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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Bamberg County

Honorable Edward W. Miller, Circuit Court Judge

AARON LAMAR WILLIAMS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2024-000537

APPENDIX

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State of South Carolina	)	Court of General Sessions
County of Bamberg	)	Second Judicial Circuit
State of South Carolina,	)	Transcript of Record
vs.	)	2021-GS-02-00041 2021-GS-02-00042
Aaron Lamar Williams,	)	
Defendant.	)	

July 12, 2021
Bamberg, South Carolina

B E F O R E:

The Honorable Clifton Newman, Judge; and a Jury

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

David W. Miller, Deputy Solicitor
Carson M. Alexander, Assistant Solicitor
On behalf of the State of South Carolina

Charles David Hayes, Esquire
On behalf of Aaron Lamar Williams

Jerry M. Screen, Sr., Esquire
On behalf of Austin Lewis Williams

Reported by: Stacy S. Johnson,
Circuit Court Reporter

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E X H I B T S

NO EXHIBITS WERE INTRODUCED

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(The following proceedings were held July 12, 2021, beginning at 12:37 PM.)

THE COURT: All right. Where do we stand with Trial Number 1?

MR. MILLER: The State's ready to proceed.

MR. SCREEN: The defense is ready, Your Honor.

MR. HAYES: The defense is ready, Your Honor.

Do we need to put those matters we discussed in chambers on the record?

THE COURT: We need the defendants in the courtroom.

(Whereupon, the defendants enter the courtroom.)

THE COURT: All right. Mr. Miller.

MR. MILLER: Your Honor, as we had indicated previously, the State intends to call the case involving two defendants, Aaron and Austin Williams, as the first case to trial. Those are indictment numbers 2021-GS-05-00039, 40, 41, and 42.

Prior to beginning jury qualification this morning, we had a discussion in chambers with the Court and the defense attorneys; Mr. Screen on behalf of Austin Williams and Mr. Hayes on behalf of Aaron Williams, but because there -- there were already jurors in the courtroom that had been checked in we couldn't do it on the record in the courtroom, and I believe Mr. Hayes and Mr. Screen have items they'd like to put on the record.

THE COURT: All right. Mr. Screen.

MR. SCREEN: Yes, sir, Your Honor.

On behalf of Austin Williams, Your Honor, I move this Court for a continuance. I recall and this record will reflect that on June 15th of this year I sent to this Court an order of substitution of counsel. My client was previously represented by Benjamin Stitely of the Lexington Bar. I took over representation and immediately did a motion and order for substitution, which this Court signed, as I said, on 6-15.

After I got it back from this Court, I immediately notified Mr. Stitely's office that I wanted to obtain every bit of the discovery, paperwork, everything he had that would be beneficial to me in preparation for defending this defendant. I received it several days later. There are a number of disks, video disks, containing videos of the crime scene and that kind of stuff.

Your Honor, this is less than thirty days into a representation. I find myself at the arms of a dilemma prepared to try a case involving serious felonies, attempted murder and A&B by mob with serious bodily injuries. These cases could get my client, as young as he is, almost the rest of his days if he were given the maximum sentence.

I would like to have additional time to spend with him and to prepare this matter. I do not find that it would be prejudicial at all to the State. My client is in custody and has been in custody ever since the arrest. I believe the date of arrest was around the 12th day of March of this year.

That having been said, Judge, I believe additional time with my client to discuss issues and matters related to his defense would be beneficial in bringing this matter before the Court, ensuring that his constitutional rights of effective assistance of counsel are left intact.

I would ask this Court that in all seriousness to consider and allow this case to come up in the next term of court, which I think is sometime at the end of August. That is what I believe is fundamentally fair to him so that he may hear and see everything that's coming down against him. He is seriously concerned about it and, like I said, sitting in jail and having to talk to him in the jail is somewhat awkward, but that is so to be. I'm prepared to go to the jail. He's been in Richland County in the Alvin S. Glenn Center, of which this Court is very familiar, is a huge jail, and I've been there to see him and spent time with him, but I do not feel that I can say in all honesty and all candor, notwithstanding many years of experience at the Bar with these kind of

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cases, that I don't need additional time. I don't know that there's ever enough time to prepare for some cases, but in this case I think I need additional time to get ready. I'd ask you to continue this matter.

