019A4210204694, 2019A4210204695

This matter was before this Court on the defendant's motion, by and through, **STEPHEN D. SUTHERLAND, Esq.**, for release on bond pending trial on the above-referenced charge(s). At a hearing held in this matter the State was represented by **JAMES EDWARD HUNTER** of the Circuit Solicitor's office.

It appears that the defendant is presently being held in the County Detention Facility and charged with the crime(s) of **ATTEMPTED MURDER** and **POSS/WEAPON/VC**. Credible evidence was presented by family members that the defendant has exhibited violent and dangerous behavior aside from the present charge and he was on probation supervision at the time of the event for which the defendant is now charged.

Having considered the nature and circumstances of the offense(s) charged, the defendant's character and mental condition, family ties and length of residence in the community, employment and financial resources, prior criminal history, any record of flight to avoid prosecution and/or any failure to appear at other court proceedings, it presently appears that releasing the defendant on his/her own recognizance will not reasonably assure his/her appearance at any future court proceedings as required and/or an unreasonable risk of danger to the community will result and further that there are no conditions which can be imposed with surety which will reasonably assure the defendant's presence in court and/or reduce the risk of unreasonable danger to a specific person or the community at large.

This Court therefore finds that the defendant's **MOTION FOR release on BOND** pending trial should be and **IS** therefore **DENIED**.

In the event there is a material change in circumstances which relate to the factors provided in S. C. Code Ann. Section 17-15-30 or the defendant's case(s) is/are not scheduled for trial and disposition made within 180 days of the date of his pre-trial detention on the above-referenced charge(s), the defendant is granted leave to seek a reconsideration of the Court's decision to deny bail pursuant to S. C. Code Ann. Section 17-15-55(a)(2).

IT IS SO ORDERED!

MARCH 17, 2020.


J. DERHAM COLE, RESIDENT JUDGE
THE SEVENTH JUDICIAL CIRCUIT COURT

FILED
MAR 17 2020
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

JUN 12 2020

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

COUNT ONE- ATTEMPTED MURDER

That Jimmy Dean Williams, Jr did in Spartanburg County on or about November 8, 2019,
with malice aforethought attempt to kill Jimmy Dean Williams, Sr, by stabbing the victim,
with the intent to kill the said victim, in violation of §16-03-0029, of *THE CODE OF LAWS*
OF SOUTH CAROLINA, (1976, as amended).

COUNT TWO- POSSESSION OF WEAPON DURING VIOLENT CRIME

That the defendant Jimmy Dean Williams, Jr did in Spartanburg County on or about
November 8, 2019, visibly display a firearm and/or knife during the commission or
attempted commission of a violent crime, to-wit: attempted murder, in violation of Code
§16-23-490, *CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such
case made and provided


ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA)

COUNTY OF SPARTANBURG)

IN THE GENERAL SESSIONS COURT
SEVENTH JUDICIAL CIRCUIT**MOTION OF RECONSIDERATION OF
SENTENCE**

State of South Carolina)

Plaintiff)

Charge(s): Assault / Assault & Battery of a
High & Aggravated Nature

vs.)

Jimmy Dean Williams Jr.)

Defendant)

Indictment(s): 2020GS4203092

Date of Arrest: November 08, 2019

To: Barry Barnette, Solicitor, Seventh Judicial Circuit

YOU WILL PLEASE TAKE NOTICE, that the undersigned attorney for the Seventh Judicial Circuit Public Defender Office, on behalf of the aboved-named Defendant, will move immediately before Judge J. Mark Hayes II on November 16, 2020 or as soon thereafter as counsel may be heard, for a reconsideration of the sentence handed down on October 13, 2020 on indictment(s): 2020GS4203092.

Respectfully submitted,

s/Charles W. Snyder

Assistant Public Defender

Seventh Judicial Circuit Public Defender

Date: _____

Service Accepted by:

Solicitor's Office
Seventh Judicial Circuit

FILED
2020 OCT 14 PM 4:32
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

THE STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

State of South Carolina

vs.

Jimmy Dean Williams Jr.

