

RECEIVED

OCT 21 2015

S.C. Supreme Court

THE STATE OF SOUTH CAROLINA

In The Supreme Court

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

G. Edward Welmaker, Circuit Court Judge

Appellate Case No. 2013-001945

Charles Christopher
Williams,

Petitioner

v.

The State of South
Carolina,

Respondent.

APPENDIX
VOLUME 11 OF 11

Derek J. Enderlin
ROSS AND ENDERLIN, PA
330 East Coffee Street
Greenville, SC 29601
864-647-7205
derek@rossenderlin.com
Attorney for Petitioner

Other Counsel of Record:
Attorney General of South Carolina
Donald J. Zelenka, Esquire
Post Office Box 11549
Columbia, SC 29211
Attorney for Respondent
803-734-6305

INDEX OF VOLUMES

(For a more detailed index, see pages in lower case Roman Numerals)

Volume 1 - Record on Appeal, Jury Selection.....	1 (i)
Volume 2 - Record on Appeal, Jury Selection.....	501 (iv)
Volume 3 - Record on Appeal, Jury Selection, Pre-Trial Matters	1001 (vi)
Volume 4 - Record on Appeal, Opening Statements	1509 (ix)
Volume 5 - Record on Appeal, Trial Closing Statements.....	2004 (xii)
Volume 6 - Record on Appeal, Post Trial Matters.....	2520 – 2971 (xv)
Volume 6 - First Application, Appointment Order, First Return.....	2971 (xvii)
Volume 7 - Applications, Returns, pre-trial and amicus brief	3001 (xvii)
Volume 7 - PCR Transcript.....	3175 (xvii)
Volume 8 - PCR Transcript continued.....	3556 (xvii)
Volume 9 - Post Trial Brief, dismissal orders	4017(xviii)
Volume 9 - Plaintiff Exhibits 1-22	4235(xviii)
Volume 10 - Plaintiff Exhibits 23-38	4531(xix)
Volume 11 - Plaintiff Exhibits 39, Defense Exhibits, Status Hearing	5005(xix)
Volume 11 – Email communications from Judge Welmaker	5073 (xix)

INDEX

INDEX	i
TRIAL TRANSCRIPT (VOLUME ONE)	1
COURT REPORTER'S INDEX.....	2

MONDAY, FEBRUARY 7, 2005

MOTIONS	6
GENERAL <i>VOIR DIRE</i>	52

INDIVIDUAL *VOIR DIRE*

CAMILA OLMEDA

<i>Voir Dire</i> Examination by the Court.....	81
--	----

DEBRA ROLLINS

<i>Voir Dire</i> Examination by the Court.....	83
--	----

MICHAEL WRIGHT

<i>Voir Dire</i> Examination by the Court.....	87
<i>Voir Dire</i> Examination by Mr. Mauldin	90
<i>Voir Dire</i> Examination by Mr. Ariail.....	92
<i>Voir Dire</i> Examination by Mr. Mauldin	100
<i>Voir Dire</i> Examination by Mr. Ariail.....	102
Examination by the Court.....	105

BETTY JO BRANYON

<i>Voir Dire</i> Examination by the Court.....	109
<i>Voir Dire</i> Examination by Mr. Ariail.....	114
<i>Voir Dire</i> Examination by Mr. Nettles.....	118

VERNON E. MERCHANT, III

<i>Voir Dire</i> Examination by the Court.....	130
<i>Voir Dire</i> Examination by Mr. Nettles.....	134
<i>Voir Dire</i> Examination by Mr. Ariail.....	145

RUFUS R. HAFFER

<i>Voir Dire</i> Examination by the Court.....	149
<i>Voir Dire</i> Examination by Mr. Ariail.....	154
<i>Voir Dire</i> Examination by Mr. Mauldin	157

TUESDAY, FEBRUARY 8, 2005

COLLOQUY BETWEEN COURT AND ATTORNEYS.....	169
---	-----

INDIVIDUAL *VOIR DIRE* (CONTINUED)

APRIL RILEY

<i>Voir Dire</i> Examination by the Court.....	178
<i>Voir Dire</i> Examination by Mr. Mauldin	187

GLORIA B. BELCHER

<i>Voir Dire</i> Examination by the Court.....	191
<i>Voir Dire</i> Examination by Mr. Mauldin	193

GLENDA J. FULLER

<i>Voir Dire</i> Examination by the Court.....	197
<i>Voir Dire</i> Examination by Mr. Nettles.....	205
<i>Voir Dire</i> Examination by Mr. Ariail.....	211

WILLIAM M. FLEMINGS

<i>Voir Dire</i> Examination by the Court.....	216
--	-----

ELISHA SHAW

<i>Voir Dire</i> Examination by the Court.....	224
<i>Voir Dire</i> Examination by Mr. Mauldin	230

LARITHA ANN TODD

<i>Voir Dire</i> Examination by the Court.....	234
<i>Voir Dire</i> Examination by Mr. Nettles.....	248

PAUL FIELDS

<i>Voir Dire</i> Examination by the Court.....	256
--	-----

CLARENCE LAND

<i>Voir Dire</i> Examination by the Court.....	262
<i>Voir Dire</i> Examination by Mr. Ariail.....	271
<i>Voir Dire</i> Examination by Mr. Nettles.....	273

BRIAN HOLMSTRAND	
<i>Voir Dire</i> Examination by the Court.....	282
JAQUELINE POUNTNEY	
<i>Voir Dire</i> Examination by the Court.....	296
<i>Voir Dire</i> Examination by Mr. Ariail.....	306
PHILLIP ELLENBURG	
<i>Voir Dire</i> Examination by the Court.....	315
<i>Voir Dire</i> Examination by Mr. Nettles.....	324
<i>Voir Dire</i> Examination by the Court.....	332
<i>Voir Dire</i> Examination by Mr. Nettles.....	335
EDWARD THOMAS BABINSKI	
<i>Voir Dire</i> Examination by the Court.....	348
<i>Voir Dire</i> Examination by Mr. Nettles.....	353
MIKELL ARDOIN	
<i>Voir Dire</i> Examination by the Court.....	354
CHERYL L. LASHLEY	
<i>Voir Dire</i> Examination by the Court.....	364
SHARON SHUMAKER	
<i>Voir Dire</i> Examination by the Court.....	366
ANGELA A. HALL	
<i>Voir Dire</i> Examination by the Court.....	373
GLENDA J. FULLER	
<i>Voir Dire</i> Examination by the Court.....	378
MICHAEL J. DUNLAP	
<i>Voir Dire</i> Examination by the Court.....	402
<i>Voir Dire</i> Examination by Mr. Ariail.....	415
<i>Voir Dire</i> Examination by the Court.....	422
JOHN A. BOTT	
<i>Voir Dire</i> Examination by the Court.....	426
<i>Voir Dire</i> Examination by Mr. Mauldin	433
<i>Voir Dire</i> Examination by the Court.....	457

JOEL MOSS	
<i>Voir Dire</i> Examination by the Court.....	460
<i>Voir Dire</i> Examination by Mr. Ariail.....	466

JOSEPH D. JOHNSON	
<i>Voir Dire</i> Examination by the Court.....	480
<i>Voir Dire</i> Examination by Mr. Ariail.....	498

VOLUME TWO

JOSEPH D. JOHNSON	
<i>Voir Dire</i> Examination by Mr. Ariail (Continued).....	501

JOHN R. HAAKER	
<i>Voir Dire</i> Examination by the Court.....	502

MARK R. HAGEN	
<i>Voir Dire</i> Examination by the Court.....	536
<i>Voir Dire</i> Examination by Mr. Nettles.....	545
<i>Voir Dire</i> Examination by Mr. Ariail.....	553

NELSON C. MILES, II	
<i>Voir Dire</i> Examination by the Court.....	556
<i>Voir Dire</i> Examination by Mr. Ariail.....	566

ELIZABETH DANIEL	
<i>Voir Dire</i> Examination by the Court.....	582
<i>Voir Dire</i> Examination by Mr. Ariail.....	597

MARY A. BRADBERRY	
<i>Voir Dire</i> Examination by the Court.....	602
<i>Voir Dire</i> Examination by Mr. Ariail.....	606
<i>Voir Dire</i> Examination by Mr. Nettles.....	618

REBEKAH WHITE	
<i>Voir Dire</i> Examination by the Court.....	627
<i>Voir Dire</i> Examination by Mr. Ariail.....	631

SHIELDS M. COCHRAN	
<i>Voir Dire</i> Examination by the Court.....	635
<i>Voir Dire</i> Examination by Mr. Ariail.....	645

KYLE BROWNING	
<i>Voir Dire</i> Examination by the Court.....	657
JESSE S. MULLINAX	
<i>Voir Dire</i> Examination by the Court.....	675
STEPHANIE DIXON	
<i>Voir Dire</i> Examination by the Court.....	679
<i>Voir Dire</i> Examination by Mr. Nettles.....	689
<i>Voir Dire</i> Examination by the Court.....	693
ROBERT E. ELLIS, JR.	
<i>Voir Dire</i> Examination by the Court.....	696
STACY S. GONICK	
<i>Voir Dire</i> Examination by the Court.....	702
<i>Voir Dire</i> Examination by Mr. Ariail.....	713
<i>Voir Dire</i> Examination by Mr. Mauldin.....	717
ROY A. CRISP	
<i>Voir Dire</i> Examination by the Court.....	725
JOSEPH G. BRASWELL	
<i>Voir Dire</i> Examination by the Court.....	730
JAMES WILLIAMS	
<i>Voir Dire</i> Examination by the Court.....	739
JOHN R. SULLIVAN	
<i>Voir Dire</i> Examination by the Court.....	745
HERMAN G. KIRVEN	
<i>Voir Dire</i> Examination by the Court.....	759
<i>Voir Dire</i> Examination by Mr. Nettles.....	768
FRANCES T. ELMORE	
<i>Voir Dire</i> Examination by the Court.....	787
MARGARET STEWART	
<i>Voir Dire</i> Examination by the Court.....	808
<i>Voir Dire</i> Examination by Mr. Ariail.....	829

ANNA NELSEN	
<i>Voir Dire</i> Examination by the Court	833

THURSDAY, FEBRUARY 10, 2005

COLLOQUY BETWEEN COURT AND ATTORNEYS	842
--	-----

INDIVIDUAL *VOIR DIRE* (CONTINUED)

JASON GUNTER	
<i>Voir Dire</i> Examination by the Court	852

TRACY SHOOK	
<i>Voir Dire</i> Examination by the Court	857
<i>Voir Dire</i> Examination by Mr. Nettles	872

PAMELA BLACKWELL	
<i>Voir Dire</i> Examination by the Court	884

MICHAEL FOWLER	
<i>Voir Dire</i> Examination by the Court	901

MARCUS GREENE	
<i>Voir Dire</i> Examination by the Court	932
<i>Voir Dire</i> Examination by Mr. Ariail	940
<i>Voir Dire</i> Examination by Mr. Mauldin	946

CONSTANCE HILL	
<i>Voir Dire</i> Examination by the Court	959
<i>Voir Dire</i> Examination by Mr. Nettles	971
<i>Voir Dire</i> Examination by Mr. Ariail	977

ROBERT MINA	
<i>Voir Dire</i> Examination by the Court	983
<i>Voir Dire</i> Examination by Mr. Ariail	992

VOLUME THREE

ROBERT MINA	
<i>Voir Dire</i> Examination by Mr. Ariail (Continued)	1001

CHRISTOPHER MCCASSLAND	
<i>Voir Dire</i> Examination by the Court	1011

JASON L. GUNTER	
<i>Voir Dire</i> Examination by the Court.....	1045
MARGARET B. BILLINGS	
<i>Voir Dire</i> Examination by the Court.....	1050
JEANETTE D. CUMMINGS	
<i>Voir Dire</i> Examination by the Court.....	1064
JOHN J. COX	
<i>Voir Dire</i> Examination by the Court.....	1070
JAMES LAVERTY	
<i>Voir Dire</i> Examination by the Court.....	1080
KENNY WILLIAMS	
<i>Voir Dire</i> Examination by the Court.....	1096

FRIDAY, FEBRUARY 11, 2005

COLLOQUY BETWEEN COURT AND ATTORNEYS.....	1119
---	------

INDIVIDUAL *VOIR DIRE* (CONTINUED)

JAMES WYNN	
<i>Voir Dire</i> Examination by the Court.....	1120
<i>Voir Dire</i> Examination by Mr. Mauldin	1138
ASHLEY JOHNSON	
<i>Voir Dire</i> Examination by the Court.....	1157
<i>Voir Dire</i> Examination by Mr. Mauldin	1162
MELISSA STALLCUP	
<i>Voir Dire</i> Examination by the Court.....	1168
<i>Voir Dire</i> Examination by Mr. MacDougall.....	1184
AMY NELSEN	
<i>Voir Dire</i> Examination by the Court.....	1194
DAN M. CALNON	
<i>Voir Dire</i> Examination by the Court.....	1201
<i>Voir Dire</i> Examination by Mrs. Strom.....	1215

AMY A. SOUTHERN	
<i>Voir Dire</i> Examination by the Court.....	1224
 DONNA E. DANDREA	
<i>Voir Dire</i> Examination by the Court.....	1226
<i>Voir Dire</i> Examination by Mrs. Strom.....	1234
 GAIL J. HUSSEY	
<i>Voir Dire</i> Examination by the Court.....	1246
 DUANE A. CONSTABLE	
<i>Voir Dire</i> Examination by the Court.....	1265
 FLORA G. RIDEN	
<i>Voir Dire</i> Examination by the Court.....	1269
<i>Voir Dire</i> Examination by Mr. MacDougall.....	1283
 ROGER A. WATSON	
<i>Voir Dire</i> Examination by the Court.....	1292
<i>Voir Dire</i> Examination by Mr. Moyer	1307
 BONNIE S. KITTS	
<i>Voir Dire</i> Examination by the Court.....	1310
 ALAN J. EDWARDS	
<i>Voir Dire</i> Examination by the Court.....	1320
 THEODORE A. WOOD	
<i>Voir Dire</i> Examination by the Court.....	1326
 SHARON HEATH	
<i>Voir Dire</i> Examination by the Court.....	1332
<i>Voir Dire</i> Examination by Mrs. Strom.....	1353
 CHERYL L. WATSON	
<i>Voir Dire</i> Examination by the Court.....	1372
<i>Voir Dire</i> Examination by Mr. Nettles.....	1375
 STANTON WOOD BOROFF	
<i>Voir Dire</i> Examination by the Court.....	1378
 DAVID HARPER	
<i>Voir Dire</i> Examination by the Court.....	1382
<i>Voir Dire</i> Examination by Mr. Nettles.....	1390

GLEND A BRIDGES

<i>Voir Dire</i> Examination by the Court.....	1399
<i>Voir Dire</i> Examination by Mr. Nettles.....	1414
<i>Voir Dire</i> Examination by the Court.....	1429
<i>Voir Dire</i> Examination by Mr. Nettles.....	1429

JACKSON V. DENNO HEARING

PRE-TRIAL MATTERS.....	1437
------------------------	------

TESTIMONY

MICHAEL MCNAMARA (*IN CAMERA*)

Direct Examination by Mr. Ariail	1439
Cross Examination by Mr. Nettles	1462

COURT'S RULING	1466
----------------------	------

DEFENSE RENEWS <i>VOIR DIRE</i> OBJECTIONS.....	1474
---	------

TESTIMONY

JOHN BOTT

Juror Questioning by the Court	1470
--------------------------------------	------

JURY SELECTION	1475
----------------------	------

COURT'S PRELIMINARY REMARKS TO JURY	1495
---	------

SUNDAY, FEBRUARY 13, 2005

RENEWAL OF OBJECTIONS	1498
-----------------------------	------

VOLUME FOUR

OPENING STATEMENT BY THE SOLICITOR.....	1509
---	------

OPENING STATEMENT BY THE DEFENSE.....	1528
---------------------------------------	------

TESTIMONY

DEBRA REID

Direct Examination by Mr. Ariail	1536
Cross Examination by Mr. Mauldin.....	1554

TINA SMITH

Direct Examination by Mr. Ariail	1556
Cross Examination by Mr. Mauldin.....	1568

LESLEY KAVARAN

Direct Examination by Mr. Ariail	1570
Cross Examination by Mr. Mauldin.....	1576

EDDIE GRIGGS

Direct Examination by Mr. Ariail	1576
Cross Examination by Mr. Mauldin.....	1582

MICHAEL D. HAFFEN

Direct Examination by Mr. Ariail	1585
Cross Examination by Mr. Mauldin.....	1600

NANCY CROSBY

Direct Examination by Mr. Ariail	1603
--	------

MOTIONS	1625
---------------	------

TESTIMONY

NANCY CROSBY

Direct Examination by Mr. Ariail	1639
--	------

CHRISTOPHER T. MILLER

Direct Examination by Mrs. Strom	1646
Cross Examination by Mr. Mauldin.....	1652

JAMES BEAVER

Direct Examination by Mrs. Strom	1654
Cross Examination by Mr. Mauldin.....	1664

TONY LEE

Direct Examination by Mrs. Strom	1666
Cross Examination by Mr. MacDougall	1679

CAREY AVERY

Direct Examination by Mrs. Strom	1683
--	------

THOMAS MCCONNELL

Direct Examination by Mrs. Strom 1690

DAVID TERRY WILLIAMS

Direct Examination by Mrs. Strom 1698

Cross Examination by Mr. Mauldin.....1708

HARRY DEAN DOUGLAS

Direct Examination by Mrs. Strom 1711

Cross Examination by Mr. Mauldin.....1720

MICHAEL MCNAMARA

Direct Examination by Mr. Ariail 1723

Cross Examination by Mr. Nettles 1760

Redirect Examination by Mr. Ariail.....1788

MOTIONS 1793

TESTIMONY

CECIL THRASHER

Direct Examination by Mr. Ariail 1797

Cross Examination by Mr. Mauldin.....1824

AUBRY TOMLIN

Direct Examination by Mr. Moyer 1837

Cross Examination by Mr. Mauldin.....1844

TUESDAY, FEBRUARY 15, 2005

DISCUSSION OF JURY INSTRUCTIONS 1850

TESTIMONY

DARWIN SHAW

Direct Examination by Mr. Moyer 1851

Cross Examination by Mr. Mauldin.....1859

PAUL A. SILVAGGIO

Direct Examination by Mr. Ariail 1862

Cross Examination by Mr. MacDougall 1870

Redirect Examination by Mr. Ariail.....1888

MARK STEPHAN

Direct Examination by Mrs. Strom 1890

JOE WOOD	
Direct Examination by Mrs. Strom	1898
MICHAEL PETERSON	
Direct Examination by Mrs. Strom	1904
Cross Examination by Mr. Mauldin.....	1920
MICHAEL WARD, M.D.	
Direct Examination by Mr. Ariail	1931
Cross Examination by Mr. MacDougall	1955
Redirect Examination by Mr. Ariail.....	1956
MOTIONS AT CLOSE OF STATE'S CASE.....	1958
TESTIMONY	
ROBERT RICHARD, M.D.	
Direct Examination by Mr. Nettles	1961

VOLUME FIVE

CHARLES CHRISTOPHER WILLIAMS (<i>IN CAMERA</i>)	
Direct Examination by Mr. Mauldin	2004
Examination by the Court.....	2005
CLOSING ARGUMENT BY THE SOLICITOR	2013
CLOSING ARGUMENT BY THE DEFENSE	2033
JURY CHARGE.....	2046
VERDICT	2069

THURSDAY, FEBRUARY 17, 2005 **Penalty Phase of the Trial**

MOTIONS	2072
OPENING STATEMENT BY THE SOLICITOR.....	2110
OPENING STATEMENT BY THE DEFENSE.....	2122

TESTIMONY

SANDRA TRAMMELL

Direct Examination by Mr. Ariail 2132

JAMES MULDROW

Direct Examination by Mr. Ariail 2137

RAYMOND SASS

Direct Examination by Mr. Ariail 2142

Cross Examination by Mr. Mauldin.....2148

PAMELA CRAWFORD, M.D.