THE COURT: All right. Mr. Hayes.

MR. HAYES: Judge, I'm not too far off. I'm not gonna go through it all. Mr. Screen I think covered the vast majority. There's a couple of things that are different. I was appointed right before, I believe, the June 5th term of court. I've only been able to meet with my client two other times, disregarding today, so that would be three times in total. I met with his father two weeks ago as well. I believe additional time would be beneficial and I would ask the Court to consider continuing to the next term.

THE COURT: Mr. Miller.

MR. MILLER: Your Honor, just to clarify, Austin Williams was arrested on March the 24th. The incident occurred March the 12th; however he ended up getting transported to the hospital in Columbia as a result of his injuries sustained in this crime and once he got there they found out that he had COVID, so he stayed in the hospital until March the 24th, and that's when he was arrested on the charges.

Aaron Williams, likewise, had a -- had a paralyzing

injury and was confined to a wheelchair. He went to a facility, I believe, in Orangeburg after he got out of the hospital in Columbia and was there for a little bit of time before he was released and when he was released he was arrested on March the 30th of 2021.

Your Honor, the only reason that that is relevant is because in both cases they did not -- well, Aaron Williams didn't do anything to get counsel for two months before he applied and he was immediately approved for the public defender. Austin Williams had counsel and he fired that counsel and he went and retained Mr. Screen.

Both Mr. Screen and Mr. Hayes have been diligent in their preparation. Based on the case itself I don't know what could be gained by extra time, but more importantly, Your Honor, the reason that the State is pushing this case as far as we are is because of the fact that over the weekend -- not this past weekend, but the July 4th weekend, right when we had started talking seriously about getting this case ready for trial and moving this case, there was a drive-by shooting where both Latroy Jamison, who is an associate of the Williams brothers, and one of the Williams brothers himself, are alleged to have been involved in a drive-by shooting in an attempt to kill Mr. Youmans, who is the victim in case. As a result of that, a cousin of Mr. Youmans then went after

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Mr. Jamison, and it is alleged and he has -- he has told investigators he shot and killed a woman. He said that was by accident because he was trying to -- trying to shoot and kill Latroy Jamison.

So, Your Honor, what has happened over the past -- well, since we started talking about resolving these cases, is it's turned into a war zone in Denmark and we have a vested interest in getting these cases resolved as quickly as possible and then moving onto the next ones and resolving those as quickly as possible until the town of Denmark is -- is somewhat safe because these people are not shooting at each other. That's why we're pushing this, that's why we are after this result today, to have this trial today, because -- and then it went on because my victim is here with his grandmother. I'm told by my investigator this morning that when she was coming into the courthouse downstairs, that members of Mr. Williams's family were pointing her out saying that's her and trying to threaten and intimidate her. Now I know for a fact that's not gonna happen because she will not be intimidated, but even in the courthouse we had heard allegations that Mr. Williams's family continues to try to intimidate her and to try to intimidate him into not testifying.

So, Your Honor, based on all that, it's -- it's

time to move forward with these cases. It is time to get this done. I know that Mr. Screen is one of the best attorneys I know, Mr. Hayes is a fine attorney, he's an excellent attorney, but if their clients are not going to listen to them and listen to their advice, then we need to go to trial. And if they're facing sixty years each, then they're gonna face sixty years each. That's just what it is. But I don't think that a continuance is appropriate at this time because they don't want to accept the fact that what happened in this case is something they're going to have to go to prison for and I say that they have to go to prison for it because assault and battery by mob in the second degree carries three to twenty-five years and the attempted murder is zero to thirty, which are the two charges for each of them in this case.

So, Your Honor, we would oppose the continuance.

MR. SCREEN: Your Honor, Mr. Miller just made an excellent case for why it ought to be continued. The seriousness of what they face and what could happen to them manifest that we get a continuance here because justice -- we're looking for justice, quite frankly, because we need time to get these guys ready. They may not get one inch further down the road from where they are, but I want to make sure when one day if I sit in

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that witness chair and they hire some lawyer to examine me about what I did here, I want to make sure that he got everything that his constitutional rights of a fair and impartial trial demands.

THE COURT: Anything further?

MR. MILLER: Nothing from the State.

