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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
COUNTY OF MARLBORO

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

Darrell J. Williams, #219730,

Applicant,

) CASE NO. 2020-CP-34-00142

v.

**ORDER DENYING APPLICANT'S
MOTION PURSUANT TO
RULE 59(e), SCRCP**

State of South Carolina,

Respondent.

This matter comes before the Court by way of Darrell J. Williams's (Applicant) Motion to Alter or Amend Pursuant to Rule 59(e), SCRCP, filed September 3, 2021, asking this Court to alter or amend its Order of Dismissal denying Applicant's application for post-conviction relief.

PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections. Applicant was indicted for six counts of first-degree burglary, four counts of second-degree burglary, two counts of grand larceny, four counts of petit larceny, and possession of tools to be employed in crime (1995-GS-34-0454, -0455, -0456, -0457, -0458, -0459, -0460, -0461, -0462, -0463, -0464, -0465, -0466, -0467, -0468, -0469). Applicant was represented by Frank E. Cain, Jr., Esq.

On May 3, 1995, Applicant appeared before the Honorable James E. Lockemy and entered a guilty plea to first-degree burglary. Judge Lockemy sentenced him to fifteen (15) years' incarceration.¹

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CLERK OF COURT
MARLBORO COUNTY

¹ Applicant was sentenced to fifteen years' imprisonment in 1995 but remains incarcerated in the South Carolina Department of Corrections due to the 2008 imposition of a life sentence. See State of South Carolina v. Darrell Williams, 08-GS-40-13175. That sentence stemmed from convictions in the Richland County Court of General Sessions for petit larceny and first-degree burglary. (2008-GS-40-6965; 2008-GS-40-13175). Applicant's subject 1995 conviction was used to enhance his sentence to a term of imprisonment for life without the possibility of parole. S.C. Code Ann. § 17-25-45 (A)(1)(a) ("[U]pon a conviction for a most serious offense as defined by

Applicant filed a notice of appeal. Respondent filed a motion to dismiss on July 17, 1995, arguing that Applicant failed to properly serve the notice of appeal. On August 10, 1995, the Supreme Court issued an order dismissing the appeal.

FIRST PCR APPLICATION: 1995-CP-34-0223

Applicant filed his first application for post-conviction relief on December 20, 1995, and alleged he was being held in custody unlawfully for the following reasons.

1. Ineffective assistance of counsel
2. Involuntary guilty plea
3. Denial of due process

Respondent made its return and requested an evidentiary hearing. An evidentiary hearing was convened on March 6, 1998, before the Honorable Marc H. Westbrook. Applicant was represented by B. Allen Bullard, Jr., Esq. Judge Westbrook denied and dismissed Applicant's application for post-conviction relief.

Applicant filed a notice of appeal, and the appeal was perfected by Aileen P. Clare, Esq., of the South Carolina Office of Appellate Defense. Applicant's counsel filed a Johnson petition, and the South Carolina Supreme Court denied the petition on August 23, 1999.² Applicant filed a *pro se* "Extraordinary Petition for Writ of Certiorari" in the United States Supreme Court on July 23, 1998 (98-5348). The United States Supreme Court denied the petition on October 5, 1998.

_____ this section, a person must be sentenced to a term of imprisonment for life without the possibility of parole, if that person has . . . one or more convictions for a most serious offense. . . ." Applicant has filed additional post-conviction relief applications challenging those convictions but does not raise them in the subject application.

² Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988).

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CLERK OF COURT
HARTLEIGH COUNTY, S.C.

SECOND PCR APPLICATION: 1996-CP-34-0152

Applicant filed a second application for post-conviction relief on September 3, 1996, during the pendency of his first PCR action. This application was merged with his first application by order dated October 21, 1996.

THIRD PCR APPLICATION: 2010-CP-34-0008

Applicant filed a third application for post-conviction relief on January 11, 2010. Applicant alleged he was being held in custody unlawfully for the following reasons:

1. Past convictions used to enhance conviction under Sec. 17-25-45(A)
2. PCR counsel operated under a conflict of interest.

Respondent made its return and moved to dismiss, citing the statute of limitations and the successiveness of the application. The Honorable Paul M. Burch granted Respondent's motion, dismissed Applicant's claims, and denied him post-conviction relief via written order on July 1, 2010.