Direct Examination by Mr. Ariail 2150

MOTIONS AND ARGUMENT (*IN CAMERA*) 2152

TESTIMONY

PAMELA CRAWFORD, M.D.

Direct Examination by Mr. Ariail 2158

MOTIONS AND ARGUMENT (*IN CAMERA*) 2159

JURY IN 2169

TESTIMONY

PAMELA CRAWFORD, M.D.

Direct Examination by Mr. Ariail 2172

Cross Examination by Mr. Nettles 2176

Redirect Examination by Mr. Ariail.....2186

Recross Examination by Mr. Nettles.....2186

TINA SMITH

Direct Examination by Mrs. Strom 2187

PAT WILLIAMS

Direct Examination by Mrs. Strom 2191

GARY WILLIAMS

Direct Examination by Mrs. Strom 2200

MOTIONS AT CLOSE OF STATE'S CASE.....2204

TESTIMONY – DEFENSE CASE

DWIGHT WILLIAMS

Direct Examination by Mr. Nettles 2208

ANN WILSON

Direct Examination by Ms. Coyle 2220

Cross Examination by Mr. Ariail 2232

REBECCA OWENS

Direct Examination by Ms. Coyle 2234

MARJORIE HAMMOCK

Direct Examination by Mr. Mauldin 2241

JAMES TOLLISON

Direct Examination by Ms. Coyle 2264

Cross Examination by Mr. Ariail 2269

FRIDAY, FEBRUARY 18, 2005

COLLOQUY BETWEEN COURT AND ATTORNEYS 2271

TESTIMONY

DR. ERIC BOGEN

Direct Examination by Mr. MacDougall 2272

Cross Examination by Mr. Ariail 2285

Redirect Examination by Mr. MacDougall 2290

Recross Examination by Mr. Ariail 2291

JAMES AIKEN

Direct Examination by Mr. Mauldin 2291

Cross Examination by Mr. Ariail 2301

SEYMOUR HALLECK, M.D.

Direct Examination by Mr. MacDougall 2302

Cross Examination by Mr. Ariail 2318

Redirect Examination by Mr. MacDougall 2326

Recross Examination by Mr. Ariail 2328

MAUREEN BANGCUYO

Direct Examination by Mr. Nettles 2328

COLLOQUY WITH APPELLANT 2351

MOTION AND CHARGE DISCUSSION.....	2359
COLLOQUY WITH APPELLANT	2361
CLOSING ARGUMENT BY THE SOLICITOR	2363
CLOSING ARGUMENT BY THE DEFENSE	2380
JURY CHARGE.....	2399
JURY RETIRES FOR THE EVENING.....	2409

SATURDAY, FEBRUARY 19, 2005

MOTIONS	2410
<i>ALLEN</i> CHARGE.....	2413
EXCEPTION TO CHARGE.....	2415
VERDICT	2416
SENTENCE.....	2420
MOTIONS TRANSCRIPT – NOVEMBER 1, 2004.....	2424
MOTIONS TRANSCRIPT – DECEMBER 15, 2004.....	2469

VOLUME SIX

TRANSCRIPT - MAY 25, 2004.....	2520
PRE-TRIAL MOTIONS TRANSCRIPT – JANUARY 13, 2005	2559
PRE-TRIAL SUPPRESSION HEARING – JANUARY 26, 2005	2647
TESTIMONY	
MICHAEL MCNAMARA	
Direct Examination by Mr. Ariail	2656
Cross Examination by Mr. Nettles	2684

PAMELA CRAWFORD, M.D.	
Direct Examination by Mr. Ariail	2694
Cross Examination by Mr. MacDougall	2718
RICHARD L. FRIERSON, M.D.	
Direct Examination by Mr. Nettles	2757
Cross Examination by Mr. Ariail	2771
Redirect Examination by Mr. Nettles.....	2778
SEYMORE L. HALLECK, M.D.	
Direct Examination by Mr. MacDougall	2780
Cross Examination by Mr. Ariail	2798
ARGUMENT BY MS. COYLE	2807
ARGUMENT BY MR. ARIAIL.....	2832
ARGUMENT BY MS. COYLE	2838
MOTIONS TRANSCRIPT – APRIL 6, 2005	2842
COURT’S EXHIBIT 2 (SEPTEMBER 3, 2003 QUESTIONING OF APPELLANT BY DR. CRAWFORD).....	2869
COURT’S EXHIBIT 13 (PROPOSED <i>ALLEN</i> CHARGE)	2964
COURT’S EXHIBIT 14 (JURY NOTE ON 9 TO 3 DEADLOCK)	2965
INDICTMENTS	2966
CERTIFICATE OF COUNSEL.....	2970

VOLUME SIX CONTINUED

FIRST PCR APPLICATION.....	2971
APPOINTMENT ORDER.....	2979
FIRST RETURN OF ATTORNEY GENERAL	2988

VOLUME SEVEN

First Return of Attorney General	3001
First Amendment to Application	3036
Return to Amended Application	3039
Second Amendment to Application	3134
Amicus Brief.....	3136
PCR Transcript.....	3175
Pre-Trial Matters	3180
Jan Vogelsane, Direct	3186
Jan Vogelsane, Cross	3221
Jan Vogelsane, Re-Direct.....	3252
William Nettles, Direct	3260
William Nettles, Cross	3291
William Nettles, Re-Direct	3310
William Nettles, Re-Cross	3317
John Mauldin, Direct	3319
John Mauldin, Cross	3350
John Mauldin, Re-Direct.....	3379
Robert Dudek, Direct	3384
Robert Dudek, Cross	3389
Robert Dudek, Re-Direct	3405
Daisy Huckaby, Direct.....	3412
Daisy Huckaby, Cross.....	3420
Dwight Williams, Direct.....	3426
Dwight Williams, Cross.....	3431
Dwight Williams, Re-Direct	3434
Paul Connor, Direct	3441

VOLUME EIGHT

PCR Transcript, Part Two.....	3556
Paul Connor, Cross	3556
Paul Connor, Re-Direct.....	3599

Richard Adler, Direct.....	3603
Richard Adler, Cross.....	3722
Richard Adler, Re-Direct.....	3772
Richard Adler, Re-Cross.....	3781
Richard Adler, Recalled.....	3794
Richard Adler, Recalled.....	3799
Natalie Novick-Brown, Direct.....	3785
Natalie Novick-Brown, Cross.....	3902
Natalie Novick-Brown, Re-Direct.....	3946

VOLUME NINE

Petitioner's Post Trial Brief.....	4017
Dismissal Order.....	4167
Motion to Reconsider.....	4217
Dismissal of Motion to Reconsider.....	4229
Notice of Appeal.....	4232
Exhibit List, PLAINTIFF.....	4235
Family Tree.....	4238
Memo from Reprieve.....	4239
Affidavit from Linda Mroz.....	4245
First Grade Report.....	4248
School psychological evaluation.....	4249
Pediatrician Records.....	4254
Second Grade Report.....	4263
Interview Notes.....	4265
Investigator Notes.....	4269
Investigator Notes.....	4270
Risk Factors.....	4271
Themes.....	4272
Dr. Evan's Notes.....	4273
Email – August 26, 2004.....	4303
ABA Guidelines.....	4304
Neuro Evaluation.....	4441
Email – February 2, 2005.....	4446
Focus Group.....	4449
Themes or Theory.....	4460
ABA Guidelines.....	4467
Email – January 5, 2005.....	4470
Jury Charge.....	4471
Pre-Trial Brief.....	4475

VOLUME TEN

Exhibit List - Continued, PLAINTIFF.....	4531
Appendix of FAS documents.....	4531
Affidavit of Dr. Griesemer.....	4851
Death Certificate	4858
Citizenship certificate	4860
Photograph of Carlo Rossi burgandy	4863
CV of Paul David Connor, Ph.D.....	4864
CV of Natalie Novick Brown, Ph.D	4878
CV of Richard S. Adler, M.D.	4887
Fetal Alcohol Syndrome Manual	4898
CDC, FAS Guidelines for Referral and Diagnosis	4907
FAS facial Photographic Analysis Report	4969
Diagnostic Criteria for FAS	4970
Photo of Chris Willaims brain(MRI)	4971
Quantitative EEG Analyses	4972
Raw EEG Report of Dr. Walker	4992
Hospital Timeline.....	4994

VOLUME ELEVEN

Exhibit List - Continued, PLAINTIFF.....	5005
GMH medical records.....	5005
Slide Normal Corpus Callosum	5028
Exhibit List - DEFENSE.....	5030
2005 Slide 12 of brain.....	5030
2005 Slide 13 of brain.....	5031
2005 Slide 12 of brain.....	5032
2005 Slide 13 of brain.....	5033
2005 Slide 14 of brain.....	5034
2011 MRI report	5035
2005 MRI report	5036
FASD in the legal system	5038
Status Conference Transcript.....	5039
Email Communications from Judge Welmaker	5073

GMH - CR - EE - OD

233
7010

270
012
1794

390-1229 -

Family Procedure

*Harriet
Abraham*

PLAINTIFF'S
EXHIBIT
39
10-0792
FEDERAL BUREAU OF INVESTIGATION

GHS PATIENT DATA PLEASE CHECK ON LINE FOR CURRENT UPDATED INFORMATION
PT NO: MED REC NO: PT STATUS: EA OBSV: PT TYPE: E

*****LAST VISIT DATE: HOSP: *****

*****DEMOGRAPHIC INFORMATION*****

PT NAME: WILLIAMS, CHARLES C SSN:
BIRTHDATE: AGE: 20 YEARS SEX: M RACE: B MAR STS: S
HOME ADDRESS: 19 GLEN LAUREL COURT COUNTRY:
CITY: MAULDIN STATE: SC ZIP: 29687-0000 COUNTY: 23
HOME PHONE: 864 - 244-9648 OTHER PHONE: EXT:
MOTHERS NAME: DAISY RELIGION:

EMPLOYER: UNEMPLOYED

OCCUPATION:

ADDRESS:

CITY:

STATE:

ZIP:

PHONE:

EXT:

*****GUARANTOR INFORMATION*****

GUAR NAME: WILLIAMS, CHARLES SSN:
BIRTHDATE: SEX: M RACE: B RELATION TO PATIENT: SELF
BILLING ADDR: 19 GLEN LAUREL COURT COUNTRY:
CITY: MAULDIN STATE: SC ZIP: 29687-0000
HOME PHONE: 864 - 244-9648 OTHER PHONE: EXT:
EMPLOYER: UNEMPLOYED OCCUPATION: E: E

ADDRESS:

CITY:

STATE:

ZIP:

PHONE:

EXT:

*****EMERGENCY CONTACT*****

NAME: WILLIAMS, DAISY RELATION TO PATIENT: MOTHER: 23
ADDRESS:
CITY: SIMPSONVILLE STATE: SC ZIP:
HOME PHONE: 864 - 288-0575 WORK PHONE: EXT:

*****INSURANCE INFORMATION*****

FIN CLASS: 0018 CHECK PRIORITY BEFORE FILING!!!!
INS PLAN NAME: SELF PAY PRIORITY: 1 VERIFIED: N
INS PLAN CODE: S01 PRECERT REQUIRED: U PHONE:
INS ID NO: GROUP NO:
SUBSCRIBER: WILLIAMS, CHARLES PT REL TO SUB: SELF 84

MAIL CLAIM TO:

ADDRESS:

CITY:

STATE:

ZIP:

PHONE:

EXT:

INS PLAN NAME: PRIORITY: VERIFIED: E: E

INS PLAN CODE: PRECERT REQUIRED: PHONE:

INS ID NO: GROUP NO: 5034

SUBSCRIBER: PT REL TO SUB: 84

MAIL CLAIM TO:

ADDRESS:

CITY:

STATE:

ZIP:

PHONE:

EXT:

*****CASE INFORMATION*****

ARRIVAL DT/TM: 06/15/03 08:35 STATISTIC CODE: 042
ADMIT DR: KELLEY, KARL D HOSPITAL SERVICE: ETC
PRE-ASSESSMENT DATE: COURTESY DISCHARGE:
COMPLAINT: T B E
PREREG/PREADM: SIGNATURES OBTAINED: Y
ADMIT/REG: AJM02A PRINTED BY: MPB02A

**GHS
EMERGENCY DEPARTMENT
Point of Entry History**

NAME: Charles Williams AGE: 20 SEX: MARRIVAL DATE: 6-13-03 TIME: 0450 WT. PEDS: _____MODE OF ARRIVAL: ☐ EMS ☐ STRETCHER ☐ WALKED ☐ CARRIED ☐ W/CPHYSICIAN: ? PATIENT CALLED: ☐ YES ☐ NO☐ WANTS PRIVATE MD CALLED☐ WANTS ED MD TO TX08-6032244 251715084
WILLIAMS, CHARLES CVS: TEMP 98.5 PULSE 96 RR 12 6/13/03
BP 139/97/403 SpO2 100%
PAIN: ☒ YES ☐ NO INTENSITY (0-10) _____☐ CANT USE SCALETRIAGED TIME: 0450 TRIAGE LEVEL: 4 TRIAGED TO: ☒ CC ☐ IMC ROOM # 7CHIEF COMPLAINT/HPI: pt purchased on Xanax and ☐ TRAUMA ☐ PEDS ☐ OTHERvalproic acid EMS he took 40 pills
at about 0400 denied ETOH☐ A&O X3 ☒ NO RESP DISTRESS LMPPPMH / SURGERIES: unknownMEDICATIONS: unknownIMMUNIZATIONS: ☒ N/A UP TO DATE TETANUS: < 5 YRS > 5 YRS/UNKNOWN OTHER: _____ALLERGIES: MEDICATIONS: Crack FOOD: ? LATEX ☐ YES ☒ NO

(KWL, BANANAS, SHELL FISH) (ANY SENSITIVITY TO RUBBER PRODUCTS OR HISTORY OF SPINA BIFIDA)

PROTOCOLS: X-RAY _____ CBC BETA HCG CV PANEL UA FSBG _____ ICE DRESSING

SPINAL IMMOBILIZATION _____ MEDS: _____

TRIAGE RN D. Dole

PHYSICIAN ASSESSMENT

DICTATION

TIME

TIME _____

VA = ALL pt is not conscious consciousUSU ? MS - (rechecked) status statusLFT'S WNL no Benzos no BenzosETOH < 10 no Benzos no Benzospt is not conscious conscious conscious

MEDICAL RECORDS

288-0545
Daisy-

ACUITY LEVEL: HP

08 0052
WILLIAMS CHARLES C
40. ER Charles Williams
C. C. WILLIAMS CHARLES C 06/15/70

TIME	NOTES	INITIALS
0450	Pt. to CC 3 via stretcher per ERNS. ERNS reports pt. called for help stating "I took 40 pills." Pt. presents to ER, diaphoretic - does respond to occasional oral word answers. ABC assessment completed - see flow sheet.	
0455	16 Fr Foley inserted - clear yellow urine return.	
0515	18 Fr NG tube to (2) nose. 12 ray ordered.	
0535	Rod techs @ hs for ppx.	
0600	X-ray OK. per Dr. Hoffer. Activated charcoal. Pt. continues sleeping and unresponsive. Resp. spontaneous. VSS.	
0635	PR mother & father @ hs. Family updated on POC.	
0715	Report to Dr. RD Pt. asleep - no change.	
0730	Pt. asleep - resp. even, unlabored - timely ext. BS - A unresponsive - response to pain stimuli - Pt. combes or winks - Sigmoid touch - SLX 21 - nasal airway in place - NG in place - S ext. - IV NS at LVO in lt arm 3 S/S infection.	
0830	Pupil unreactive - total 350cc urine output noted - Gag reflex present - suction mouth & some secretions & some charcoal noted.	