THE COURT: As far as the evidence in the case or the complexity or lack of complexity of the case, Mr. Miller?

MR. MILLER: Your Honor, this is a one, potentially two, witness case that involves a video. The only piece of evidence that we would be seeking to introduce aside from the testimony would be the video of the incident as it occurred and that video clearly shows both of the defendants attacking Mr. Youmans unprovoked and ultimately he was shot, I believe, twelve times and five of the bullets are still inside of him.

THE COURT: So we have -- the two witnesses are who?

MR. MILLER: The first witness would be Mr. Youmans himself. He would authenticate the video. He was there when the video was recorded. He would also identify the defendants as Austin and Aaron Williams. He would also testify as to his injuries and when we publish the video for the jury he would explain to the jury what was going on because the video does not have sound, but he would

explain to the jury what was happening during the time that the video is playing.

The second witness would be Special Agent Jeff Croft with SLED and he's only being called for two reasons. Reason number one, because he was there whenever the video was being downloaded from the surveillance system and he noted when they began to download that the video was off by an hour. So the video has a timestamp on it, but that timestamp's actually off by an hour. And the other thing that he would testify to is the fact that there were 9-millimeter and 40-caliber shell casings recovered from the scene of the crime. We are not seeking to introduce those shell casings, but only to explain that there were two guns on -- on the video. There were two types of shell casings that were recovered.

THE COURT: And how many bond hearings have I presided over involved in this indictment?

MR. MILLER: Just the one for Mr. Austin Williams.

Aaron Williams had a bond hearing in front of the magistrate and the magistrate released him on the ankle monitor due to his medical condition, which is, Your Honor, a result of this incident. And then Austin Williams' bond was denied by the magistrate. Judge, he did appear before you when he was represented by Ben Stitely and bond was denied at that time.

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THE COURT: All right. Thank you.

Anything further?

MR. MILLER: Nothing from the State, Your Honor.

THE COURT: From the defense?

MR. SCREEN: Nothing from the defense, Your Honor.

THE COURT: I deny the motion for a continuance. The defendant is entitled to a fair and speedy trial. The State likewise is entitled to pursue justice in criminal matters. There's nothing that's been presented to me that would demonstrate any complexity that would merit the continuance in this case and I deny the motion.

The jury is coming in at 2:00?

MR. MILLER: Yes, Your Honor.

THE COURT: Any pre-trial matters that I need to address?

MR. HAYES: Judge, I'm not sure, but at one point there was a discussion of wanting to relieve me as counsel and I don't know if my client still wishes to make that motion or not.

THE COURT: All right. Mr. --

MR. HAYES: Aaron.

THE COURT: -- Aaron Williams.

AARON WILLIAMS: Yes, sir. I feel like I needed another lawyer for -- for trial. I feel like he's not fit for this trial. He's really not fit for this trial

that's going on and that's why I want --

THE COURT: On what basis? Your feel --

AARON WILLIAMS: I only met with him two times and when we met we -- we really didn't talk about any -- talk about the case and it really wasn't no defense of what we was gonna do in the case and I'm here today and I'm on trial and we don't have a defense and haven't talked about what we was gonna do and how we was going forward with the case, so I feel like I need me a better lawyer to come to trial and can represent me better that's equipped for trial than he is for today.

THE COURT: All right. Mr. Hayes.

MR. HAYES: Judge, just for the record, I want to make clear that two weeks ago I had an appointment downstairs with Mr. Williams. He spent about two minutes in the office, told me his back hurt, he didn't want to hear anything I had to say, didn't need to discuss it, and to send him the notice when trial was. I told him that this is the time that we need to meet to go over the case to prepare for trial because we are on the trial roster and potentially going to trial this week. Next week, which was last week, I'm gonna spend time with my family and be on vacation. At that point he said good, are we -- can I go, and he left.

His father then came in and spoke for about an hour

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and I asked for him to come back and give me written permission to discuss the case with him. He verbally gave it, but I will not discuss a case with somebody's parent without written permission. So I let his father talk for about an hour before he left, who insisted and got -- asked me about what he could do to talk to his son and help his son, and I told him to get written permission and I will go over the discovery, show him the video and discuss the case with him. That has not been done and I did not do it.