) IN THE COURT OF GENERAL SESSIONS
) SEVENTH JUDICIAL CIRCUIT
)) Indictment(s): 2020GS4203092
)) Warrant(s):
)**CERTIFICATE OF SERVICE
BY ELECTRONIC MAIL**

I hereby certify that regular electronic communication exists between the undersigned and the person listed below and that on October 14, 2020, I caused to be served upon the person named below at the electronic mail address given, the Defendant's Motion of Reconsideration of Sentence.

James E. Hunter, Esquire
JHunter@spartanburgcounty.org

s/Charles W. Snyder
Seventh Judicial Circuit Public Defender
366 North Church Street, Suite 3000
Spartanburg, South Carolina 29303
(864) 596-2561

October 14, 2020
Spartanburg, South Carolina

FILED
2020 OCT 14 PM 4:32
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

JEH

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

IN THE COURT OF GENERAL SESSIONS
SEVENTH JUDICIAL CIRCUIT

The State of South Carolina,)
v.)
Jimmy William Jr.)
Defendant.)

RECEIPT OF DISCOVERY

Indictment No(s): 20.3092
Warrant No(s):

2019A4210204694-95

PERSONALLY APPEARED BEFORE ME, the undersigned deponent who being duly sworn, says that he/she copied the following materials and provided same to the Defendant's attorney of record by:

☐ HARD COPY or ☒ MEDIA (CD, DVD DOUBLE SIDED DVD)

DOCUMENT	Page No.	DOCUMENT	Page No.
☐ Warrant(s) or Ticket(s)		☐ BWCs	
☐ Incident Report(s)		☐ Evidence Sheet(s)	
☐ Investigation Report(s)		☐ Photograph(s)	
☐ Supplemental Report(s)		☐ Line-up(s) & Affidavit	
☐ Waiver of Rights Form(s)		☐ CAC Video	
☐ Voluntary Statement(s):		☐ SLED Request Form(s)	
☐ Witnesses Written Statement(s)		☐ DSS Records	
☐ Defendant's NCIC (Rap)		☐ Hospital Records	
☐ Consent to Search Form(s)		☐ EMS Records	
☐ Search Warrant and Return		☐ Mug Shot	
☐ Drug Report(s)		☐ Driver Records	
☐ SLED Lab Report(s)			
☐ Booking Report(s)			
☐ Solicitor's Reciprocal Rule 5			

☒ Other

911 call from SO, interview w/ Jimmy Williams Jr & Jimmy Williams Sr

TOTAL COPIED/NUMBERED: _____

DATED: 10-13-20

Chad Snyder, attorney for the Defendant(s) or his/her designee, received the copies and/or disc(s) in response to the Rule 5/Brady Motion in this matter.

Signed/Accepted this 14 day of Oct, 2020

[Signature]
Attorney or Designee (signature)

[Signature]
Attorney or Designee (print)

[Signature]
Witness (signature)

[Signature]
Witness (print)

10-14-20
Date

Wendy Attwell
SOLICITOR'S OFFICE

FILED
2020 OCT 15 AM 9:14
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

SEVENTH JUDICIAL CIRCUIT PUBLIC DEFENDER**CLAY T. ALLEN**
CIRCUIT PUBLIC DEFENDER366 NORTH CHURCH STREET
SUITE 3000
SPARTANBURG, SC 29303TELEPHONE (864) 596-2561
FAX (864) 596-2284
FAX (864) 562-4412

October 19, 2020

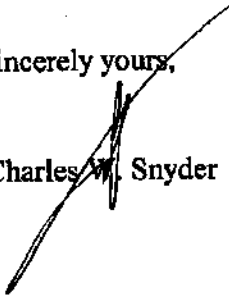
The Honorable Amy West-Cox
Clerk of Court for Spartanburg County
180 Magnolia Street
Spartanburg, South Carolina 29306RE: State v. Jimmy Dean Williams
Case No.: 2020GS4203092

Dear Ms. Cox:

Enclosed for filing is the Notice of Appeal in the above case.

Thank you very much.

Sincerely yours,


Charles W. Snyder

Enclosure

cc: J. Edward Hunter, Esq.
Seventh Judicial Circuit Solicitor's Office
180 Magnolia Street
Spartanburg, South Carolina 29303
Attorney for Respondent**FILED**
2020 OCT 22 PM 11:17
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions

The Honorable J. Mark Hayes, II, Circuit Court Judge

Case No(s): 2020GS4203092

The State	Respondent,
Jimmy Dean Williams	Appellant

NOTICE OF APPEAL

Jimmy Dean Williams appeals his conviction and sentence in this case. The sentence was imposed by the Honorable J. Mark Hayes, II on October 13, 2020. This appeal is taken from this conviction and sentence.