DISCHARGE: TIME 1:00 TO ☐ HOME ☐ OTHER _____ BY ☐ STRETCHER ☐ W/C ☐ AMBULATORY ☐ CARRIED
ACCOMPANIED BY ☐ FAMILY ☐ SELF ☐ EMS ☐ OTHER _____
PAIN LEVEL 0 NEURO STATUS: ☒ A & O ☐ AT BASELINE
RESP: ☐ UNLABORED ☐ AT BASELINE ☐ W/DIC INI discharge
TIME OF DEATH _____
CORONER CALLED ☐ YES ☐ NO
TIME _____ INI _____

ADMITTED/TRANSFERRED: TIME 07:15 07/15/81 11 AM IN
 REPORT CALLED TO: _____ BY _____ TIME _____ ☐ TO ROOM ☐ TO OR ☐ TO OTHER FACILITY _____
 TRANSPORTED BY: ☐ STRETCHER ☐ W/C ☐ WALKED & ☐ EMS ☐ MOBILE CARE ☐ POV ☐ TRANSFER FORM DONE
 TRANSPORTED ON: ☐ CARDIAC MONITOR ☐ PULSE OX ☐ OXYGEN ☐ PATENT IV SITE ☐ STAFF ☐ POLICE
 OLD RECORDS SENT W/PT ☐ YES ☐ NO ☐ N/A BELONGS SENT W/PT ☐ YES ☐ NO EXPLAIN _____

NURSING ASSESSMENT		TIME: _____																																																																																				
NEURO	APPEARANCE: ☒ CLEAN ☐ UNKEMPT ☐ OTHER _____ BEHAVIOR: ☐ COOPERATIVE ☐ AGITATED ☐ RESTLESS ☐ HOSTILE ☐ CONFUSED ☒ OTHER <u>disoriented</u>																																																																																					
	ORIENTATION: ☒ PERSON ☐ PLACE ☐ TIME ☐ AGE APPROPRIATE SPEECH: ☐ CLEAR ☐ APPROPRIATE ☐ INAPPROPRIATE ☒ SLURRED ☐ APHASIC SENSORY: ☒ NO DEFICIT ☐ NUMBNESS ☐ TINGLING LOC. _____ HEARING: ☒ NO DIFFICULTY ☐ LIMITED ☐ DEAF R L BOTH RESPONSE TO STIMULI: ☐ SPONTANEOUSLY ☐ TO SOUND ☐ TO SHAKE ☒ TO PAIN ☐ NO RESPONSE EXTREMITY MOVEMENT: RUE _____ RLE _____ LUE _____ LLE _____ PUPILS: L _____ R _____																																																																																					
RESPIRATORY	AIRWAY: ☒ CLEAR ☐ OBSTRUCTED ☐ ORAL ☐ ET ☐ TRACH RESPIRATIONS: ☒ SPONTANEOUS ☐ LABORED ☐ ASSIST ☐ ABSENT ☐ HYPERVENTILATION ☐ SHALLOW ☐ RETRACTIONS ☐ FLARING BREATH SOUNDS: ☒ CLEAR ☐ EQUAL BILAT ☐ RALES _____ ☐ RHONCHI ☐ WHEEZES ☐ DECREASED ☐ ABSENT COUGH: ☐ PRODUCTIVE ☐ UNPRODUCTIVE ☐ SPUTUM _____ ☐ NASAL CONGESTION																																																																																					
	RHYTHM: ☒ REGULAR ☐ IRREGULAR ☐ PACEMAKER CAP REFILL: ☒ < 3 SECS ☐ > 3 SECS HEART SOUNDS: <u>S1S2</u> NECK VEINS: ☐ FLAT ☐ DISTENDED ☐ ORTHOPNEA EDEMA: ☒ ABSENT ☐ SLIGHT ☐ MILD ☐ MODERATE ☐ SEVERE LOCATIONS: _____ PULSE: RADIAL R <u>+2</u> L <u>+2</u> DP R <u>+2</u> L <u>+2</u> OTHER _____ R _____ L _____ SHUNT LOCATION: _____ MONITOR: <u>SE</u>																																																																																					
CARDIOVASCULAR	☐ NO COMPLAINT ☐ COLOSTOMY BOWEL SOUNDS: ☒ PRESENT ☐ ABSENT ☐ HYPOACTIVE ☐ HYPERACTIVE ABDOMEN: ☒ SOFT ☐ TENDER ☐ FLAT ☐ DISTENDED ☐ NAUSEA ☐ VOMITING ☐ DIARRHEA ☐ CONSTIPATED ☐ INCONTINENT LAST BM: _____ ☐ DIFFICULTY SWALLOWING UNINTENTIONAL WEIGHT LOSS: POUNDS _____ IN 6 MONTHS																																																																																					
	LMP: _____ PREGNANT ☐ YES ☐ NO ☐ UNCERTAIN URINARY: ☐ NO PROBLEM ☐ FREQUENCY ☐ URGENCY ☐ BURNING ☐ HEMATURIA ☐ PRESSURE VAG BLEEDING ☐ INCONTINENT ☐ ANURIC ☐ ILEOSTOMY DIAPERS: ☐ NORMAL ☐ DECREASED URINE OUTPUT # DIAPERS _____ DISCHARGE: ☐ VAGINAL ☐ PENILE COLOR: _____																																																																																					
GENITOURINARY	SKIN: ☒ ELASTIC ☐ TENTING ☐ DRY ☐ WET INJURY: ☐ LACERATION ☐ ABRASION ☐ GSW ☐ STAB ☐ BURN ☐ RASH ☐ ULCER ☐ AVULSION/AMPUTATION ☐ PUNCTURE ☐ BRUISING AREA: _____ BLEEDING: ☐ CONTROLLED ☐ CONTINUING TEMPERATURE: ☒ NORMAL ☐ WARM ☐ COLD ☐ HOT ☐ PALE ☐ CYANOTIC ☐ FLUSHED ☐ JAUNDICED																																																																																					
	INTACT ☒ INJURY: ☐ DEFORMITY LOCATION _____ ☐ POSSIBLE OPEN FX LOCATION _____ ☐ DECREASED ROM LOCATION _____ ☐ NEUROVASCULARLY INTACT																																																																																					
MUSCULO-SKELETAL	SOCIAL HISTORY: <u>SSA</u> SMOKING HISTORY: <u>SMOKES</u> _____ PACK PER DAY # YRS SMOKED _____ QUIT _____ YRS AGO ☐ NEVER SMOKED ALCOHOL HISTORY: ☐ DRINKS DAILY ☐ HX SOBER _____ YRS ☒ DRINKS OCC/NOT AT ALL SPIRITUAL NEEDS: ☐ NONE IDENTIFIED ☐ OTHER _____ WE ARE ROUTINELY SCREENING FOR DOMESTIC VIOLENCE. HAVE YOU BEEN HIT, KICKED, VERBALLY OR SEXUALLY ABUSED BY A FAMILY MEMBER OR SIGNIFICANT OTHER? ☐ YES ☒ NO DO YOU WANT HELP WITH THIS TODAY? ☐ YES ☒ NO																																																																																					
	EDUCATIONAL NEEDS ASSESSMENT EDUCATION: YEARS _____ ABLE TO: ☐ READ ☐ WRITE COMMUNICATION DEFICITS: ☐ BLIND ☐ DEAF ☐ NON ENGLISH SPEAKING ☐ SPEAKS _____ WHAT QUESTIONS/CONCERNS DO YOU HAVE ABOUT YOUR ILLNESS? _____ RESOURCE NEEDS: ☐ NONE ☐ NEEDS ASSISTANCE GETTING MEDICATIONS ☐ NEEDS ASSISTANCE WITH ADL'S ☐ NEEDS ASSISTANCE WITH REFERRAL ☐ NEEDS ASSISTANCE WITH MEDICAL EQUIPMENT ☐ OTHER NEEDS _____																																																																																					
MULTIDISCIPLINARY PROBLEMS LIST PROBLEM 1. <u>Overdose</u> SIGNATURE: <u>[Signature]</u> 2. _____																																																																																						
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Valuable Belongings</th> <th colspan="4">Disposition</th> </tr> <tr> <th>Passport/Arrival</th> <th>bedside</th> <th>family</th> <th>safe</th> </tr> </thead> <tbody> <tr><td>Dentures:</td><td></td><td></td><td></td><td></td></tr> <tr><td>Glasses/contacts:</td><td></td><td></td><td></td><td></td></tr> <tr><td>Hearing Aid:</td><td></td><td></td><td></td><td></td></tr> <tr><td>Walker/Cane:</td><td></td><td></td><td></td><td></td></tr> <tr><td>Braces:</td><td></td><td></td><td></td><td></td></tr> <tr><td>Prosthesis:</td><td></td><td></td><td></td><td></td></tr> <tr><td>Wheelchair:</td><td></td><td></td><td></td><td></td></tr> <tr><td>Money:</td><td></td><td></td><td></td><td></td></tr> <tr><td>Wallet:</td><td></td><td></td><td></td><td></td></tr> <tr><td>Checkbook:</td><td></td><td></td><td></td><td></td></tr> <tr><td>Jewelry:</td><td></td><td></td><td></td><td></td></tr> <tr><td>Clothing:</td><td></td><td></td><td></td><td></td></tr> <tr><td>Shoes/Boots:</td><td></td><td></td><td></td><td></td></tr> <tr><td>Purse:</td><td></td><td></td><td></td><td></td></tr> <tr><td>Medications:</td><td></td><td></td><td></td><td></td></tr> </tbody> </table>			Valuable Belongings	Disposition				Passport/Arrival	bedside	family	safe	Dentures:					Glasses/contacts:					Hearing Aid:					Walker/Cane:					Braces:					Prosthesis:					Wheelchair:					Money:					Wallet:					Checkbook:					Jewelry:					Clothing:					Shoes/Boots:					Purse:					Medications:				
Valuable Belongings	Disposition																																																																																					
	Passport/Arrival	bedside	family	safe																																																																																		
Dentures:																																																																																						
Glasses/contacts:																																																																																						
Hearing Aid:																																																																																						
Walker/Cane:																																																																																						
Braces:																																																																																						
Prosthesis:																																																																																						
Wheelchair:																																																																																						
Money:																																																																																						
Wallet:																																																																																						
Checkbook:																																																																																						
Jewelry:																																																																																						
Clothing:																																																																																						
Shoes/Boots:																																																																																						
Purse:																																																																																						
Medications:																																																																																						
RN/NST Signature: <u>[Signature]</u> MOTOR: N=NORMAL W=WEAK F=FLACCID P=PURPOSEFUL NP=NONPURPOSEFUL OT=DECORTICATE DB=DECEREBRATE PULSE: A=ABSENT 1+=WEAK 2+=NORMAL 3+=STRONG 4+=BOUNTING D=DOPPLER PUPIL REACTION: B=BRISK S=SLUGGISH H=HIPRUS N=NONE RN SIGNATURE: <u>[Signature]</u>																																																																																						

[illegible]

GREENVILLE HOSPITAL SYSTEM
EMERGENCY DEPARTMENT

DATE: 6-13-03
ALLERGIES: code
ACUITY LEVEL: 2

WILLIAMS, CHARLES C
O.E.R.
CUIR ERTEC 06/13/03
SS

Charles Williams

MEDICATIONS							
TIME	DRUG	DOSE/ROUTE/SITE	INI	RESPONSE	TIME	DRUG	DOSE/ROUTE/SITE
0855	Lorazepam	2mg IV	88		0950	Lorazepam	5mg IV
0900	Lorazepam	5mg IV	88		1050	Lorazepam	5mg IV

VITAL SIGNS															
TIME	T	P	R	BP	S.O.	PAIN LEVEL	Cardiac Rhythm	TIME	T	P	R	BP	S.O.	PAIN LEVEL	Cardiac Rhythm
0658		108	18	115/67	95			1000		90	18	145/70	100		
0718		104	18	149/65	95			1100		112	20	130/60			
0739		100	20	140/70	98			1200		110	22	140/80			
0758		124	18	149/96	99			1300		100	18	130/80			
								1400		80		130/60			

TIME	NOTES	INITIALS
0850	Medicated as ordered - Will continue to assess for alertness	88
0905	Dr. Kilgore at bs to talk cmt - able to open his eyes to questions	88
0950	At work some - Pulled NG tube - Pulled Foley - total 200 cc yellow urine noted	88
1000	Ammonia Inhalant at pt's face - some sneezes noted - will continue to assess	88
1030	At still sleeping at intervals - able to wake at times moving extremities	88
1050	Dr. Kilgore at bs - talking & pt	88
1108	ELB - thor cardiac cz - clear to take	88
1140	Dr. Kilgore @ bs taking pt's family	88
1200	Family at bs - At working some	88
1310	Family on s. worker to talk & family	88
1410	At asleep - moved to hallway to evaluate	88
1510	At asleep - will wake, will speak too - Continue to assess	88
1625	Report from Sisy RR - At asleep & bitten & easily awake	88
1700	Sw sample for anal	88
1800	Discharge instructions given - Verbalize understanding WAD until - VS 140/80 QP 80 R16 - family at bs - escorted pt out & go's	88

NAME AND TITLE	INITIALS	NAME AND TITLE	INITIALS
Dr. [Signature]	88		
Nurse [Signature]	88		

WILLIAMS, CHARLE

20 yr

Loc: I

Vent. rate
PR interval
QRS duration
QT/QTc
P-R-T axes

90 BPM
129 ms
92 ms
338/413 ms
54 33 21

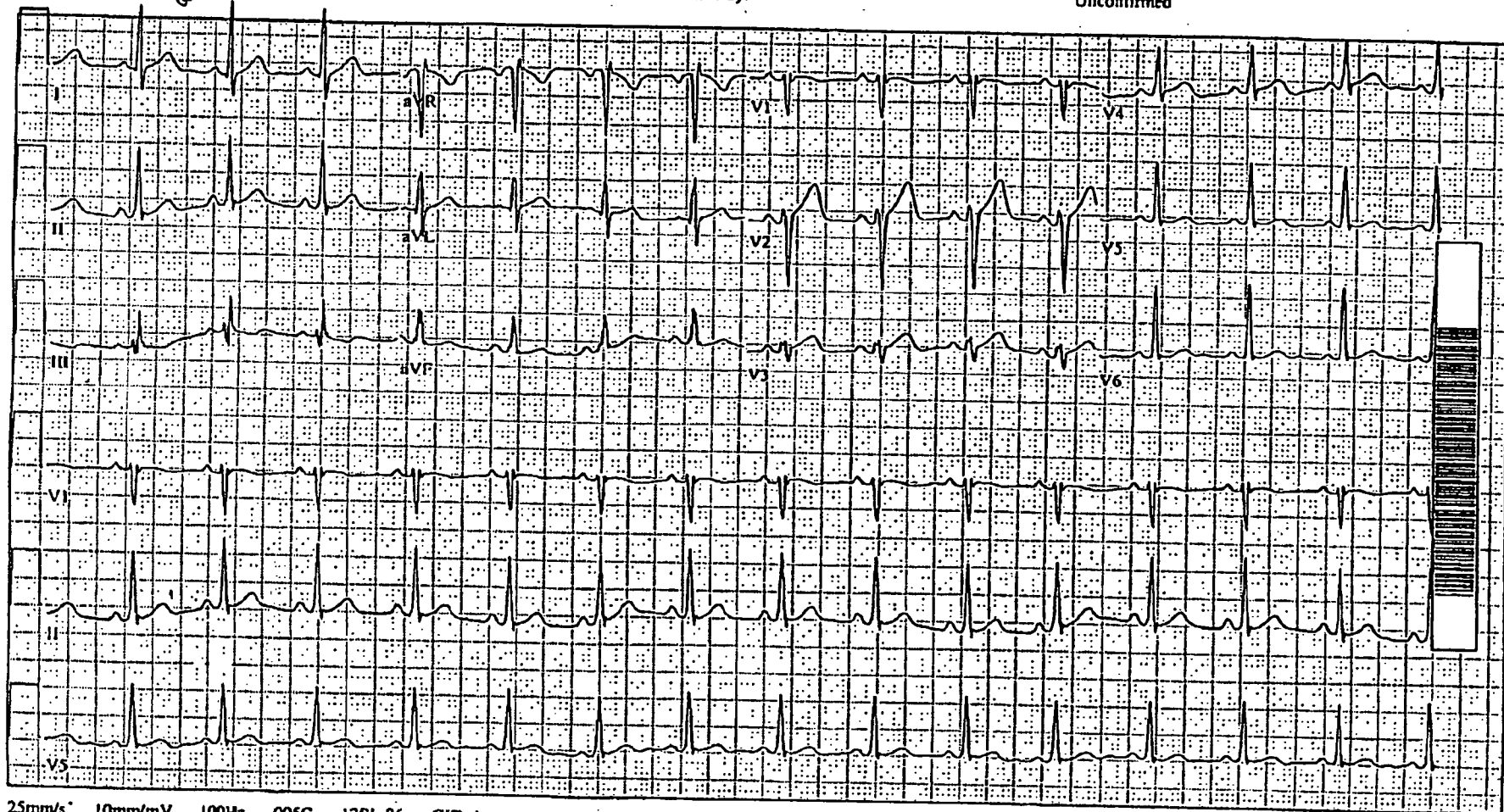
13-JUN-2003 10:58:00

NORMAL SINUS RHYTHM
NORMAL ECG
NO PREVIOUS ECGS AVAILABLE

MEMORIAL MEDICAL CENTER-ER ROUTINE RECORD

Referred by:

Unconfirmed



25mm/s 10mm/mV 100Hz 005C 12SL 86 CID: 1

EID: Unconfirmed EDT: ORDER:

Page 1 of 1

5012

Greenville Hospital System
24-Hour Behavioral Restraint Device Record

DATE: 10-13-03

Physician Order (Face to face within ONE HOUR of restraint; check every face to face evaluation)

MD SIGNATURE: _____ TIME: 0450
MD SIGNATURE: _____ TIME: _____
MD SIGNATURE: _____ TIME: _____
MD SIGNATURE: _____ TIME: _____
MD SIGNATURE: _____ TIME: _____
MD SIGNATURE: _____ TIME: _____

WILLIAMS, CHARLES C

P.D. ER

COIP addressograph 01/13/03

SBP 20 Alternatives Prior to Restraint Use
SSH ☐ Verbal redirection
☐ Decrease stimulation (soft lighting)
☐ Emotional support (reassurance, coping)
☐ Medication (prescribed)
☐ Other (specify): _____

Reason for restraint (describe behavior)

Type of Restraint Time Initiated Time Discontinued

A. Two/Three Point Restraint _____

B. Four Point Restraint _____

C. Seclusion _____

☐ Hazardous Items Removed from patient
☐ Valuables Removed
☐ Medication Removed

Restraint Use Discussed with Patient/Family Date: _____ Time: _____

☐ Family at bedside ☐ Family called ☐ Patient has no family

RN Initiating Restraint: _____ Date: _____ Time: _____

** Initials are to be used in spaces **

Do first assessment at time patient placed in restraints.