So we've had meetings. The brevity of them has not been any issue of mine, but I think some of it is, is that the information that I'm giving him or have to give in this situation is not what he wants to hear.

THE COURT: All right.

Yes, sir. You're making some noises and motions there in the --

MR. WILLIAMS: Me?

THE COURT: Yes, sir.

MR. WILLIAMS: Your Honor, I'm just trying to help my son because I wanted to hire a private lawyer that's got a reputation to help him, somebody who does this for a living. I guess, a trial lawyer. That's what he needs a continuance for. We did not know we were coming down here this morning. I didn't know. He said it, but I

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-- I didn't hear that. I did not know we were coming down here for a trial today and they definitely didn't know and all I'm trying to do is make sure that they understand -- I mean, I know what they're facing and when a man's life is on the line like this I think a -- a little more time to get things right is not ludicrous.

THE COURT: I've addressed the issue of time already.

MR. WILLIAMS: I know. I know, but I'm just -- that's what I was talking about. That's what I'm talking about. Just explaining it.

MR. SCREEN: Judge --

THE COURT: Okay. Anything -- let me deal with Mr. Hayes, Mr. Screen, then I'll come back to you.

Any -- anything else on the issue of Mr. Hayes as Mr. Williams's lawyer? Mr. Hayes is the public defender. He's an experienced trial lawyer who has -- how many years of experience, Mr. Hayes?

MR. HAYES: It's either twelve or thirteen. I've lost count, Judge.

THE COURT: Twelve or thirteen years of experience. He's a trial lawyer in this county and Aiken county and Barnwell county that I'm familiar with. He's an excellent trial lawyer.

You know, when a person is accused of committing a crime, they have a right to counsel. If they cannot

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afford counsel, counsel will be appointed to represent them. I presume Mr. Williams applied for and received a public defender; is that right?

MS. ALEXANDER: That's correct.

THE COURT: He applied for a public defender. A public defender has been appointed to represent him.

Mr. Hayes, are you ready for trial?

MR. HAYES: Yes, sir.

Judge, I want to correct -- I miscounted in my head. I believe I'm going into my twelfth year.

THE COURT: Twelve years of experience.

A person has a constitutional right to represent themselves as long as you are aware of the dangers of self-representation and the fact that if you represent yourself you would be held to the same standard as far as applying the rules of evidence.

If you op not to have Mr. Hayes as your lawyer, you can represent yourself. The case will not be postponed for that reason. If you do not wish Mr. Hayes to represent you, Mr. Hayes will be required to stay in the courtroom and sit as standby counsel to answer any questions that you might have in representing yourself. Otherwise, that's your alternative choice as opposed to having Mr. Hayes continue as your lawyer. I'm not appointing any other additional lawyers and the time

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for trial is now.

MR. HAYES: Judge, and you were saying about if there's anything else. I believe there were some shell casings that were sent to SLED. The State's indicating they're not trying to introduce them. In the report they said they were sending off swabs for DNA. I'm aware of that. However, I don't think the swabs or the shell casings in this situation are going to affect the outcome of this trial for our -- I don't think it would be anything that would benefit us.

THE COURT: Any other question or stipulation regarding that issue, Mr. Miller?

MR. MILLER: No, Your Honor. We discussed it at some length within our office about the potential of going forward without additional -- what we believe would be exculpatory evidence and we didn't feel like we needed it, so that's where -- we're ready to go forward now.

THE COURT: Mr. Screen.

MR. SCREEN: Judge, we've had -- I appreciate this Court's indulgence. We've had some serious head to head straight conversations in the back about this matter and as a lawyer I don't bite my tongue when a client or anybody else -- I said to my client we're facing an uphill battle. With everything I've learned in all these years,

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I cannot pick the lock on the government's case, on the State's case. I've told that to my client. I've asked this Court to continue it because that's what they want, is more time, but I have -- as much as I have to tell you, more time won't change the video. A video was instrumental in putting a police officer who's name is well known in Minneapolis away and another in Charleston. A video is difficult, if not impossible, to attack sometimes. A physical human witness comes with baggage sometimes for which I can undermine that credibility, but if you're talking about an eye planted somewhere that looks at and records everything that happens, puts me in a very serious position. They somehow have talked about if they hire somebody else. My answer to that, Judge, is short of Jesus I don't know that this evidence is gonna change and that's why I said about if I have to say that again to somebody else at another day, I will say that's what I said.