CURRENT ACTION BEFORE THIS COURT

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

1. Denied counsel on prior conviction
 - a. waiver of Faretta right not knowing, voluntary given
2. Failed to inform about collateral consequences Padon
Kentucky
 - a. counsel failed to inform applicant of future collateral consequences.

Respondent made its return on January 26, 2021. A conditional order of dismissal was signed on January 28, 2021, and filed on February 9, 2021. The order found that the application was untimely and successive and should be summarily dismissed. Applicant responded with an unfiled "motion for judgment on the pleadings" on March 10, 2021. This Court issued a final order

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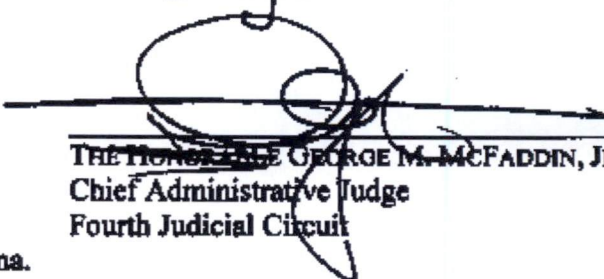
of dismissal on June 21, 2021, and subsequently issued an amended final order of dismissal on July 22, 2021. The amended final order incorporated the findings of the conditional order of dismissal and made specific findings regarding the arguments put forth in Applicant's "motion for judgment on the pleadings." Applicant's Rule 59(e), SCRCF motion to alter or amend was served on July 28, 2021, and filed on September 3, 2021. Respondent made its return to the Rule 59(e), SCRCF, on August 31, 2021, and filed on September 3, 2021. Applicant filed his opposition to Respondent's return on September 23, 2021, and filed on October 14, 2021.

APPLICANT'S MOTION TO ALTER OR AMEND

In Applicant's motion, he asks the Court to reconsider its ruling pursuant to Rule 59(e), SCRCF. After careful consideration of the arguments of Respondent and Applicant and review of the record, this Court is unable to discover any material fact or principle of law that has either been overlooked or disregarded and further finds no error of law or fact not appropriately considered. The order of dismissal issued by this Court contains the appropriate findings of fact and conclusions of law as required by § 17-27-80 of the South Carolina Code of Laws and Rule 52(a) of the South Carolina Rules of Civil procedure. Accordingly, Applicant's motion for reconsideration is **DENIED**.

IT IS THEREFORE ORDERED that Applicant's motion is hereby **DENIED** and **DISMISSED**.

AND IT IS SO ORDERED this 29th day of July, 2024.


THE HONORABLE GEORGE M. MCFADDIN, JR.
Chief Administrative Judge
Fourth Judicial Circuit

Sumter, South Carolina.

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STATE OF SOUTH CAROLINA
COUNTY OF MARLBORO
IN THE COURT OF COMMON PLEAS

Darrell J Williams #219730

Applicant,

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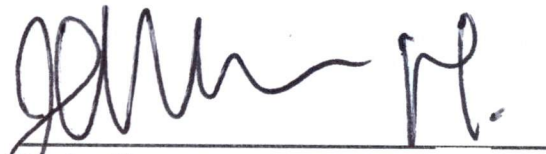
Respondent.

AFFIDAVIT OF SERVICE

The undersigned hereby certifies that a true copy of the filed Order of Dismissal (2020-CP- 34-00142) has been served upon the applicant by mailing one copy in the United States mail, postage prepaid, addressed to:


**Mr. Darrell J. Williams #219730
F6B-2243-T
Lee Corrections Department
990 Wisacky Hwy
Bishopville, SC 29010**

This 20th day of August 2024.

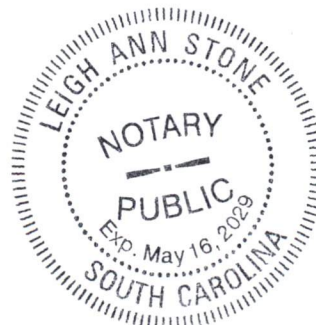


Jordan H.
Legal Assistant for Respondent

SWORN to before me this 20th day of August 2024.


Notary Public for South Carolina.

My Commission Expires: *May 16, 2029*

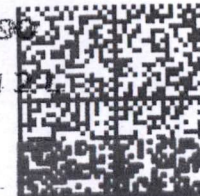




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