October 19, 2020

Charles W. Snider
79961
Seventh Judicial Circuit Public Defender Office
366 N. Church Street, Suite 3000
Spartanburg, South Carolina 29303
(864) 596-2561
Attorney for Appellant

Other Counsel of Record:

J. Edward Hunter, Esq.
Seventh Judicial Circuit Solicitor's Office
180 Magnolia Street
Spartanburg, South Carolina 29306
Attorney for Respondent

2020 OCT 22 AM 11:07
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

FILED

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions

The Honorable J. Mark Hayes, II, Circuit Court Judge

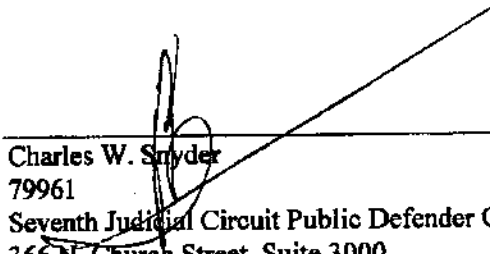
Case No(s): 2020GS4203092

The State	Respondent,
v.	
Jimmy Dean Williams	Appellant

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on October 19, 2020, addressed to its attorney of record, J. Edward Hunter, Esq., Assistant Solicitor, 180 Magnolia Street, Spartanburg, South Carolina 29306.

October 19, 2020



 Charles W. Snyder
 79961
 Seventh Judicial Circuit Public Defender Office
 366 N. Church Street, Suite 3000
 Spartanburg, South Carolina 29303
 (864) 596-2561
 Attorney for Appellant

FILED
 2020 OCT 22 AM 11:07
 CLERK OF COURT
 SPARTANBURG COUNTY
 AMY W. COX

SEVENTH JUDICIAL CIRCUIT PUBLIC DEFENDER

CLAY T. ALLEN
CIRCUIT PUBLIC DEFENDER

368 NORTH CHURCH STREET
SUITE 3000
SPARTANBURG, SC 29303



TELEPHONE (864) 596-2561
FAX (864) 596-2284
FAX (864) 562-4412

October 19, 2020

The Honorable Jenny A. Kitchings
Clerk of the South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: State v. Jimmy Dean Williams
Case No(s): 2020GS4203092

Dear Ms Kitchings:

Enclosed for filing is the original Notice of Appeal in the above case. Also enclosed are the Proof of Service of the Notice of Appeal on the Respondent, the Explanation of Appeal and Proof of Service, and a copy of the indictment, verdict, and sentence to be challenged on appeal.

Sincerely yours,

Charles W. Snyder

Enclosures

cc: Office of Seventh Judicial Circuit Solicitor
Office of Attorney General
Office of Appellate Defense
Office of Clerk of Court

FILED
2020 OCT 22 AM 11:07
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX



ALAN WILSON
ATTORNEY GENERAL

November 12, 2020

The Honorable Amy W. Cox
Clerk of Court, Spartanburg County
Post Office Box 3483
Spartanburg, South Carolina 29304-3483

Re: State of South Carolina v. Jimmy Dean Williams, Jr.
2020GS4203092 (2019A4210204694)

Dear Ms. Cox:

An appeal of the above mentioned case is currently pending in the South Carolina Court of Appeals. Please forward me a copy of the sentencing sheet, indictment (including the face of the indictment), and arrest warrant either electronically as an attachment to an email or by regular mail, whichever is more convenient. Thank you for your assistance.