I appreciate your time.

THE COURT: With regard to any plea offers in the case, Mr. Miller?

MR. MILLER: Your Honor, the offer for both defendants was to plead to attempted murder for a cap of twenty years.

THE COURT: All right. Place both defendants --

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each defendant under oath so I can inquire of them as to their understanding of the plea offer.

MR. HAYES: Judge, before -- I think we kind of got sidetracked. Did you rule on the motion for a new attorney?

THE COURT: That motion is denied.

MR. HAYES: Yes, sir.

THE COURT: If Mr. Williams decides to represent himself, he may do so under the parameters of what I've explained.

MR. HAYES: Yes, sir. I just wanted to make sure we're --

THE COURT: That motion is denied.

Madam Clerk, if you will swear the defendants.

Stay where you are and raise your right hand to be sworn.

THE CLERK: Mr. Austin --

THE COURT: And also Mr. Aaron Williams.

THE CLERK: You want me to do them together?

THE COURT: Yeah, at the same time will be fine.

THE CLERK: Okay. Okay.

(Whereupon, Aaron Lamar Williams and Austin Lewis Williams were duly sworn by the Clerk of Court.)

AUSTIN WILLIAMS: I do.

AARON WILLIAMS: Yes, I do.

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THE CLERK: Okay. Thank you.

THE COURT: Now first addressing Mr. Aaron Lamar Williams, Mr. Williams, you're before the Court about to have a trial on the case of assault and battery by mob second degree and attempted murder.

Assault and battery by mob second degree carries what potential penalty?

MR. MILLER: Assault and battery by mob in the second degree carries three to twenty-five years, Your Honor.

THE COURT: Minimum of three, maximum of twenty years?

MR. MILLER: Twenty-five.

THE COURT: Twenty-five years.

Attempted murder carries up to thirty years. And each defendant is charged with the same offense and this applies to Aaron Lamar Williams and also Mr. Austin Lewis Williams.

Mr. Aaron Williams, the Solicitor has indicated that through your lawyer the plea offer has been made for you to plead guilty to these crimes and receive a sentence of up to twenty years. It's up to twenty years. If the minimum on one is three, then that -- would that be between three years and twenty years?

MR. MILLER: That is correct, Your Honor.

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THE COURT: The plea offer to Mr. Aaron Williams is between -- the maximum sentence was twenty years, the minimum sentence of three years. Whatever sentence you get will be in my discretion.

Do you understand that as being the plea offer, Mr. Aaron Lamar Williams?

AARON WILLIAMS: Yes, sir.

THE COURT: And Mr. Austin Lewis Williams, do you understand that as being the plea offer?

AUSTIN WILLIAMS: Yes, sir.

THE COURT: And have you discussed with your lawyer whether or not you are going to accept the plea offer and plead guilty?

AUSTIN WILLIAMS: I've discussed it.

THE COURT: Have you talked with your lawyer about that?

AUSTIN WILLIAMS: I don't feel like I've talked with him. You said the jury is coming in at 2:00 and --

THE COURT: The jury is coming in at 2:00 and what I intend to do today is select the jury and not begin testimony or the case itself until tomorrow morning. You will have the remainder of today, tonight, until we return tomorrow morning, to make your decision on what you want to do and to review any other evidence that you might want to review or talk to your lawyer as much as

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you want to talk with him.

Do you understand that, Mr. Austin Lewis Williams?

I keep getting you guys mixed up. You both are A.L. Williams.

Aaron Lamar Williams, do you understand that?

AARON WILLIAMS: Yes, sir.

THE COURT: Mr. Aaron Lamar Williams, how old are you?

AARON WILLIAMS: Twenty-nine.

THE COURT: Twenty-nine.

And, Austin, how old are you?

AUSTIN WILLIAMS: Twenty-two.

THE COURT: Twenty-two.

All right. Do you have any question in your mind as to what the plea offer of the State is, a cap of up to twenty years?

Do you understand that Mr. -- and whatever you get will be up to me within that range.

Do you understand that, Mr. Williams?

AUSTIN WILLIAMS: Yes, sir.

THE COURT: Mr. Williams?

AARON WILLIAMS: Yes, sir.