RESTRAINT INITIATED									CODE - Select Nursing Action(s)/Select Patient Behavior(s)
0700-1500			1515-2315			2330-0645			NURSING ACTIONS
TIME	CODE	INITIAL	TIME	CODE	INITIAL	TIME	CODE	INITIAL	1. Placed in seclusion and/or restraint
0700			1515			2330			2. Bathed/Showered
0715			1530			2315			3. Offered Meal
0730			1545			2330			4. Offered Fluids
0745			1600			2345			5. Offered Toilet
0800			1615			2400			6. Offered Exercises
0815			1630			0015			7. Checked Restraints (circulation, skin assessment)
0830			1645			0030			8. Administered Medication
0845			1700			0045			9. Checked Vital Signs
0900			1715			0100			10. OTHER:
0915			1730			0115			PATIENT BEHAVIOR
0930			1745			0130			A. Verbalizes harm to self or others
0945			1800			0145			B. Interacting with staff
1000			1815			0200			C. Pacing
1015			1830			0215			D. Quiet
1030			1845			0230			E. Sleeping
1045			1900			0245			F. Talking
1100			1915			0300			G. Beating Doors/Walls
1115			1930			0315			H. Crying
1130			1945			0330			I. Cursing
1145			2000			0345			J. Laughing
1200			2015			0400			K. Yelling and/or screaming
1215			2030			0415			L. Threatening
1230			2045			0430			M. Hallucinating/Delusional
1245			2100			0445			N. Other patient behavior (specify):
1300			2115			0500			
1315			2130			0515			
1330			2145			0530			
1345			2200			0545			
1400			2215			0600			
1415			2230			0615			
1430			2245			0630			
1445			2300			0645			
1500			2315						

Signature	Initials	Signature	Initials	Signature	Initials
<u>[Signature]</u>	<u>[Initials]</u>				

NOTE: RN must perform and document for each restraint device initiated every 4 hours for Adults every 2 hours for ages 0-17 years old



550 [REDACTED] BIOGRAPH



Consents/Registration
Greenville Hospital System

CONSENT FOR TREATMENT

0613709

WILLIAMS, CHARLES C
MD, ER
EYC 0018 EARTEC 06/13/09
SSN [REDACTED] ADDRESS [REDACTED]

The following are the conditions for services provided by the Greenville Hospital System (GHS) for the patient whose name appears above.

MEDICAL AND SURGICAL CONSENT: Most Members of the Medical Staff (Physicians) are not employees or agents of GHS; therefore, GHS is not responsible for any act or omission by the physician. GHS is a medical teaching institution; therefore, residents may be involved in your care under the supervision of an attending physician. I/We consent to any x-ray examination, laboratory procedure, anesthesia, medical, surgical or services given the patient under the general and special instructions of the physician. If a health care worker comes in direct contact with a patient's blood or body fluids, I/We understand that the patient's blood may be tested for the hepatitis B virus, hepatitis C virus, or the HIV (human immunodeficiency virus) to determine whether or not the viruses are present, endangering the health care worker (in accordance with South Carolina State Statute title 44, chapter 29, section 44-29-230). The results of the testing will be made available to the patient.

ASSIGNMENT OF INSURANCE BENEFITS AND THIRD PARTY CLAIMS: If the account is not paid at time of discharge, I hereby assign to GHS any proceeds from the following: TRICARE major medical benefits, PIP [personal injury protection], sick benefits, physician benefits [excluding any benefits payable to physicians who are not employees or agents of GHS], injury benefits, or any other health, accident or welfare benefits of any type or form relating to the patient, whether insured or self-funded, proceeds of any liability settlement or judgement being paid by or on behalf of a third party, or any other benefits due from the insurance policy. All amounts collected will be applied to the patient's account. I understand that I am responsible for any charges not covered by insurance, Medicare, Medicaid, or any other benefits. I hereby also assign to any physician any proceeds of the foregoing benefits being paid by or on behalf of a third party or due from any insurance policy for services provided at GHS [such as Radiologists, Pathologists, Emergency Department Physicians, and other private physicians.] In addition, I/We further warrant and represent that any insurance or any plan which we assign is valid insurance and in effect and that I/We have the right to make this assignment. In the event a claim for payment submitted by GHS to my insurance carrier or plan administrator is denied, I hereby authorize GHS to seek an administrative review of the disputed claim in accordance with the applicable provision[s] of my plan or policy. If my plan or policy is provided pursuant to the Federal Employees Health Benefits Act, 5 U.S.C. Section 8901 et seq., this review process will include, but is not limited to, a review by the Office of Personnel Management.

FINANCIAL AGREEMENT: I understand that I am obligated to pay the patient's account according to the regular rates and terms of GHS. I do hereby appoint GHS as my true and lawful attorney to collect the claims, endorse the checks, and give full and final receipt for all amounts collected. In the event benefits exceed the actual charges for this account, I authorize GHS to apply the overpayment to any other account for which I am responsible. If there are no other outstanding accounts for which I am responsible, the payment will be posted to the intended account and the refund processed accordingly. I understand GHS may obtain my/our credit report for review in collection of this debt. In the event that this account is placed with a collection agency or an attorney for collection, the undersigned shall pay all collection fees and reasonable attorney's fees.

Initials of Patient/Responsible Party

CONSENT FOR TREATMENT

CHART COPY
M10029 (4/03)
CONSENTS/REGISTRATION

PAGE 1 OF 2



Consents/Registration
Greenville Hospital System

CONSENT FOR TREATMENT

001303
WILLIAMS, CHARLES C
MD, ER
E.C. 0018 EARTEC 06/13/07
SSN 20

ADDRESSOGRAPH

MEDICARE PATIENTS: Should I be eligible for Medicare Coverage, I request that payment of authorized Medicare benefits be made to GHS on my behalf. I certify that the information given by me is correct, in applying for payment under Title XVIII of the Social Security Act.

DISCLOSURE/USE OF HEALTH INFORMATION: I hereby authorize GHS and attending physicians to provide any health information, including copies of the patient's medical records, related to this admission or course of treatment requested by an insurance company or other payor (such as Medicare) for purposes of payment for the health care provided. I further authorize GHS and attending physicians to disclose health information, including transferring copies of the medical records, available to other physicians and/or healthcare facilities as they deem necessary for the continuing care of the patient. I recognize and agree that GHS may use health information related to the patient for purposes of its own health care operations including to but not limited to Medical Education, Peer Review and Outcomes Analysis Activities. I acknowledge that I have received a copy of GHS's Notice of Privacy Practices.

Daisy M. Rudolph
Signature of Patient/Responsible Party for acknowledgment of GHS Privacy Notice

PERSONAL VALUABLES: GHS is NOT responsible for personal property retained in the patient's room, including false teeth, glasses and other prosthetic devices. Furthermore, GHS will NOT be responsible for any of the patient's personal property, including money, unless receipt has been issued for the safekeeping of such personal property by GHS.

D M
Initials of Patient/Responsible Party

DATE _____ SIGNATURE OF WITNESS _____

SIGNATURE OF PATIENT _____

DATE _____ SIGNATURE OF WITNESS _____

SIGNATURE OF RESPONSIBLE PARTY (IF OTHER THAN PATIENT)* _____

DATE _____ SIGNATURE OF WITNESS _____

SIGNATURE OF INSURED (IF OTHER THAN PATIENT)* _____

DATE _____ SIGNATURE OF WITNESS _____

Daisy M. Rudolph
SIGNATURE OF CLOSEST ADULT RELATIVE OR LEGAL GUARDIAN
(REQUIRED IF THE PATIENT IS A MINOR OR SOMEONE UNABLE
TO UNDERSTAND THE ABOVE PROVISIONS)*

* INCLUDE RELATIONSHIP TO PATIENT WITH SIGNATURE

CONSENT FOR TREATMENT

CHART COPY
M10029 (4/03)
CONSENTS/REGISTRATION

PAGE 2 OF 2

52 Greenville Hospital System
Greenville Memorial Medical Center
EMERGENCY PHYSICIAN RECORD
Psych Disorder, Suicide Attempt, Overdose (S)

TIME SEEN: 0100 ROOM: 403 EMS Arrival
HISTORIAN: patient spouse paramedics

HX / EXAM LIMITED BY: _____

HPI chief complaint(s):

Suicidal Thoughts Depression Suicide Attempt
Agitated Hallucinating Self-Injury
Intentional Drug Overdose

Onset: _____ Accidental Drug Ingestion

Worsened since: _____

Severity: mild moderate severe When? _____

Context:

situational problems
related to: spouse / parent / son / daughter / significant other
work / lost job / school / legal problems

Current/associated complaints:

depressed / angry / frustrated / agitated / hostile / paranoid

confused / hallucinating

suicidal thoughts / specific plan / gesture or attempt

ingestion (see list below)

suicide attempt wanted to "escape" accidental will not answer

incised / abraded wrist (R / L)

Timing

LIST OF SUBSTANCES INGESTED (if applicable)			
name	strength	# taken	when taken
acetaminophen	Y/N		
aspirin	Y/N		
ethanol	Y/N		
<u>Flonasin</u>			
<u>2.5 mg</u>			

WILLIAMS, CHARLES C
M.D., ER
LTC 6018 ENRTEC 06/13/03
SSN 20

"RESCUE FACTOR" (if suicide attempt)
How did ingestion/other acts come to attention?

Arrived by: private car ambulance (who called?)
police patient spouse

Recently seen/treated by doctor: _____

ROS
PULMONARY & CVS
cough
trouble breathing
chest pain
NEURO & EYES
headache
visual disturbance
GI - GU
abdominal pain
nausea
vomiting
diarrhea
problems urinating
SKIN & LYMPH & MS
skin rash / swelling
joint pain

PAST HISTORY negative

prior suicide attempt
psychiatric problems
depression bipolar disorder
schizophrenia other
cardiac disease
hypertension
diabetes insulin / oral / diet
lung disease
+HIV / AIDS

other problems: Unknown

Surgeries:

tonsillectomy appendectomy
cholecystectomy hysterectomy

Medications none see nurses note

Allergies NKDA

see nurses note

SOCIAL HX

smoker drugs
recent alcohol use / binge drinking / alcoholism

marital status: single married children: _____

☐ Nursing Assessment Reviewed ☒ HR, RR, Temp reviewed.

PHYSICAL EXAM Alert ☒ Lethargic ☐ Obtunded

Distress NAD mild ☒ moderate ☐ severe

☒ uncooperative for exam

HEENT depressed / absent gag reflex

nml ENT inspection abnormal TM (R/L)

pharynx nml dry mucosa

☒ if obstructed

nml gag reflex gag reflexed diminished / absent

EYES nystagmus

pupils equal, round & reactive to light ☒ disconjugate gaze

EOM's intact mydriasis / meiosis / anisocoria

R Pupil mm L Pupil mm

NEURO/PSYCH slow ☒ no response to commands

mental status withdraws to pain no response to pain

mood/affect nml depressed affect

tearful / hostile / non-communicative

suicidal ideation

For suicide attempts: On direct query, patient ADMITS / DENIES continued consideration of suicide as an option.

If denies why? *Wants to Aspire*

orientation uncooperative / cannot determine

normal x3 disoriented

to: day-of-week day-of-month

month year place person

cranial nerves

sensory, motor

CN's intact as tested facial droop / CN abnormality

nml motor response motor/sensory deficit

nml sensory response

nml reflexes abnormal gait *Aspire*

nml gait

NECK/BACK cerv. lymphadenopathy (R/L) *Aspire*

normal inspection thyromegaly / meningismus

neck supple

RESPIRATORY wheezing

no resp. distress rales / rhonchi

breath sounds nml

CVS irregularly irregular rhythm

regular rate, rhythm extrasystoles (occasional / frequent)

heart sounds normal tachycardia / bradycardia

JVD

ABDOMEN guarding

non-tender hepatomegaly / splenomegaly

nml bowel sounds

no organomegaly

SKIN cyanosis / diaphoresis / pallor

color nml, no rash skin rash

warm, dry

EXTREMITIES laceration

non-tender pedal edema

normal ROM

no signs of injury

no pedal edema

PROCEDURES: ☒ Restraints

☐ Insulated by ED physician nasal/oral # ET tube

breath sounds equal tube position confirmed w CXR

☐ Gastric Lavage pill fragments recovered

☒ Charcoal 75 gm given Sorbitol oz given

UOI

Psych Disorder, Overdose-52

WILLIAMS, CHARLES C

D.O.B.

LABS, X-RAYS, and PROGRESS C 06/13/03

EKG MONITOR STRIP NSR abn

EKG 5 NML ☐ Reviewed by me Rate

NSR nml intervals nml axis nml QRS nml ST/T

not / changed from:

CXR ☐ interp. by me ☐ Reviewed by me ☐ Discd w/radiologist

nml/NAD no infiltrates nml heart size nml mediastinum

not / changed from:

CBC Chemistries ABG's Toxicology

normal except normal except time: normal except

WBC Na aspirin-

Hgb K pH ETOH-

Hct Cl pCO2

Platelets CO2 pO2 Triage™ urine

segs Anion Gap RA drug screen-

bands BUN O2 L

lymphs Creat

monos Gluc

Pulse Ox % on RA / L / % at (time)

Time unchanged improved re-examined

INTERVIEW WITH OTHER RESPONSIBLE ADULT:

Name: Relationship:

Considers ongoing suicide risk high low uncertain

Capable / comfortable with observing patient at home? Yes No N/A

MEDICAL CLEARANCE FOR PSYCHIATRIC REFERRAL (if needed)

Back-slash to indicate that diagnosis is unlikely based on H&P and, when needed, lab testing.

• Toxic (PCP, Amphetamines, Hallucinogens, Acetaminophen, ASA, ETOH, Other)

• Infectious (Meningitis, Encephalitis, Sepsis)

• Metabolic (Thyroid, Hypoglycemia, Drug Withdrawal, Hypoxemia, Electrolytes)

• CNS Vascular and Other (CVA, TIA, Seizure, Trauma)

• Other Unstable Comorbidities ☐ cleared medically for psych referral

Discussed with Dr. CRIT CARE- 30-74 min

will see patient in office / ED / hospital 75-104 min min

Counseled patient / family regarding: Prior records ordered

lab results diagnosis need for follow-up Additional history from:

Rx given Admit orders written family caretaker paramedics

CLINICAL IMPRESSION:

Ethanol Intoxication Psychosis Schizophrenia- acute exac.

Depression Drug Overdose (Intentional/ accidental)

major manic Suicide Attempt/ Ideation

DISPOSITION: ☐ home ☐ admitted ☐ transfer

CONDITION: ☐ unchanged ☐ improved ☐ stable

Resident Signature:

FACULTY NOTE: Pt. interviewed & examined Umc:

HPI: Resident hx reviewed see for details

EXAM:

ATTENDING SIGNATURE: *Charmaine*

WILLIAMS, CHARLE

ID: [REDACTED]

JUN-2003 10:58:00

0 yr

Vent. rate
PR interval
QRS duration
QT/QTc

90 BPM
129 ms
92 ms
338/413 ms
54 33 21

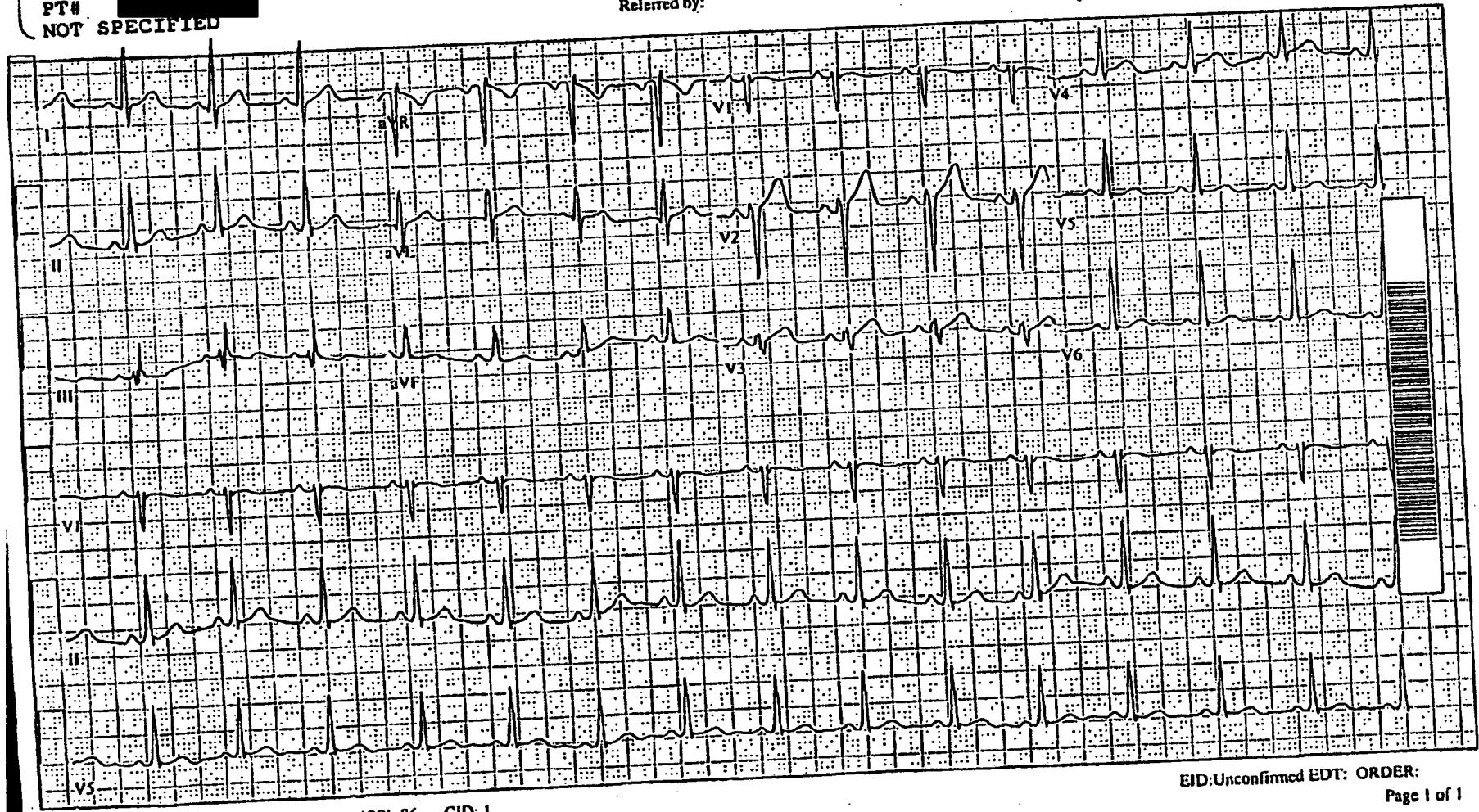
NORMAL SINUS RHYTHM
NORMAL ECG
NO PREVIOUS ECGS AVAILABLE

ORDER NO: 14
WILLIAMS, CHARLES C
MR# [REDACTED] SS# [REDACTED]
PT# [REDACTED]
NOT SPECIFIED

Referred by:

