

STATE OF SOUTH CAROLINA  
COUNTY OF HORRY

EDWARD WASHINGTON #311014

APPELLANT,

v.

STATE OF SOUTH CAROLINA,

RESPONDANT

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

MOTION FOR BAIL PENDING

APPELLATE REVIEW OF

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OFFICE OF  
DISCIPLINARY COUNSEL

This matter comes before this court by APPELLANT'S Post-conviction relief application filed January 10, 2022. Respondent made its return on August 19, 2022. An evidentiary hearing was held on January 3, 2023, at Horry County Court House. Steven W. Fowler Esquire represented APPELLANT. Assistant Attorney General Chelsea F. Marto represented Respondent.

APPELLANT testified in his own behalf at the evidentiary hearing. Counsel James Stankis and Clay Pinkerton, Esquires, and Senior Solicitor Joshua Wolford, Esquire, also testified. After reviewing all records and evidence before PCR (Post-conviction Relief) court, APPELLANT was found that he could not meet his requisite burden of proof of establishing he was entitled to post-conviction relief and denied and dismissed the appellants application with prejudice.

### Procedural History

Appellant is presently confined in the South Carolina department of corrections pursuant to orders of commitment from the Horry County Clerk of Court. During its February 2017 term, the Horry County Grand Jury indicted Appellant for leaving the scene of an accident (2017-GS-26-01069) and felony DUI with death (2017-GS-26-01070). Appellant was represented by James Stankis and Clay Pinkerton, Esquires. Joshua Wolford and Cara Walker, Esquires, of the Fifteenth Circuit solicitor's office prosecuted the case.

LEGAL MAIL

On June 3-5, 2019, Appellant proceeded to trial before the Honorable Steven H. John. Appellant was found guilty of felony DUI but not leaving the scene of an accident. Judge John sentenced Appellant to twenty years imprisonment to be served concurrent.

Appellant filed a timely notice of appeal on June 12, 2019 that was perfected by Adam Ruffin Esquire through filing a brief pursuant to Anders v. California 386 U.S. 738 (1967). The South Carolina Court of Appeals dismissed Appellant's appeal by unpublished opinion, State v. Washington 2021-08-387 (S.C. Ct. App. filed Nov. 3, 2021). The remittitur was issued on November 22, 2021.

### SUMMARY OF Relevant Facts

On October 29, 2010, Ryan Bielawa was struck and killed by Appellant's vehicle while was walking across a highway. Olivia Malle testified that she was hanging out with Bielawa and some other friends when they decided to walk to the campus dining hall.

Bielawa began to walk across the highway not within a crosswalk. Malle recalled: "I heard him get hit so I looked and I see a shoe fly and a shadow which I think it was his body." And I turn and say, Ryan was just hit, and my friends started to scream". Kelee Cramer also testified that the vehicle that struck Bielawa but did not stop initially but returned "five to seven" minutes later.

Daniel Baker a DNR officer was driving by the Circle K where Bielawa was hit shortly after the accident when he witnessed Appellant in a heated altercation with a group of people. Baker approached the group of people and detained Appellant. Baker stated he knew nothing about the collision at the time. After realizing that a fatal car accident had occurred, Baker turned Appellant over to Glenn Guyett with the City of Conway Police Department.

Guyett testified that he initially placed Appellant under arrest for the leaving the scene of the accident until he got more information and charged Appellant with Felony DUI. Guyett claimed that he could smell alcohol on Appellant's breath and that his eyes were red and glossy. Guyett placed Appellant in his patrol vehicle read Appellant his Miranda rights and then took Appellant to the hospital for a ankle injury. Guyett did not conduct and standard sobriety tests on Appellant because of Appellant's apparent ankle injury. While at the hospital law enforcement obtained a search warrant for Appellant's blood and two blood samples were collected. Appellant was found to have an average blood alcohol content of .239.

### Appellant's Background History

Appellant is a citizen of South Carolina (Horry County) and has been since 1992. Appellant has attended all Horry County Grade Schools up to seventh grade. Appellant has an consistent work history in Horry County. Appellant's last employment was Buffalo Wild Wings in the Carolina Forest area of Horry County in 2018. Appellant has no escape charges or criminal or incarceration record. Appellant has only two major administrative disciplinary and one minor disciplinary on his incarceration record. (Possession of a weapon; Possession or attempt to sell communication device, intoxication) The two major disciplinary were committed by Appellant in Feb. 2022 and the minor in Oct. 2022. Appellant has been disciplinary free in the Department of Corrections (SCDC) for seventeen months as to the minor disciplinary was an informal resolution. Appellant is a member of the Cherry Hill Baptist Church in Conway, S.C. (Horry County) Appellant has a ten year old son who is in the fifth grade that attends school in Horry County. Appellant is thirty seven years of age.

It is therefore ordered that Upon Petition for ~~bail~~ <sup>bail</sup> Pending  
Appellate Review of writ or certiorari be granted by the Supreme  
Court to the Appellate.

And It is so ordered This \_\_\_\_\_  
day of \_\_\_\_\_ 2023

Edell W...  
Edward L.J. Washington #31164  
Appellate and Petitioner

21 August, 2023

Kempfer  
EXP: 8/30/2026

Edward Washington #311014  
Broad River Correctional Inst,  
Murray - 182  
4460 Broad River Rd  
Columbia, S.C. 29210

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Supreme Court of South Carolina  
P.O. Box 12159  
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