THE COURT: All right. Mr. Screen, any questions about the plea offer.

MR. SCREEN: None, Your Honor.

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THE COURT: Mr. Hayes?

MR. HAYES: No, sir.

THE COURT: Mr. Williams?

AARON WILLIAMS: No, sir.

THE COURT: Mr. Williams?

AUSTIN WILLIAMS: No, sir.

MR. HAYES: Thank you, Your Honor.

THE COURT: All right. So we're going to break and resume with the jury at 2:00.

Any questions that anyone wanted me to ask the jury other than the normal questions such as do you know any of the people, have you been a victim of any similar crimes or any other voir dire questions?

MR. HAYES: I do, Your Honor. And I have a copy for the court reporter and I already gave a copy to the Solicitor.

THE COURT: All right.

(Court's Exhibit Number 1 was marked for identification.)

THE COURT: And, Mr. Miller, by 2:00 I'm sure these will probably encompass any questions you might want to ask, but most of the questions will be asked reciprocally about who you know, but if you have any questions or issues about any of these, we can take them up.

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MR. MILLER: Thank you, Your Honor.

THE COURT: So with regard to Mr. Austin Lewis Williams, he needs to be dressed for court.

What's the plan?

I do have the right name, right? Do you have regular clothes he can put on?

MR. HAYES: Does he have a suit or clothes?

MR. SCREEN: I'm gonna -- Your Honor, that's -- we've got it worked out to get something brought in the morning because he's over in Barnwell, so I guess when they get here in the morning they'll --

THE COURT: We're selecting the jury today.

MR. SCREEN: Well, I guess we might be able to get something here by 2:00.

THE COURT: All right. For one thing, if the defendant is in jail --

MR. SCREEN: We can get something here before the jury comes.

THE COURT: If the defendant is in jail, he cannot appear before the jury shackled and he cannot appear in jail clothes.

MR. SCREEN: Yes, sir.

THE COURT: Typically if someone is shackled, and I know security here, law enforcement, has their own safety -- security protocol, but typically if someone has -- do

you-all have something other than chains or stun guns, stun belts?

THE DEPUTY: We have a leg brace at the jail.

THE COURT: So he'll need to have something like that and be positioned where it will not be noticed by the jury.

THE DEPUTY: Yes, sir.

THE COURT: And sometimes if you have shackles under the table --

MR. MILLER: We've used the leg brace before, Your Honor. It goes on the leg under the pants leg, so we haven't had any problems with it before.

THE COURT: All right. As long as that's assured, that's good. We'll be in recess until 2:00.

MR. MILLER: Thank you, Your Honor.

(Whereupon, a luncheon recess was taken at 1:13 PM.)

(Back on the record at 2:02 PM.)

BAILIFF: All rise. Court come to order.

THE COURT: Thank you. Be seated.

Do you have another copy of your voir dire questions?

MR. MILLER: Your Honor, the State would have no objection to questions 1, 2, 8 and 9. 1, 2, 8, 9. I believe that the remainder of the questions are adequately covered by the Court's standard voir dire.

THE COURT: We need Mr. Williams and Mr. Williams

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to come in.

(Pause in proceedings.)

THE COURT: All right, Solicitor. You may call your first case.

MR. MILLER: Thank you, Your Honor. May it please the Court? The State calls Indictment Number 2021-GS-05-00039, a true billed indictment for assault and battery by mob in the second degree. The State of South Carolina versus Austin Lewis Williams.

The State calls State of South Carolina vs. Austin Lewis Williams. Indictment Number 2021-GS-05-00040. That's a true billed indictment for attempted murder.

The State additionally calls State of South Carolina versus Aaron Lamar Williams. Indictment 2021-GS-05-00041, a true billed indictment for assault and battery by mob in the second degree.

Finally, the State calls State of South Carolina versus Aaron Lamar Williams. Indictment Number 2021-GS-05-00042, a true billed indictment for attempted murder.

THE COURT: And the incidents are alleged to have occurred when and where?

MR. MILLER: Your Honor, the incident is alleged to have occurred on March the 12th of this year, 2021, at the Wroten's car wash, which is located in Denmark -- or

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was located in Denmark, South Carolina.