Unconfirmed

Pugh



25mm/s 10mm/mV 100Hz 005C 12SL 86 CID: 1

EID:Unconfirmed EDT: ORDER:

5019

06/17/2003
07:01

*** FINAL OUTPATIENT REPORT *** DO NOT DESTROY *** PAGE 1
GREENVILLE MEMORIAL HOSPITAL
701 Grove Road, Greenville, SC 29605
DIRECTOR: JESSE R STAFFORD, MD, GHS LABORATORIES
JESSE R STAFFORD, MD (GMH) PHILIP C VAN HALE, MD (ETC)
C MICHAEL WOLFF, MD (NICU)

NAME: WILLIAMS, CHARLES C
HOSP#: [REDACTED]
ATTENDING PHYSICIAN: [REDACTED]
SSN: [REDACTED]

LOC: GMCC

ROOM: CCOH16

ACCT: [REDACTED]
AGE: 20Y SEX: M
ADMITTED: 06/13/2003
DISCHARGED: 06/13/2003

***** HEMATOLOGY PROFILE *****

DAY:	1		NORMAL	UNITS
DATE:	06/13/03			
TIME:	+0450			
LOC:	GMCC			
WBC	6.8		4.8-10.8	TH/mm3
RBC	5.18		4.5-5.9	MIL/mm3
HGB	16.0		13.5-17.5	g/dL
HCT	47.2		41-53	%
MCV	91.1		80-100	fL
MCH	30.9		26-34	pg
MCHC	33.9		31-37	g/dL
RDW	12.6 L		13.2-16.0	%
PLT COUNT	174		140-440	TH/mm3
MPV	9.4		7.4-10.4	fL

***** ORGAN & DISEASE SPECIFIC PANELS *****

DAY:	1		NORMAL	UNITS
DATE:	{---06/13/03---			
TIME:	+0450	+0450		
LOC:	GMCC	GMCC		
FOOTNOTE:		#1		
POTASSIUM	3.5		3.5-5.1	mEq/L
SODIUM	139		137-145	mEq/L
CHLORIDE	100		98-107	mEq/L
CARBON DIOXIDE	29		22-30	mEq/L
ANION GAP	10		7-16	mEq/L
GLUCOSE	94		74-106	mg/dL
BUN	10		6-20	mg/dL
CREATININE	0.9		0.9-1.3	mg/dL
CALCIUM	9.1		8.4-10.2	mg/dL
DIRECT BILI		0.0	0-0.3	mg/dL
TOTAL BILIRUBIN		0.2	0.2-1.3	mg/dL
ALBUMIN		4.4	3.5-5.0	g/dL
TOTAL PROTEIN		7.3	6.0-8.5	g/dL
ALKALINE PHOS		75	29-118	U/L

NAME: WILLIAMS, CHARLES C
06/17/2003
07:01

MRN: 251715084
LOC: GMCC RM: CCOH16
SSN: 251715084 PAGE 1

*** FINAL OUTPATIENT REPORT *** DO NOT DESTROY ***
CONTINUED

06/17/2003
07:01

*** FINAL OUTPATIENT REPORT *** DO NOT DESTROY ***
GREENVILLE MEMORIAL HOSPITAL
701 Grove Road, Greenville, SC 29605
DIRECTOR: JESSE R STAFFORD, MD, GHS LABORATORIES
JESSE R STAFFORD, MD (GMH) PHILIP C VAN HALE, MD (ETC)
C MICHAEL WOLFF, MD (NICU)

PAGE 2

NAME: WILLIAMS, CHARLES C
HOSP#: [REDACTED]
ATTENDING PHYSICIAN:
SSN: [REDACTED]

LOC: GMCC ROOM: CCOH16

ACCT: [REDACTED]
AGE: 20Y SEX: M
ADMITTED: 06/13/2003
DISCHARGED: 06/13/2003

***** ORGAN & DISEASE SPECIFIC PANELS *****

DAY:	1		NORMAL	UNITS
DATE:	{---06/13/03---			
TIME:	+0450	+0450		
LOC:	GMCC	GMCC		
FOOTNOTE:	#1			
AST(SGOT)	27		1-59	U/L
ALT(SGPT)	24		21-72	U/L

#1 DIRECT BILI = Direct Bilirubin is a truncated calculation by the analyzer which may differ slightly from the manual calculation.

***** CARDIAC PROFILES *****

DAY:	1		NORMAL	UNITS
DATE:	06/13			
TIME:	+1054			
LOC:	GMCC			
FOOTNOTE:	#1			
MYOGLOBIN	<21		28-72	ng/mL
TROPONIN-T	<0.01			ng/mL

#1 TROPONIN-T =

TROPONIN-T INTERPRETATION:
0.01 - 0.10 ng/mL
Diagnostic Significance Questionable
>0.1 ng/mL -
Suggestive of cardiac injury

***** TOXICOLOGY STUDIES *****

06/13/03 ALCOHOL-WHOLE BLOOD * < 10 (NDT) mg/dL
+ 0450
<<RESULTS CONTINUED ON NEXT PAGE>>

NAME: WILLIAMS, CHARLES C
06/17/2003
07:01

MRN: [REDACTED]
LOC: GMCC RM: CCOH16
SSN: [REDACTED] PAGE 2

*** FINAL OUTPATIENT REPORT *** DO NOT DESTROY ***
CONTINUED

06/17/2003
07:01

*** FINAL OUTPATIENT REPORT *** DO NOT DESTROY ***
GREENVILLE MEMORIAL HOSPITAL
701 Grove Road, Greenville, SC 29605
DIRECTOR: JESSE R STAFFORD, MD, GHS LABORATORIES
JESSE R STAFFORD, MD(GMH) PHILIP C VAN HALE, MD(ETC)
C MICHAEL WOLFF, MD(NICU)

PAGE 3

NAME: WILLIAMS, CHARLES C
HOSP#: [REDACTED]
ATTENDING PHYSICIAN:
SSN: [REDACTED]

LOC: GMCC

ROOM: CCOH16

ACCT: [REDACTED]
AGE: 20Y SEX: M
ADMITTED: 06/13/2003
DISCHARGED: 06/13/2003

***** TOXICOLOGY STUDIES *****
ALCOHOL-WHOLE BLOOD <<CONTINUED FROM PREVIOUS PAGE>>

Units of gm/dL equals mg/dL divided by 1000.

***** URINE DRUG SCREENING *****

06/13/03
+ 0500

ABUSE OF SUBSTANCES
CANNABINOIDS
COCAINE METABOLITE
OPIATES
PHENCYCLIDINE
SYMPATH AMINES
BENZODIAZEPINES
BARBITURATES, URINE
METHADONE
PROPOXYPHENE
TRICYC ANTIDEPRES.

Neg
Neg
Neg
Neg
Neg
Neg
Neg
Neg
Neg
Neg

This drug class detected by initial screen.
Interference is possible. See results of
confirmatory test.

URINE CREAT CONC
PH URINE
CUTOFF LEVELS:

65 mg/dl
5.6 {4.5-9.0}
AMPHETAMINE CUTOFF LEVEL: 1000 ng/ml
METAMPHETAMINE CUTOFF LEVEL: 1000 ng/ml
BARBITURATES CUTOFF LEVEL: 200 ng/ml
BENZODIAZEPINE CUTOFF LEVEL: 200 ng/ml
CANNABINOIDS CUTOFF LEVEL: 50 ng/ml
COCAINE METAB. CUTOFF LEVEL: 300 ng/ml
METHAQUALONE CUTOFF LEVEL: 300 ng/ml
OPIATES CUTOFF LEVEL: 2000 ng/ml
PHENCYCLIDINE CUTOFF LEVEL: 25 ng/ml
PROPOXYPHENE CUTOFF LEVEL: 300 ng/ml
TRICYCLIC CUTOFF LEVEL: 300 ng/ml
METHADONE CUTOFF LEVEL: 300 ng/ml

NAME: WILLIAMS, CHARLES C
06/17/2003
07:01

MRN: [REDACTED]
LOC: GMCC RM: CCOH16
SSN: [REDACTED] PAGE 3

*** FINAL OUTPATIENT REPORT *** DO NOT DESTROY ***
CONTINUED

06/17/2003
07:01

*** FINAL OUTPATIENT REPORT *** DO NOT DESTROY ***
GREENVILLE MEMORIAL HOSPITAL
701 Grove Road, Greenville, SC 29605
DIRECTOR: JESSE R STAFFORD, MD, GHS LABORATORIES
JESSE R STAFFORD, MD (GMH) PHILIP C VAN HALE, MD (ETC)
C MICHAEL WOLFF, MD (NICU)

PAGE 4

NAME: WILLIAMS, CHARLES C
HOSP#: [REDACTED]
ATTENDING PHYSICIAN:
SSN: [REDACTED]

LOC: GMCC ROOM: CCOH16

ACCT: [REDACTED]
AGE: 20Y SEX: M
ADMITTED: 06/13/2003
DISCHARGED: 06/13/2003

***** DRUG SCREENING - FINAL *****

06/13/03
+ 0500 TRICYCLIC FINAL (TLC Pos

***** ROUTINE URINALYSIS *****

DAY:	1		
DATE:	06/13		
TIME:	+0500	NORMAL	UNITS
LOC:	GMCC		
COLOR	Yellow		
CHARACTER	Clear		
SPEC GRAVITY	1.014	1.003-1.035	
pH	5.5	4.6-8.0	
PROTEIN	Neg	NEG	mg/dl
GLUCOSE	Neg	NEG	mg/dl
KETONES	Neg	NEG	mg/dl
BILIRUBIN	Neg	NEG	
HEME	Neg	NEG	
NITRITE	Neg	NEG	
UROBILINOGEN	0.2	0.1-1.0	eu/dl
LEUKOCYTES	Neg	NEG	

***** CANCELLED TESTS *****

06/13/03 1454 CANCELLED: MYOGLOBIN
REASON: CANCEL PER SUZY
06/13/03 1454 CANCELLED: TROPONIN T
REASON: CANCEL PER SUZY
06/13/03 1854 CANCELLED: CARD PROFILE 8 HOUR
REASON: CANCEL PER SUZY
06/13/03 2254 CANCELLED: CREATINE KINASE

<<RESULTS CONTINUED ON NEXT PAGE>>

NAME: WILLIAMS, CHARLES C
06/17/2003
07:01

MRN: [REDACTED]
LOC: GMCC RM: CCOH16
SSN: [REDACTED] PAGE 4

*** FINAL OUTPATIENT REPORT *** DO NOT DESTROY ***
CONTINUED

06/17/2003
07:01

*** FINAL OUTPATIENT REPORT *** DO NOT DESTROY *** PAGE 5
GREENVILLE MEMORIAL HOSPITAL
701 Grove Road, Greenville, SC 29605
DIRECTOR: JESSE R STAFFORD, MD, GHS LABORATORIES
JESSE R STAFFORD, MD (GMH) PHILIP C VAN HALE, MD (ETC)
C MICHAEL WOLFF, MD (NICU)

NAME: WILLIAMS, CHARLES C

HOSP#:

ATTENDING PHYSICIAN:

SSN:

LOC: GMCC

ROOM: CCOH16

ACCT:

AGE: 20Y SEX: M

ADMITTED: 06/13/2003

DISCHARGED: 06/13/2003

***** CANCELLED TESTS *****

CREATINE KINASE

<<CONTINUED FROM PREVIOUS PAGE>>

06/14/03

1054

REASON: CANCEL PER SUZY

CANCELLED: CREATINE KINASE

REASON: CANCEL PER SUZY

NAME: WILLIAMS, CHARLES C

06/17/2003

07:01

MRN:

LOC: GMCC

SSN:

RM: CCOH16

PAGE 5

*** FINAL OUTPATIENT REPORT *** DO NOT DESTROY ***
END OF REPORT

Final Report

GREENVILLE HOSPITAL SYSTEM
GREENVILLE MEMORIAL RADIOLOGY
Greenville, South Carolina

Patient Name: WILLIAMS, CHARLES
DOB: [REDACTED]
SEX: MALE

Med. Rec. No: [REDACTED]
Pt. Class: EMERGENCY
Pt NS/Room:

Corp. Account No:

Admission No: [REDACTED]

Ordering MD: KURT A. HOFFERT, MD
GHS - EMERGENCY SERVICES
701 GROVE ROAD
GREENVILLE, SC 29605

GRD 0129 - GMH CHEST SINGLE VIEW (5797252) 06/13/2003 05:51
Ordered by: Dr. KURT A. HOFFERT, MD

REASON FOR EXAM: OVERDOSE

RESULT: PORTABLE CHEST DATED 6/13/03

Portable view of the chest labeled 05:51 on 6/13/03 is submitted. Clinical history given is that of an overdose.

NG tube is noted coiled in the proximal mid stomach. The lungs are clear. I believe the cardiac silhouette and pulmonary vessels are normal for the degree of inspiration.

IMPRESSION: NO EVIDENCE OF ACTIVE DISEASE IN THE CHEST.

BUNDLE: <BUNDLE_DOC>

Transcriptionist:

MLG

Transcribe Date/Time:

Jun 16 2003 2:16P

Read by : D. MACK THOMASON, MD

Electronically Signed By: THOMASON, MD D. MACK On: Jun 16 2003 4:19P

Final Report

GREENVILLE HOSPITAL SYSTEM
GREENVILLE MEMORIAL RADIOLOGY
Greenville, South Carolina

Patient Name: WILLIAMS, CHARLES
DOB: [REDACTED]
SEX: MALE

Med. Rec. No: [REDACTED]
Pt. Class: EMERGENCY
Pt NS/Room: [REDACTED]

Corp. Account No:

Admission No: [REDACTED]

Ordering MD: KURT A. HOFFERT, MD
GHS - EMERGENCY SERVICES
701 GROVE ROAD
GREENVILLE, SC 29605

GRD 0129 - GMH CHEST SINGLE VIEW (5797252) 06/13/2003 05:51
Ordered by: Dr. KURT A. HOFFERT, MD

REASON FOR EXAM: OVERDOSE

RESULT: PORTABLE CHEST DATED 6/13/03

Portable view of the chest labeled 05:51 on 6/13/03 is submitted. Clinical history given is that of an overdose.

NG tube is noted coiled in the proximal mid stomach. The lungs are clear. I believe the cardiac silhouette and pulmonary vessels are normal for the degree of inspiration.

IMPRESSION: NO EVIDENCE OF ACTIVE DISEASE IN THE CHEST.

BUNDLE: <BUNDLE_DOC>

Transcriptionist:

MLG

Transcribe Date/Time:

Jun 16 2003 2:16P

Read by : D. MACK THOMASON, MD

Electronically Signed By: THOMASON, MD D. MACK On: Jun 16 2003 4:19P



Progress Notes
Greenville Hospital System
PROGRESS NOTES

WILLIAMS, CHARLES C

PO, ER

0012 - CHRIE - 8/13/03

SS

Williams, Charles C.