Sincerely,

Caroline Collins
Administrative Coordinator
Criminal Appeals Division
ccollins@scag.gov

/cc

emailed 11/23/20
900

AMY W. COX
CLERK OF COURT
SPARTANBURG COUNTY

2628 NOV 20 AM 11:29

FILED

2019 H4210204694



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11628
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1680
FAX: (803) 734-1839
www.sccourts.org

January 15, 2021

The Honorable Amy W. Cox
PO Box 3483
Spartanburg SC 29304-3483

REMITTITUR

Re: The State v. Jimmy D. Williams Jr.
Lower Court Case No. 2020GS4203092
Appellate Case No. 2020-001430

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: Jimmy D. Williams Jr., 00384161
Charles William Snyder, III, Esquire
Robert Michael Dudek, Esquire
James Edward Hunter, Esquire
Alan McCrory Wilson, Esquire
William M. Blitch, Jr., Esquire

FILED
2021 JAN 21 AM 8:41
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	7TH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
	)	2020A4210206550
	)	2020A4210206551
State	)	2020A4210206552
	)	2020A4210206553
	)	MOTION / RULE 5
vs.	)	<u>BRADY v. MARYLAND</u>
	)	
Marlee Earl Nash,	)	
--- Defendant.	)	

NOW comes the Defendant, who hereby moves pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure for disclosure and inspection of all statements allegedly given by the Defendant, documents tangible objects, reports of examination and tests, etc. to be relied upon by the prosecution of the above Defendant. Defendant's demand includes, but is not limited to, inspection and copying of the following:

1. Any and all tangible objects which the State is required to produce pursuant to Rule 5.
2. All notes, memoranda or police reports by police officers, investigating officers, psychiatrists or other connected medical and mental health examiners in connection with the investigation or prosecution of this case.
3. Any and all other material subject to disclosure pursuant to Rule 5, Brady v. Maryland, and all other relevant authority.

2021 JAN 21 AM 8:41
CLERK OF COURT
SPARTANBURG COURT
AMY W. COX

FILED



FILED
FEB 11 PM 1:16
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

ALAN WILSON
ATTORNEY GENERAL

February 8, 2021

The Honorable Barry J. Barnette
Solicitor, Seventh Judicial Circuit
180 Magnolia Street
Spartanburg, South Carolina 29306

RE: The State v. Jimmy Dean Williams, Jr.
2020GS4203092

Dear Solicitor Barnette:

In its Order, filed on December 23, 2020, the South Carolina Court of Appeals dismissed the above appeal due to appellant's failure to show there is a preserved issue that can be reviewed on appeal. The Remittitur has been sent to the Spartanburg County Clerk of Court. Therefore, with this letter, we are closing our direct appeal file in this matter.

This Office has verified through the South Carolina Department of Corrections' website that Mr. Williams is presently incarcerated.

Sincerely,

William M. Blitch, Jr.
Senior Assistant Deputy Attorney General

WMB/cc
Enclosure

cc: The Honorable Amy W. Cox
Barton J. Vincent, Esquire
Alexandra Perez-Caballero, SLED CJIS
Victim Advocacy Division (without enclosure)



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

RECEIVED

CLERK OF COURT

AMY W. COX
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

January 15, 2021

The Honorable Amy W. Cox
PO Box 3483
Spartanburg SC 29304-3483

REMITTITUR

Re: The State v. Jimmy D. Williams Jr.
Lower Court Case No. 2020GS4203092
Appellate Case No. 2020-001430

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: Jimmy D. Williams Jr., 00384161
Charles William Snyder, III, Esquire
Robert Michael Dudek, Esquire
James Edward Hunter, Esquire
Alan McCrory Wilson, Esquire
William M. Blich, Jr., Esquire

The South Carolina Court of Appeals

The State, Respondent,

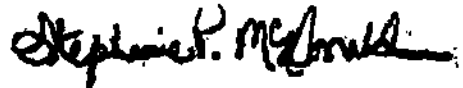
v.

Jimmy Dean Williams Jr., Appellant.

Appellate Case No. 2020-001430

ORDER

This court has received Appellant's correspondence filed on December 3, 2020. After consideration, we reinstate the appeal. However, Appellant has failed to show there is a preserved issue that can be reviewed on appeal as required by Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules. Accordingly, this matter is dismissed, and the remittitur will be sent as required by Rule 221(b), SCACR.



FOR THE COURT

Columbia, South Carolina

cc:

Jimmy D. Williams Jr., 00384161
Charles William Snyder, III, Esquire
Robert Michael Dudek, Esquire
James Edward Hunter, Esquire
Alan McCrory Wilson, Esquire
William M. Blich, Jr., Esquire

FILED
Dec 23 2020