ADDRESSOGRAPH

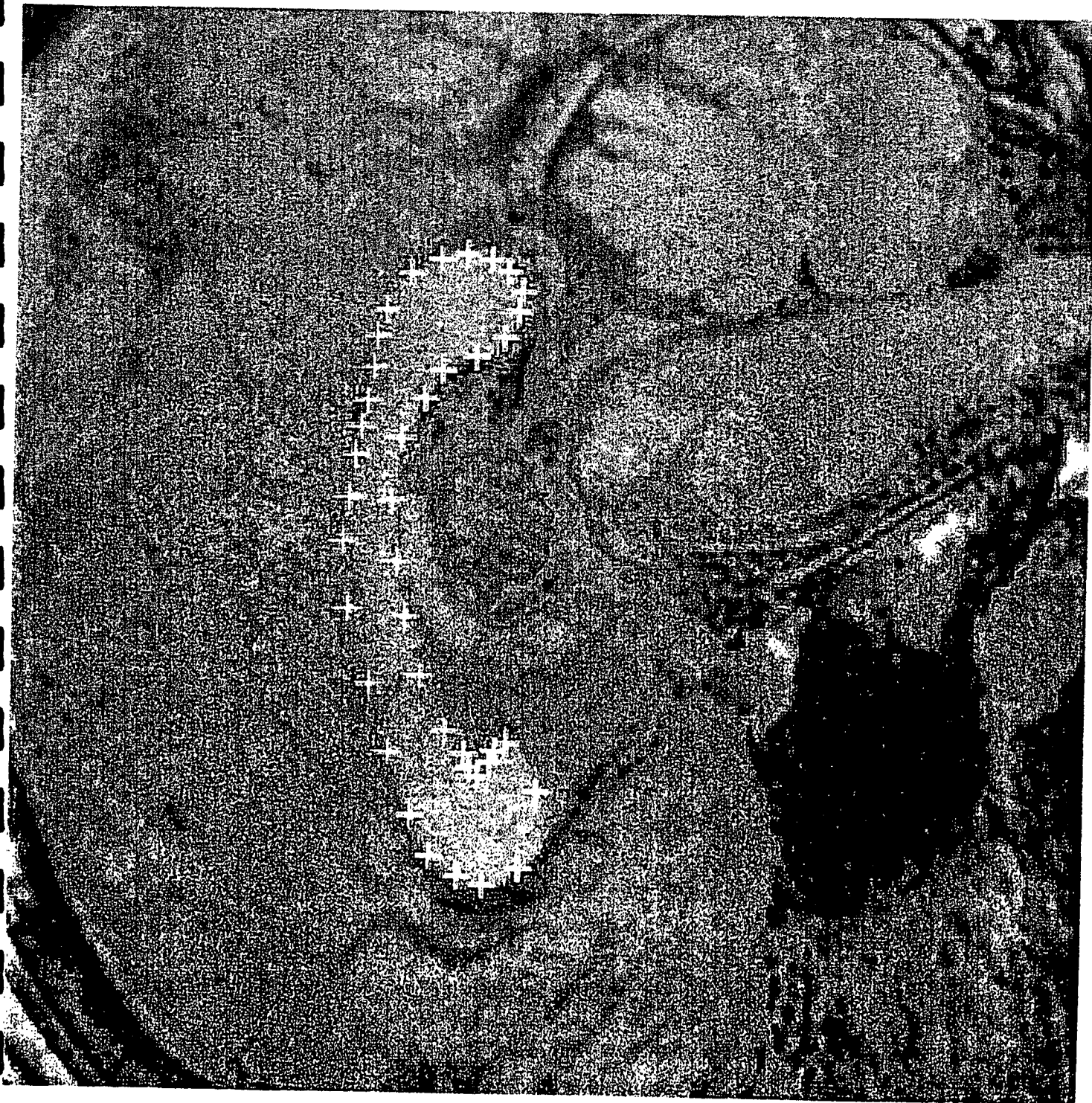
Date

All Notes Should Be Signed

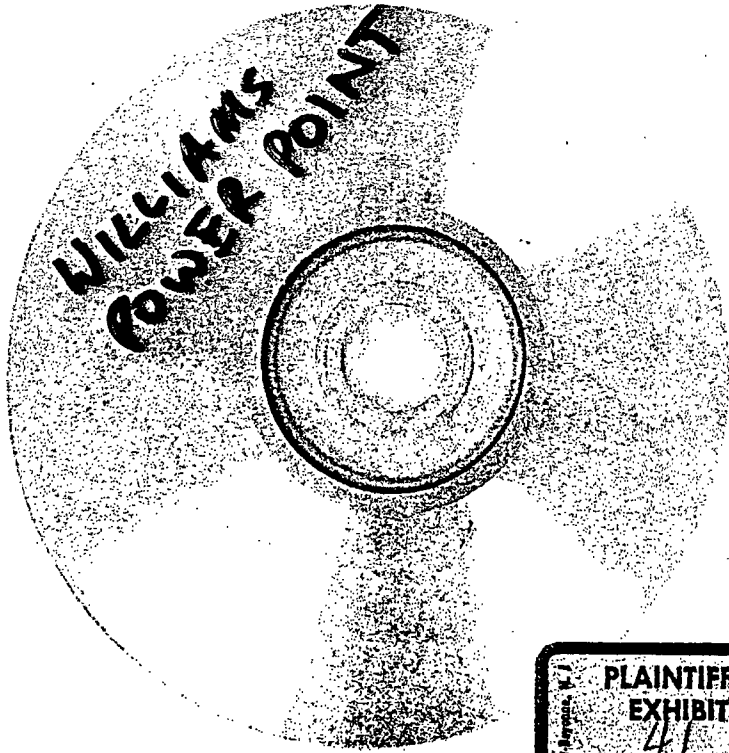
06-13-03 / SW note

Pt is a 22 y/o male seen in ER after self-harm
for apparent OD on Chlorzepin. Pt told EMS
he took Chlorzepin but later told SW he could not
remember what he took. ER staff told SW pt's
labs negative only for toxicology. Pt said he had an argument
with girlfriend & got upset & then took OD. Pt
denied using drugs or illegal drugs.
Pt has no history of suicide attempts. No
injury to chest & no drug toxicity. Pt
said he did not know if he was feeling
suicidal or homicidal at time of incident.
Pt denies visual or auditory hallucinations.
Pt to consult ER Dr. re diagnosis. Pt
Per SW Dr. request. Contract for safety
written to be signed by pt & pt's mother
Mary Williams. SW waiting on Mrs. Williams
to arrive in ER to sign safety contract.

idw/Clair LMSW



PLAINTIFF'S
EXHIBIT
40
10-97472



1.5T Intera2
Ex: 160062677

Z HEAD SAG T1

Se: 201/9

Im: 12/24

Sag: L7.4 (C0)

WILLIAMS CHARLES

M 1521683

Acc: 4020489

2005 Jan 27

Acq Tm: 13:57:18.15

56 x 205

A

P

ET: 0
TR: 400.0
TE: 9.0

Head

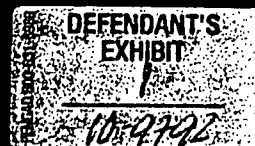
5.0thk/1.0sp

Lin:DCM / Lin:DCM / Id:ID

W:1970 L:985

F_L

DFOV: 23.0 x 22.5cm



1.5T Intera2
Ex: 160062677

Z HEAD SAG T1

Se: 201/9

Im: 14/24

Sag: R4.6 (COI)

MUSC

WILLIAMS CHARLES

M 1521683

Acc: 4020489

2005 Jan 27

Acq Time: 13:57:18.15

56 x 205

A

P

ET: 0

TR: 400.0

TE: 9.0

Head

5.0thk/1.0sp

Lin:DCM / Lin:DCM / Id:ID

W:1970 L:985

F_L

DFOV: 23.0 x 22.5cm



1.5T PMSN-J36H2BB83Q

H

MUSC

Ex: 375608174

WILLIAMS CHARLES

ROUTINE HEASAG T1

M 1521683

Se: 201/13

Acc: 6502615

Im: 12/24

2011 Nov 28

Sag: R0.9 (COI)

Acq Tm: 07:48:21.06

256 x 205

A_R

P_L

ET: 0

TR: 400.0

TE: 9.0

Head

5.0thk/1.0sp

Lin:DCM / Lin:DCM / Id:ID

W:1806 L:1039

F

DFOV: 23.0 x 23.0cm



1.5T PMSN-J36H2BB83Q

H

MUSC

Ex: 375608174

WILLIAMS CHARLES

ROUTINE HEASAG T1

M 1521683

Se: 201/13

Acc: 6502615

Im: 13/24

2011 Nov 28

Sag: R6.8 (COI)

Acq Tm: 07:48:21.06

256 x 205

A_R

P_L

ET: 0

TR: 400.0

TE: 9.0

Head

5.0thk/1.0sp

Lin:DCM / Lin:DCM / Id:ID

W:1860 L:1070

F

DFOV: 23.0 x 23.0cm



1.5T PMSN-J36H2BB83Q

H

MUSC

Ex: 375608174

WILLIAMS CHARLES

ROUTINE HEASAG T1

M 1521683

Se: 201/13

Acc: 6502615

Im: 14/24

2011 Nov 28

Sag: R12.8 (COI)

Acq Tm: 07:48:21.06

256 x 205

A_R

P_L

ET: 0

TR: 400.0

TE: 9.0

Head

5.0thk/1.0sp

Lin:DCM / Lin:DCM / Id:ID

W:1889 L:1087

F

DFOV: 23.0 x 23.0cm



RESULTS

WILLIAMS CHARLES MR #1521683

20111128 -- MR -- MRHDWC

20050127 -- MR -- MRHDWC

NAME: WILLIAMS CHARLES MR #: 1521683 ACCESSION #: 6502615

DATE OF EXAM: 20111128 PHYSICIAN: BACHMAN DAVID L

**MRI BRAIN W/O CONTRAST AT
0736 HOURS**

[REPORT]

EXAMINATION: BRAIN MRI 11/28/11 08:25:00

ACCESSION NUMBER: 6502615

INDICATION: History and exam suggest fetal alcohol spectrum disorder.

COMPARISON: MRI 1/27/2005

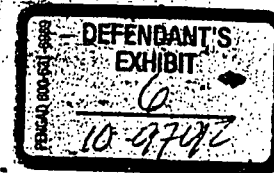
TECHNIQUE: Multiplanar multisequence MRI of the brain without and with intravenous administration of 19 ml of Multihance contrast agent.

FINDINGS: The pituitary gland, vermis, and other midline structures are well developed. The corpus callosum is present with only mild thinning of the posterior body. The supra and infratentorial brain is of normal morphology and signal characteristics. The ventricles and other CSF spaces are symmetrical and appropriate. Diffusion imaging shows no evidence of acute infarction or other acute abnormality. There is no evidence of intracranial blood products. There is no abnormal intra or extra-axial post contrast enhancement. The visualized vascular structures are unremarkable. There is no evidence of osseous lesions.

Normal brain MRI:

VOICE DICTATED BY: Dr. NICHOLAS MAYES

I have reviewed the images and agree with the findings in this report.

Transcribed By: :
Approved By:Radiologist: 003070 SPAMPINATO M. VITTORIA M.D.

Radiology Results

Name: WILLIAMS, CHARLES

Page: 1

Date Printed: 10/31/11

ID: 1521683

SEX: M AGE: 28

01/27/05

489-MRI BRAIN WWO CONTRAST;

4020489

EXAMINATION: #4020489, MRI BRAIN,

1/27/05

COMPARISON: None

INDICATION: Autism, evaluate for congenital anomaly vs.

focal injury

TECHNIQUE: MRI of the brain with and without contrast.

FINDINGS:

The brain parenchyma is normal. There is normal development of gray and white matter. The CSF spaces are normal and symmetric. There is no evidence for hemorrhage, infarction or herniation. There is no abnormal enhancement.

IMPRESSION:

Normal MRI of the brain.

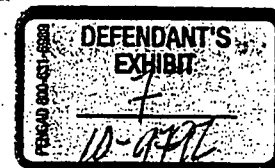
VOICE DICTATED BY: Dr. Sunil Kini

END OF IMPRESSION:

I have reviewed the images and agree with the findings in this report.

MRI BRAIN MARIA 25641

AUTISM SPECTRUM DISORDER SUSPECTED



Printed using Practice Partner®

State of the Art in Forensic Assessment of FASD

- Pre-2007: "Hit or Miss"
- Post-2007: FASD Experts →
 - First systematic, structured approach to forensic assessment of FASD

The logo for FASD (Fetal Alcohol Spectrum Disorders) is located in the bottom right corner. It features the lowercase letters "fasd" in a stylized, white, serif font against a dark, textured background.

(A10)

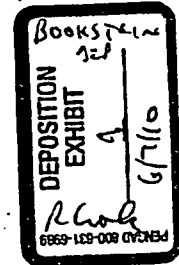
FASD in the Legal System: A Multidisciplinary Assessment Model for Adults & Adolescents

Presented by FASDExperts.com

Judge Anthony Wartnik, JD – Legal Director
Natalie Novick Brown, PhD – Program Director
Paul Connor, PhD – Neuropsychology Director
Richard Adler, MD – Medical Director

3rd International Conference on
Fetal Alcohol Spectrum Disorder
Victoria, BC, Canada
March 11, 2009

fasd



STATE OF SOUTH CAROLINA) COURT OF COMMON PLEAS
)
COUNTY OF GREENVILLE) Case No(s) : 2010CP2309792
)
Charles Christopher Williams,)
)
Applicant,)
)
-VS-) TRANSCRIPT OF RECORD
)
State of South Carolina,)
)
Respondent.)

August 31, 2011
Greenville, South Carolina

B E F O R E:

HONORABLE G. EDWARD WELMAKER, Judge.

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

DAVID ZELENKA, Esquire
Senior Assistant Deputy Attorney General

DEREK ENDERLIN, Esquire
Attorney for the Applicant

Teresa B. Johnson
Certified Verbatim Reporter
P.O. Box 2812
Greenville, S.C. 29602

Records are
taken and
produced via



I N D E X

DIRECT CROSS REDIRECT RECROSS

Motions	4
Certificate of Reporter	34

EXHIBITS PAGE

NO.

DESCRIPTION

ID EV

PLAINTIFF EXHIBITS

(No exhibits offered.)

DEFENSE EXHIBITS

(No exhibits offered.)

COURT EXHIBITS

(No exhibits offered.)

P R O C E E D I N G S

(WHEREUPON, the proceedings begin on the 31st day of August, 2011 at approximately 1:57 p.m.)

THE COURT: Okay. This is Williams v. State. Mr. Enderlin, be glad to hear from you.

MR. ENDERLIN: Well, Judge, first of all, I've got a little update. At this stage, a lot of what we've been doing is reading the transcript obviously and going through the file substantially. It's about 15 boxes. I think we've found that it's far more complicated than we expected.

I don't remember if this was in the record or if I just heard this, but I think at one point in time the judge said if the jury didn't come back by 4:00, he was going to declare a mistrial. They came back at 3:45. So you can imagine it as a close case first of all. Then we found, I think, that it's more complicated. Quite frankly, we think they didn't do some things they should have done.

At this point in time, I haven't been able to spend as much time as I would have liked, but I think I've probably got about 200 hours in. Whenever one of these things comes along, you don't think to yourself, in six months, I think I'll take

1 a death penalty case and so I'll start shutting
2 down my practice to take the case. Over the next
3 six months, you try to slow down. I haven't taken
4 a private case probably in three months now. I'm
5 trying to clear everything out.

6 I was asked to take Steven Bixby that just
7 came off the court. I actually met with him and
8 went down for a hearing for appointment, but then I
9 ended up telling him I couldn't do it mainly
10 largely because of this case. Actually, I think
11 Judge Stilwell had to get a North Carolina lawyer.

12 I was talking to Mr. Zelenka about this
13 before. I think there's just a lot of cases that
14 came out of the Supreme Court about the time
15 Williams came out. There are only a handful of
16 qualified people that are able to take on work.

17 But I have developed a supplemental addendum
18 to the application for post-conviction relief. I
19 had planned to have that done today, but I just
20 woke up feeling terrible. As I said, I've got a
21 really bad sore throat. Then I had a lot of other
22 things happen last week. By the end of the week, I
23 can get that to Mr. Zelenka and the Court
24 obviously.

25 I will tell you some of the grounds that I'm

1 thinking about so that he has plenty of notice as
2 well. I think obviously we're going to add more to
3 it as we go along and investigate it. One thing
4 we're looking into is proportionality and
5 arbitrariness. The death penalty is supposed to be
6 reserved for the worse of the worse. One of the
7 things we want to look into is, I think there has
8 been 43 executions in this state. I don't believe
9 there's ever been an execution of someone accused
10 of killing a prior girlfriend without additional
11 circumstances or anything. They may have killed
12 somebody else or they may have harmed other people
13 or something like that. We're certainly looking
14 into the proportionality argument. I think that's
15 important because the Solicitor himself said in
16 closing arguments that the death penalty was
17 reserved for the worse of the worse. So he put out
18 there that this is already one of those cases.

19 That kind of leads me into my second thing. I
20 think there's some clear violations in the
21 Solicitor's closing argument that we're going to
22 get into. Again, that's kind of one of those ones
23 that is not necessarily fact intensive. It's on
24 paper, but obviously still got to do research and
25 do a brief. That's one of the ones that we

1 wouldn't have had a problem doing before
2 necessarily soon, but then there are other facts
3 and problems that we have. But he said some things
4 like restaurants have -- prisons have restaurants.
5 He made some mention of ringing the bell for the
6 community. I think he injected his personal
7 opinion, which would be a violation. Some of those
8 things. But anyway, obviously we can develop those
9 fairly quickly.

10 I think one of the main things we are going to
11 be talking about and researching is that the
12 defense team left out one-fourth of the defendant's
13 family history. They never found out who his
14 grandfather was in Germany. I'm not saying he was
15 German. I guess we don't know who he was. But
16 they didn't research it. They didn't attempt to go
17 over to Germany to find out. They didn't attempt
18 to hire somebody in Germany. I think that's a huge
19 deficit in the mitigation case. It also appears to
20 me that they were talking to teachers the week
21 before trial which seems like they may not have
22 adequately investigated.

23 One of the things in the transcript, if you
24 remember, they had some discussion about the uncle
25 sexually abusing the defendant. They made some

1 mention about he was making him put paper clips in
2 his penis. He couldn't even tell if the defendant
3 was putting paperclips in the uncle's penis or the
4 defendant was forced to put paperclips in his own
5 penis. Obviously, all of which are traumatic and
6 horrendous. But I think it goes to the lack of
7 development of mitigation tied into the overall
8 story.

9 Obviously, when you do these things, you want
10 to emphasize to the jury that we all know sexual
11 abuse for children is so traumatic. It makes us
12 feel sick at the time we hear it. It's because
13 it's disruptive. It turns people into different
14 people. It makes them be different people later on
15 in life. It's important to tell that.

16 We obviously need to fully investigate the
17 nationality status. I've got all the paperwork
18 with the group that's helping us. It's a group
19 called Reprieve. They have people actually in the
20 country, in the United States to help. And it's my
21 understanding that they had begun the process of
22 forwarding those documents to the country of
23 Germany. If you remember, the defendant's mother
24 is a German citizen. That would make our client a
25 German national.

1 That's a brief summary of kind of where we are
2 at this point in time. I know the next question
3 you're going to ask me is how long do I think it
4 would take. I just don't have any idea at this
5 point in time.

6 **THE COURT:** I'm not an expert, Mr. Enderlin,
7 in international law. But does the fact that his
8 mother was a German national, how does that play
9 into it?

10 **MR. ENDERLIN:** She is a German citizen.

11 **THE COURT:** German citizen.

12 **MR. ENDERLIN:** Which would make him a German
13 national. So I would liken it to --

14 **THE COURT:** Was he born in Germany?

15 **MR. ENDERLIN:** No, he was born here. But if
16 one of us went over to Germany and had a child and
17 I was a German citizen, even though that child
18 never left Germany, obviously, we would still want
19 our child to have the benefits of either American
20 citizenship or American nationality status
21 especially if he was later on accused of a crime or
22 we felt his rights were violated. That type thing.

23 **THE COURT:** Is there a time in a child's
24 life that they have to make an election?

25 **MR. ENDERLIN:** Well, you are getting into

1 international law. I would have a hard time
2 answering that. But from my understanding, talking
3 to people we've been talking to, Germany now
4 recognizes and United States now recognizes duel
5 citizenship.

6 **THE COURT:** Okay.

7 **MR. ENDERLIN:** Obviously, all of this is
8 based on the Vienna convention and what rights he
9 has under that. But this isn't new territory at
10 all obviously. I don't know why they didn't pursue
11 this path.

12 **THE COURT:** And you think duel -- again, I'm
13 not holding you to this. I know you are getting
14 started too. But you believe duel citizenship
15 existed for some time now? That status that you
16 can be a duel citizen --

17 **MR. ENDERLIN:** You mean forever bite?

18 **THE COURT:** Yeah. I mean for those who are
19 born -- those military kids that are born on a base
20 in Japan, can a 25-year-old now claim Japanese
21 citizenship and American citizenship? Does America
22 allow that?

23 **MR. ENDERLIN:** I think they are far more
24 willing to do that now than they were 20 years ago.
25 I remember when I graduated Citadel, there was a

1 friend of mine that was both a dual citizen of
2 Germany and American. He had an American soldier
3 father and his mother was German citizen much like
4 this. If I'm not mistaken, he was going to have to
5 elect at some point in time whether he decided to
6 be a German or an American citizen. But I think it
7 also changed around that point in time. I don't
8 know whatever happened to him. But I think now, he
9 could easily be both.

10 **THE COURT:** I know when I was on active duty
11 long ago, there was that election that had to be
12 done by age 21 or some time by the child. Then it
13 was a default if he didn't. I really don't know
14 what the law is now. Have you had a chance or have
15 either of you had a chance to look at the case that
16 came out last month, United States Supreme Court
17 and Garcia?

18 **MR. ENDERLIN:** I've read it. Yes, Your
19 Honor.

20 **THE COURT:** It's no comfort to you, is it?

21 **MR. ENDERLIN:** Part of the thing with these
22 cases is you plan for what's going to happen with
23 the United States Supreme Court in potentially five
24 or how many other years from now. Again, as that
25 case mentioned, Congress is acting. So I have --

1 **THE COURT:** That case mentioned Congress is
2 not acting. I thought that's what they said.
3 We're not going to wait on Con -- if Congress
4 thinks it's that essential, then couldn't they --
5 you know.

6 **MR. ENDERLIN:** I think part of this too is
7 if the defense team would have investigated or
8 pursued it, I think far more likely they would have
9 got help in investigating his grandfather. That
10 made a huge -- I can certainly understand the
11 reluctance of the court and probably the last court
12 that they may have had to fly me and Mr. Vieth over
13 to Germany for a week or so and pay those costs and
14 expense while we investigate and try to figure out
15 the grandfather. If Germany comes in willing to
16 help, they may very well be able to be willing to
17 provide an enormous amount of that support without
18 us having to pay for it.

19 **THE COURT:** You have a contact that would --

20 **MR. ENDERLIN:** The Reprieve. Yes, Your
21 Honor.

22 **THE COURT:** All right. As we all know, our
23 court wants the case to progress in a reasonably
24 timely manner. I understand this is perhaps virgin
25 territory for lots of us getting into international

1 matters. I mean, surely that could be the resolve
2 one way or the other by the end of the year. Is
3 there an issue there or is there not?

4 MR. ENDERLIN: In the next three months.

5 THE COURT: Yeah.

6 MR. ENDERLIN: They told me the whole
7 process takes about two years. You know,
8 I don't --

9 THE COURT: Normal process to --

10 MR. ENDERLIN: File for citizenship or
11 nationality or whatever.

12 THE COURT: What is being filed now? I
13 mean, what would you need to file? Isn't it just a
14 matter of finding out what his status was at the
15 time and what rights he had under the law at that
16 time?

17 MR. ENDERLIN: All I can tell you is what I
18 did. You know, I got his birth certificate. I got
19 his mother's birth certificate. I got the marriage
20 certificate. His father's birth certificate. I
21 think there was some other records from Germany.
22 That's what they wanted to start the process.

23 THE COURT: All right. Is this an
24 application for citizenship?

25 MR. ENDERLIN: Yes, Your Honor. Well,

1 nationality. It's a small distinction. I think
2 the only distinction is that you weren't born in
3 the country but you get all the rights of the
4 citizen but you are called a foreign national.

5 **THE COURT:** But so you are basically telling
6 us two years from now they will tell us his status?

7 **MR. ENDERLIN:** They said that's the normal
8 process. That's not from Germany. That's from
9 Reprieve. They helped do this. All I can say is
10 it takes years to become a United States citizen.
11 I know that's more different obviously. You've got
12 to take tests and everything else. I don't know
13 how long it takes the United States to declare
14 whether somebody is a national or not. I don't
15 know -- I don't know what all has to be done. I
16 don't know what the normal process. We just
17 started this.

18 **THE COURT:** If he is declared a German
19 national, how does that change the status of this
20 case?

21 **MR. ENDERLIN:** Well, that's where the Vienna
22 convention comes in. And he's got certain rights
23 under that that have to be exercised. Again, it
24 possibly depends on what Congress acts --

25 **THE COURT:** Didn't Garcia sort of address

1 that? At least for, I guess that was between
2 Mexico and -- I can't remember what country that
3 person was from. Maybe it's different from Germany
4 and America. I don't know.

5 **MR. ENDERLIN:** I think mainly it points out
6 to me that if that possibility is available, my
7 client obviously would have to pursue it. Again,
8 it goes back to.

9 **THE COURT:** Wouldn't it be more economical
10 timewise at least to find out what rights were in
11 place between the time of the offense and the time
12 of the trial?

13 **MR. ENDERLIN:** Well, --

14 **THE COURT:** Knowing that, it might be an
15 exercise in futility to try to get the national
16 status if the rights aren't there anyhow.

17 **MR. ENDERLIN:** Well, I don't know. Number
18 one, again, it could be that the German government
19 is willing to help out the systems that may have
20 changed the trial. So that could be a difference.
21 They aren't going to help out unless he is an
22 actual. They are pretty clear about that. So
23 that's number one.

24 Number two, I don't know what Congress will do
25 in the future. If, at some point in time, they

1 give far broader protections to foreign nationals,
2 even retrospectively, that could drastically change
3 my --

4 **THE COURT:** If Congress makes a change and
5 does not address retroactivity, where does that
6 leave us?

7 **MR. ENDERLIN:** I don't know, but I have to
8 make sure I've protected his rights.

9 **THE COURT:** I understand that, but I don't
10 know that we can wait two years. I know we can't
11 wait two years. Whether you can work both avenues,
12 the status of the law at the time, this is a PCR.
13 The attorney representing him, wouldn't the present
14 PCR law say that you would not be required to
15 anticipate what Congress was going to do in 2014?

16 **MR. ENDERLIN:** It makes it a little bit more
17 complicated than that. But I think back then, I
18 think they should have foreseen that it was
19 certainly a potential issue. And again, if nothing
20 else, if they would have pursued it, there's a good
21 chance they would have been able to discover more
22 mitigation and more circumstances. And again,
23 without me finding out what all that is without
24 investigating --

25 **THE COURT:** Isn't that a different track?

1 The mitigation and the nationality?

2 MR. ENDERLIN: It's certainly very
3 interconnected. Again, if the German government
4 comes in and helps out, it can make it a lot
5 easier.

6 THE COURT: All right. Yes, sir.

7 MR. ZELENKA: Yes, if I may be heard on
8 this.

9 THE COURT: Yes, sir. Be glad to, uh, --

10 MR. ZELENKA: We're in a position of delay
11 of possibly three years until this situation
12 dealing with his heritage is worked out. Just on
13 the research, we can't see why this delay would
14 even be necessary or appropriate. He is currently
15 a United States citizen. He has been an United
16 States citizen. If he seeks out the German
17 citizenship, he could be in the position to have
18 dual citizenship based upon his mother's heritage.

19 But it's unclear what effect, if any, that
20 would have on this particular case. We don't think
21 it would have any effect. The reason we don't
22 think that is because of the time he was arrested,
23 if he possessed dual citizenship, case law is
24 fairly clear that the consular rights aren't given
25 in those situation. There's no err with those

1 consular rights being given even assuming they were
2 self-executory. They aren't. So statements,
3 matters arising from the arrest would be exactly
4 the same if they resolved the possibility of future
5 German citizenship. We look at it the way it was
6 at the time it was given. The only thing they get
7 is under the Vienna Convention of Consular
8 Relations. That doesn't aid him in any way at the
9 time this situation occurred.

10 I've got a brief memorandum that I did know I
11 was going to pass up to the court and I haven't
12 provided it to them. But it just provides some
13 basic recent case law concerning the area that we
14 would be relying on in the future should they
15 actually make an allegation that they were giving
16 some entitlement particularly in the case of
17 Commonwealth versus Baumhammers, uh, a case out of
18 Pennsylvania. They rejected the claim of capital
19 defendant that his rights under the Vienna
20 convention were violated. Similarly, in Cauthern
21 versus State out in Tennessee and State versus
22 Ahmed out of Ohio.

23 But, uh, in the Baumhammers case, it seems to
24 be directly asking the point that the defendant is
25 seeking to anticipate and consider filing. And

1 that's whether, in fact, the Vienna convention was
2 violated. He was holding a dual citizenship at
3 that particular time. What the Pennsylvania court
4 said is "the absurdities of appellant's argument
5 are manifold. Appellant was not detained by a
6 foreign country but by authorities in his own
7 country and state. Appellant was not "sent" by
8 Latvia to be "received" by the United States; he is
9 not a foreign national."

10 Not only is appellant a United States citizen,
11 in this situation, he was also trained as a lawyer
12 in the United States. He was represented by
13 counsel at all stages who spoke the same language
14 as appellant, came from the same American culture
15 as appellant, and engaged in legal proceedings
16 undoubtedly familiar to appellant from his legal
17 training. Perhaps appellant believes that he would
18 have had a better trial result had he been
19 represented at trial by a Latvian attorney or
20 afforded advice by the Latvian Consulate. If so,
21 he has not indicated how his defense was prejudiced
22 by the omission."

23 Aside from the fact that appellant is not a
24 foreign national, the United States Supreme Court
25 recently ruled that International Court of Justice

1 judgements, and specifically in the Avena case
2 dealing with the Mexican nationals, are not binding
3 on our domestic law.

4 So it's unclear to me why a case that a
5 judgement was entered in South Carolina many years
6 ago that has been pending since 2010 should have a
7 delay to basically determine that would have no
8 impact. He's spoken of a claim that he intends to
9 raise about family background as part of the
10 mitigation that they think trial counsel could or
11 should have done at the time of the original trial.
12 But that's not impacted by the paperwork that has
13 apparently been sent to Germany to determine a
14 certificate of citizenship under the circumstances.
15 That won't impact that at all in any way, shape or
16 form. It's unclear to me why waiting until someone
17 determines in the future that he does possess dual
18 citizenship but shouldn't amount to a delay in this
19 case at all.

20 We would strongly pose an impact upon any of
21 the evidence that was properly introduced by the
22 state at the time of the trial. It doesn't impact
23 on any procedure that law enforcement did at that
24 particular time because he was not a German citizen
25 at the time or only a German citizen at that

1 particular time. We think this matter should
2 proceed, should proceed efficiently. Certainly not
3 in a three-year delay as we wait for the German
4 bureaucracy to work this out in a way it would work
5 it out.

6 **THE COURT:** I gather my question has been
7 answered that there is such a thing as dual
8 citizenship now.

9 **MR. ZELENKA:** There is. It's addressed in
10 those three cases. It was addressed in a way that
11 provides no sanctuary for the defendant in this
12 case.

13 **THE COURT:** Can either of you -- I'll let
14 you remain on your feet -- explain to me the
15 difference between citizenship and nationality
16 status?

17 **MR. ZELENKA:** I can't explain to you, Judge.
18 I'm sorry.

19 **THE COURT:** Do you know the answer to that?

20 **MR. ENDERLIN:** My understanding is that they
21 essentially have the exact same rights. Usually
22 the national is born outside the country. So it's
23 essentially the same classification.

24 **THE COURT:** So all the babies that have been
25 born to military members are or people that have

1 been in Saudi Arabia or whatever now if -- again, I
2 don't know when they started recognizing dual
3 citizenship. Do you have dual citizenship or do
4 you have citizenship and nationality?

5 **MR. ENDERLIN:** That's beyond my knowledge
6 especially because I would imagine different
7 countries --

8 **THE COURT:** Probably true. Probably true.
9 It seems Mr. Enderlin, for the purpose of the PCR
10 hearing, that there might be something you are
11 chasing with the nationality that might in some way
12 impinge on the execution of the sentence versus the
13 PCR. Do you follow what I'm saying? There might
14 be a method by which Garcia could be revisited if
15 there are laws between Germany and America that
16 would impinge on the execution of the sentence if
17 the PCR were to be upheld. As far as the
18 effectiveness of the counsel, based on the cases,
19 is it going to make a difference?

20 **MR. ENDERLIN:** Well, I think it certainly
21 could. Part of my obligation as counsel,
22 especially if you go through the ABA guidelines and
23 standards is to investigate every possibility. I
24 think it's somewhat different than a regular --
25 it's totally different than a regular case where

1 you might have strategic decisions not to do
2 something or not to do something else.

3 **THE COURT:** Maybe instead of the German
4 folks handling the paperwork, maybe consultation
5 with a lawyer that knows some things that obviously
6 the three of us don't know very much about could
7 give some guidance that, uh, know whether or not
8 you are chasing a rabbit that's not going to have
9 any benefit down the road. Well, my thought is
10 that these Reprieve people are certainly experts to
11 some extent. Obviously, they are offering services
12 for free. It seems like they are processing the
13 paperwork more than giving you legal guidance.

14 **MR. ENDERLIN:** They gave me an opinion. I
15 would imagine they would be willing to give an
16 opinion that he will most likely be declared a
17 German national.

18 **THE COURT:** All right. But then will they
19 give you an opinion of what that means?

20 **MR. ENDERLIN:** I think that's probably going
21 to be my point. And again, I think it's possible
22 he even might have additional rights but also I
23 think it's very likely the German government will
24 help investigate his mitigation case as well and do
25 other things that would be -- would have been

1 extremely helpful to the defense and that they
2 could have done. And again, that's just part of
3 our issues today. There are obviously there are a
4 lot of other mitigation things that we're still --

5 **THE COURT:** Those are on the track that are
6 more manageable by you even finding some experts
7 and looking at the closing argument of the
8 Solicitor and doing things like that. This, I'm
9 afraid, is somewhat out of your control. You don't
10 have the grip on it because of working with the
11 international organization. I don't have them
12 before me to tell them the urgency of their
13 decision making.

14 **MR. ENDERLIN:** I think too when we look at
15 these, I think I mentioned the last time the ABA
16 guidelines, for example, has a Florida study in
17 there -- I think it's probably 20 years old -- that
18 it normally takes about 750 attorney hours to
19 prepare, for each attorney. I know that South
20 Carolina Supreme Court wants these things moved
21 along in a timely fashion. I think we are trying
22 to move it along in a timely fashion. I don't know
23 if many cases, if any, that are done within a year
24 and usually not even two years. Usually, it's
25 certainly a three-year time limit.

1 The last one I had, uh, we just pled the first
2 one last week. He was convicted in '95. That was
3 after the Supreme Court stage. Ten years that one
4 was around. I'm not saying I plan to do this for
5 10 years.

6 **THE COURT:** If I go ahead and set it now for
7 May the 3rd, 2014, there will be some problem that
8 we won't be able to reach it then, right? I
9 suspect.

10 **MR. ENDERLIN:** If you are willing to give me
11 until May 2014 --

12 **THE COURT:** No, sir, I'm not. I'm just
13 saying if I did, that wouldn't be enough time
14 probably, would it? We are speaking about the
15 unknown. You don't know about how the
16 international thing is going to work. I don't.
17 Even the Attorney General doesn't really know. He
18 thinks it doesn't matter anyhow.

19 **MR. ENDERLIN:** I just don't know if I'm
20 going to be ready next spring. There's a lot to
21 do. I know I could easily spend a year on it at
22 least.

23 **THE COURT:** I think under the statute, it's
24 to be heard next month, right?

25 **MR. ENDERLIN:** It's to be set. The statute

1 says it's supposed to be set. Then it says it can
2 obviously be continued.

3 **THE COURT:** If problems come up.

4 **MR. ENDERLIN:** I can't imagine there's any
5 capital case that's been done in six months time.

6 **THE COURT:** I understand the reality but
7 then I also understand that we need to --

8 **MR. ZELENKA:** I think it's clear just by
9 some of the orders that have recently come out of
10 State Supreme Court on judicial assignments and
11 setting the dates that there is perceived a
12 frustration and delay of the death penalty cases in
13 South Carolina in that a case that was set shortly
14 after your -- your case was given a one-year
15 deadline for the judge to have the hearing and
16 issue the order.

17 Clearly, there's a sentence from the South
18 Carolina Supreme Court that these cases not only
19 are of a priority, they are of the highest
20 priority. The expectation that is now given to
21 lawyers that are assigned to these cases both from
22 our office and the other lawyers are -- the old way
23 is not the way the court is intended it to go in
24 the future. I can certainly say I was clearly part
25 of the delay in many of the prior cases because of

1 the way cases were handled within our office. But
2 it's clear that within the last year, the South
3 Carolina Supreme Court as the administrator of the
4 court is of a different mind on how these things
5 should be done.

6 There are more recent judicial orders on
7 assignments that are requiring the judge to advise
8 them every 120 days of the status of the case. I
9 don't think that was done in your case, but that's
10 what's being done in the other cases. We've got
11 some cases that aren't actually scheduled under the
12 one-year deadline that hadn't been done.

13 With all due respect to Mr. Enderlin and Mr.
14 Vieth, who I've dealt with both in cases and found
15 them to be straight and honorable lawyers, I'm
16 taking them at their word clearly for what they are
17 saying about the work they are intending to do. I
18 think it's pretty clear that this case has to be
19 set and there has to be a deadline and the lawyers
20 have to be focused on making that deadline.
21 Otherwise, we will languish.

22 I can only point out that, uh, with the
23 discovery that I received from them two months ago,
24 there was no discovery with it. There were no
25 names of any witnesses. There's no representation

1 of any documents that they had with respect to any
2 allegation that they were raising within the case.
3 It was simply at the present time there was nothing
4 further we have to give other than the transcript
5 of the trials.

6 I can't -- I just can't sit back for three
7 years on a case waiting for something to happen
8 before they can take the next step. The State
9 can't do that either. We would request that this
10 matter be set and be set within a reasonable time
11 as is the intent of the statute 17-27-160 with that
12 expectation that it be set within 180 days of that
13 first, uh, time. We did that for next month. With
14 all due respect, the nationality thing is
15 interesting, but I don't think it should cause this
16 delay.

17 **MR. ENDERLIN:** Again, Your Honor, I go back
18 to we're finding a lot more than we thought we
19 would originally find. I don't think our status
20 conference was that long ago. But I'm also
21 reminded when I was in private practice that people
22 would come in and say, yeah, I was supposed to buy
23 this property and I forgot to call you. I need to
24 do a deed tomorrow and title search and everything
25 else. I would say, sure, I can do that but it's

1 going to cause you \$10,000. They would say, oh, my
2 gosh. That's crazy. I'd say yeah. Now, if you
3 want to wait next week or two weeks from now, I
4 could probably do it for \$500. If you want me to
5 drop everything, I've got to drop everything and it
6 irritates a lot of people and puts me in jeopardy
7 for doing it fast and everything else.

8 I think we are trying to efficiently do this
9 but they are incredibly time-consuming. I think,
10 you know, it would be easy to expect 1000 hours on
11 this case. That's hard to squeeze out of the year
12 when you have a practice. As I said before, I
13 don't think I've taken a private case in three
14 months. I'm very well aware that I'm trying to put
15 as much time on this as possible. The only other
16 death penalty case I have pled out last week. I'm
17 hoping to be able to spend more time. But it takes
18 a while. I don't want to say to the court that if
19 we schedule for next spring, I'm sure we'll be
20 ready. I'm pretty confident we won't.

21 **THE COURT:** When do you feel confident you
22 would be ready, that date in 2014 that I threw out
23 there?

24 **MR. ENDERLIN:** Well, I'm -- I can say
25 there's a good chance before then obviously.

1 That's three and a half years away, isn't it? Or
2 is my math off on that? It's two and a half years
3 away, right?

4 **THE COURT:** Well, I was hoping that we would
5 have our schedule for the spring. But we don't yet
6 from Court Administration to know when I could work
7 it in. We could pick -- either of you foresee it
8 would take more than a week? You think it might go
9 a day or two beyond a week or not? I know that's
10 speculation on everybody's part. They usually give
11 us a week to hear them.

12 **MR. ENDERLIN:** I would have a real hard time
13 guessing at all. But I think one thing that might
14 be extremely foreseeable is to do some of these
15 legal issues, for example if we have certain
16 problems with the closing argument. There's no
17 reason to do testimony and that at the same time.
18 Maybe we can do some of that stuff earlier or at
19 the same time, whatever. I can't imagine it being
20 more than a week. It's hard to say.

21 **THE COURT:** All right. Anything else? I'm
22 going to try to look at the calendar. We don't
23 need the record for that, I don't think.

24 **(WHEREUPON, the Court went off the record.)**

25 **THE COURT:** All right. Well, obviously,

1 Gentlemen, I'm going to need some -- if the
2 international law is going to be a factor, I'm
3 probably going to need some -- it will be
4 interesting to hear the steps of becoming an
5 national and the kind of time frame and so forth
6 but I really need some law. There are things that
7 I've raised before that I just need to know to help
8 me make a sound decision about scheduling really as
9 to this dual citizenship. Can you renounce one?

10 Again, thinking out loud. I'm not trying to
11 benefit either one of you. But if there was such a
12 thing, if he was a German national at the time and
13 once he was arrested, could you then renounce his
14 U.S. citizenship and become a German national and
15 avoid the death penalty? I'm assuming Germany
16 doesn't recognize the death penalty. I don't know
17 that, if it's a country that does not recognize it,
18 like Canada -- or would that have any effect? We
19 probably don't need to research that. I need to
20 know fairly soon, if I could, or at least in the
21 next couple of months if either one of you could
22 give me some international law and sort of see how
23 complicated it is right now.

24 Based upon Garcia and based upon the cases the
25 State has given me, I don't see preliminarily that

1 it's going to have an affect. I can be proven
2 wrong. I confident you can find me some semblance
3 of law that shows that really that is a factor to
4 be considered by us and actions that lawyers took
5 when they tried this case. All right. We'll, uh,
6 be at ease.

7 Y'all don't have next year's -- we're off the
8 record now, Teresa.

9 (WHEREUPON, the Court went off the record at
10 approximately 2:45 p.m.)

11 (WHEREUPON, the Court resumes at approximately
12 2:56 p.m.)

13 **THE COURT:** All right. Let's just put this
14 briefly on the record. We're back on the record
15 after something with the attorneys and the
16 calendars. I believe the case could be properly
17 heard with sufficient time for everybody to get the
18 research done by July the 16th, 2012. We're going
19 to set it for that week. I'll try to talk with
20 Court Administration sometime by the end of the
21 year to get an assignment made for that week here
22 in Greenville.

23 Also, uh, consulting with the attorneys, Mr.
24 Enderlin again indicated he would have supplemental
25 applications to opposing counsel by Friday

1 certainly in the mail for him to receive on
2 Tuesday. Also, we need to make sure that we
3 respond to the discovery request in a timely manner
4 whatever information you have. I'm confident the
5 attorneys will willingly share that. As they get
6 information to, in a timely manner, share it with
7 the State so that they could get their case -- they
8 have work to do also. Make sure that they are not
9 in any way hampered with their ability to prepare.
10 All right. That's the end of this hearing.

11 **MR. ZELENKA:** Thank you, Your Honor.

12 **MR. ENDERLIN:** Thank you, Your Honor.

13 (WHEREUPON, the proceedings conclude at
14 approximately 2:58 p.m.)

15

16

17

18

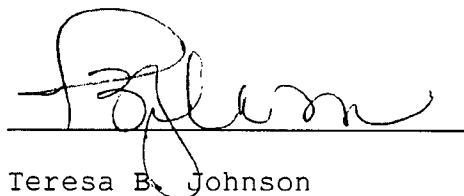
CERTIFICATE

34

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

I, the undersigned, Teresa B. Johnson, Official Court Reporter for the Thirteenth 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 case, relative to appeal, in the Court of Common Pleas for Greenville, South Carolina, on this 3rd day of January, 2014.

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

A handwritten signature in cursive script, appearing to read 'T. B. Johnson', is written over a horizontal line.

Teresa B. Johnson

Circuit Court Reporter



Derek Enderlin <derek@rossenderlin.com>

Transcript - Williams PCR

2 messages

Derek Enderlin <derek@rossenderlin.com>

Mon, Mar 4, 2013 at 10:05 AM

To: Eddie Welmaker <gwelmakersc@sccourts.org>, "Welmaker, G. Edward Law Clerk (Sean J. Hinton)" <gwelmakerlc@sccourts.org>

Cc: Don Zelenka <agdzelenka@scag.gov>, Rick Vieth <rvieth@hbvlaw.com>

Dear Judge Welmaker:

I requested the above transcript on February 8, or two days after our last hearing. Mr. Zelenka also requested it that week. Susan, your court reporter, has indicated her typing schedule has increased dramatically and that she is expecting a grandchild very soon, and has asked me if she can have more time to deliver the transcript, but she has also indicated to me, if I am not mistaken, that she could have the transcript within a few weeks if I really need it. I feel caught in a dilemma, because I believe I need the transcript for preparation of post-trial briefs, but I do not want to burden her unnecessarily. She has suggested she hopes to deliver the transcript by April 15.

You originally ordered our briefs due by April 15. If you and Mr. Zelenka do not object to an additional thirty days to submit the brief, I can easily work with Susan's new schedule, but I will certainly follow the court's direction in that regard.

Thank you for your kind attention to this matter.

—

Derek J. Enderlin
Ross and Enderlin, PA
330 East Coffee Street
Greenville, SC 29601
864-647-7205
Fax: (888) 850-3522

Welmaker, G. Edward Law Clerk (David Brown) <gwelmakerlc@sccourts.org>

Wed, Mar 6, 2013 at 11:38 AM

To: Derek Enderlin <derek@rossenderlin.com>, Don Zelenka <agdzelenka@scag.gov>, Rick Vieth <rvieth@hbvlaw.com>

Cc: "Welmaker, G. Edward Secretary (Gale Farrier)" <gwelmakersc@sccourts.org>

Gentlemen,

Judge Welmaker would like to have the briefs by May 10. If our court reporter is unable to complete the transcript by April 15, as she has indicated, the Judge is willing to revisit this new May 10 deadline. Please let me know if you have any further concerns with this revised deadline.

Thanks,

David



2 messages

Fri, Apr 26, 2013 at 10:42 AM

To: Eddie Welmaker <gwelmakersc@sccourts.org>, "Welmaker, G. Edward Law Clerk (Sean J. Hinton)" <gwelmakerlc@sccourts.org>, Rick Vieth <rvieth@hbvlaw.com>, Don Zelenka <agdzelenka@scag.gov>

I am still making my way through the transcript and asked Don if he would have a problem with me asking for some more time to submit briefs. Don indicated he has 4 appellate briefs and 3 oral arguments set for the next 2 weeks and would not be opposed to a 30 day extension. If you are generous enough to give us a 30 day extension, I feel confident this case will still be seen as being pursued in a timely manner.

Derek J. Enderlin
Ross and Enderlin, PA
330 East Coffee Street
Greenville, SC 29601
864-647-7205
Fax: (888) 850-3522

Mon, Apr 29, 2013 at 4:31 PM

To: Derek Enderlin <derek@rossenderlin.com>, Rick Vieth <rvieth@hbvlaw.com>, Don Zelenka <agdzelenka@scag.gov>

Cc: "Welmaker, G. Edward Secretary (Gale Farrier)" <gwelmakersc@sccourts.org>

Best,

Law Clerk to Judge Welmaker

Subject: Chris Williams Post Trial Briefs



Don Zelenka <DZelenka@scag.gov>

Sun, Jun 9, 2013 at 5:42 PM

To: "Welmaker, G. Edward Law Clerk (Sean J. Hinton) (gwelmakerlc@sccourts.org)" <gwelmakerlc@sccourts.org>, "gwelmakeri@sccourts.org" <gwelmakeri@sccourts.org>

Cc: "derek@rossenderlin.com" <derek@rossenderlin.com>, "rvieth@hbvlaw.com" <rvieth@hbvlaw.com>, Al Simon <asimon@scaq.gov>

This is to request an extension from Monday June 10 to Friday June 14, 2013 to provide you and opposing counsel our post-hearing brief in the Charles Williams state PCR matter pending before you. I was unexpectedly involved in some unexpected internal matters this past week which removed my ability to complete this matter before the end of the business Monday. I should have addressed this with you before Friday, but hoped my efficiency would have improved.

I communicated with opposing counsel Derek Enderlin and Rick Vieth by email and Mr. Enderlin kindly did not oppose it yesterday and I just received a similar email from Mr. Vieth expressing a similar position.

In making the request, I advised opposing counsel that I had no objection to providing whatever materials they may desire to you without service upon me until after they are in receipt of my material, since it is likely there will be an anticipated need to respond to each others memorandum.

As a follow-up, there was an indication at the close of the arguments that there may be some fact-finding by the court in advance after you received the transcript concerning matters of disclosure concerning drinking and FAS with mitigation investigator Vogelsang, counsel, some of the experts and family members. TR.p. 840-841. Compare, 805-806, 809-810, (Vogelsang), 807-808, (Richards), 819-820 (family members credibility). I am addressing these concepts in the alternative concern the representations made by Ms. Vogelsang to counsel, and Mr. Mauldin' endorsement of her credibility in the case. (Tr.p. 153 – 154) (trust whatever Jan says in this case").

Again, I regret the need to ask for this brief delay, but feel that I must. If you have any questions, please advise.

Sincerely,

Don Zelenka



2 messages

Mon, Jun 10, 2013 at 2:11 PM

Don: I have to pick up my kids at summer camp at 3:30 and because we have not heard back from Judge Welmaker, I am going to drop off my brief at his office with a letter that says the following:

Based on Mr. Zelenka's request to file his documents on Friday, I am forwarding you my brief but I have not filed it with the Clerk of Court. I will file it Friday unless I hear differently from you. If there are no objections, I may continue to proof read it, but the substance should not change unless you have further directives.

Derek J. Enderlin
Ross and Enderlin, PA
330 East Coffee Street
Greenville, SC 29601
864-647-7205
Fax: (888) 850-3522

Mon, Jun 10, 2013 at 2:36 PM

To: Derek Enderlin <derek@rossenderlin.com>

Thank you.

Don

From: Derek Enderlin [mailto:derek@rossenderlin.com]
Sent: Monday, June 10, 2013 2:11 PM
To: Don Zelenka; Rick Vieth
Subject: Brief

[Quoted text hidden]



Don Zelenka <DZelenka@scag.gov>

Fri, Jun 14, 2013 at 3:44 PM

To: "Welmaker, G. Edward Law Clerk (Sean J. Hinton) (gwelmakerlc@scccourts.org)" <gwelmakerlc@scccourts.org>, "gwelmakerj@scccourts.org" <gwelmakerj@scccourts.org>

Judge Welmaker –

Sincerely,

Don Zelenka

Donald J. Zelenka

Senior Assistant Deputy Attorney General

South Carolina Attorney General's Office

PO. O. Box 11549

Columbia, S.C. 29211

803-734-3601

dzelenka@scag.gov

From: Don Zelenka

Sent: Sunday, June 09, 2013 5:42 PM

Rossenderlin.com Mail - Draft Order Williams PCR



Draft Order Williams PCR

Gentlemen.

We would like to finalize the order before my clerkship with the Judge is over at the beginning of August. Accordingly, I anticipate the Judge will file his final order early next week, after which any motions should be promptly made pursuant to the relevant rules of court. I do not expect the Judge to be amenable to any extensions, so I wanted to provide you all with a draft copy in advance, in case you wanted to start reviewing it.

Please let me know if you have any questions.

Best,

David Brown

Law Clerk for The Honorable G. Edward Welmaker

Post Office Box 899

Pickens, SC 29671

OFFICE: (864) 898-5790

FAX: (864) 898-5792

 DRAFT Williams PCR Order.pdf
304K



Derek Enderlin <derek@rossenderlin.com>

Draft Order Williams PCR

Don Zelenka <DZelenka@scag.gov>

Wed, Jul 17, 2013 at 11:16 AM

To: "Welmaker, G. Edward Law Clerk (David Brown)" <gwelmakerlc@sccourts.org>, "Gmail (derek@rossenderlin.com)" <derek@rossenderlin.com>, "Rick Vieth (rvieth@hbvlaw.com)" <rvieth@hbvlaw.com>

To all -

I am still finalizing my Post-Hearing Memo which is well over 100 pages. I will use this draft order to shorten the matters. My apology for the delay, but this aids in the manner that Judge is addressing the issues.

Don Zelenka

From: Welmaker, G. Edward Law Clerk (David Brown) [mailto:gwelmakerlc@sccourts.org]**Sent:** Wednesday, July 17, 2013 10:54 AM**To:** Gmail (derek@rossenderlin.com); Rick Vieth (rvieth@hbvlaw.com); Don Zelenka**Subject:** Draft Order Williams PCR

[Quoted text hidden]

9/3/2015

Rossenderlin.com Mail - Order in Williams PCR



Derek Enderlin <derek@rossenderlin.com>

Order in Williams PCR

Welmaker, G. Edward Law Clerk (David Brown) <gwelmakerlc@sccourts.org> Thu, Jul 25, 2013 at 10:40 AM
To: "Gmail (derek@rossenderlin.com)" <derek@rossenderlin.com>, "agdzenka@scag.gov" <agdzenka@scag.gov>, "Rick Vieth (rvieth@hbvlaw.com)" <rvieth@hbvlaw.com>

Judge Welmaker has finalized his Order for the Christopher Williams PCR. The Order has been filed with the clerk's office and a copy was mailed to you all. I have attached a copy of the final Order to this email. The only significant change from the prior draft is the addition of Footnote 11 on page 37, although other minor changes were made throughout the document. Please let me know if you have any questions or concerns.

Best,

David Brown

Law Clerk for The Honorable G. Edward Welmaker

Post Office Box 899

Pickens, SC 29671

OFFICE: (864) 898-5790

FAX: (864) 898-5792

 Williams PCR Order ~ Final.pdf
309K