THE COURT: All right. Ladies and gentlemen, the State has called for trial the cases of the State versus Aaron Lamar Williams and Austin Lewis Williams. Each of whom are -- have been indicted by the grand jury of this county charging them with attempted murder and assault and battery by a mob -- or by mob second degree. Each has pled not guilty to the charges contained in the indictment. They are presumed to be not guilty of the charges contained in the indictment and they cannot be found guilty unless the State presents evidence that convinces a jury of guilt beyond a reasonable doubt, and that is the purpose of a trial and that is why you-all are here to -- for us to select a jury and for you to determine whether the State can and has met its burden of proof.

The defendants are in court with counsel.

And, Counsel, if you'll introduce yourself, as well as anyone else you'd like to introduce.

Mr. Screen.

MR. SCREEN: We ask to go forward, Judge.

THE COURT: Okay. If you'll let the jury see you. I don't know if they know you. Tell them who you are.

That's Jerry Screen. Attorney Jerry Screen.

Mr. Hayes.

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MR. HAYES: I'm David Hayes. I'm a public defender here in Barnwell -- Bamberg.

THE COURT: All right. And who do you represent?

MR. HAYES: I represent Aaron, who's sitting right here behind me.

THE COURT: All right. Mr. Aaron Williams, can you turn so the jury can see who you are?

All right. Thank you.

And, Mr. Austin Williams, if you'll stand and face the jury, please.

All right. Thank you.

And the State is also represented through the Solicitor's office of the Second Circuit. If the State's attorneys will introduce themselves and tell us who your witnesses might be.

MR. MILLER: Good afternoon, ladies and gentlemen. My name's David Miller. I'm a deputy solicitor for the Second Judicial Circuit. I'm joined by Ms. Carson Alexander. She's an assistant solicitor in the Second Circuit. And this is Calvin Coates. He is an investigator for the Second Judicial Circuit, which is Barnwell, Bamberg and Aiken.

THE COURT: And witnesses who the State anticipates calling?

MR. MILLER: I'm sorry, Your Honor?

THE COURT: Anticipated witnesses.

MR. MILLER: Your Honor, the anticipated witnesses would be Anthony Jerkezzi, Daniel Youmans, who's in the back of the courtroom, and Special Agent Jeff Croft of the South Carolina State Law Enforcement Division, who is here to your right.

THE COURT: Now, ladies and gentlemen, if you know anything about this case, have heard anything about this case or know any of the individuals who have just been introduced, please stand.

(Potential jurors stand.)

THE COURT: Tell me the reason why you're standing.

First, the gentleman in the blue shirt, identify yourself and tell me why you're standing.

POTENTIAL JUROR: I'm Clarence Blocker. I am -- I'm pastor of Cedar Grove Missionary Baptist Church and I know Austin. Austin lived right by me at one time and I know Austin and Aaron's mother and father.

THE COURT: And would that fact affect your ability to be a fair and impartial juror in this case?

POTENTIAL JUROR: No, sir.

THE COURT: You can set aside the fact that you know some of the participants and decide the case based on the law and based on the evidence?

POTENTIAL JUROR: Yes, sir.

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THE COURT: All right. And your juror number one more time?

POTENTIAL JUROR: 13.

THE COURT: Juror Number 13.

POTENTIAL JUROR: Yes, sir.

THE COURT: All right. Thank you, sir.

Yes, sir.

POTENTIAL JUROR: I'm friends with the victim's sister.

THE COURT: Say it one more time.

POTENTIAL JUROR: I'm friends with the victim's sister.

THE COURT: You're friends with the victim -- alleged victim's --

POTENTIAL JUROR: Alleged victim. The man that got shot.

THE COURT: Pardon.

POTENTIAL JUROR: The man that got shot.

THE COURT: All right. And what's your juror number.

POTENTIAL JUROR: 39.

THE COURT: Number 39. And the fact that you're a friend with the alleged victim's sister, Mr. Dickerson, would that affect your ability to be a fair and impartial juror.

POTENTIAL JUROR: Yes, sir.

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THE COURT: You can set aside that fact and decide the case based on the law and evidence in this case?

POTENTIAL JUROR: No, sir.

THE COURT: All right. Thank you, sir.

Yes, sir.

POTENTIAL JUROR: I also know --

MR. HAYES: Judge, I'm sorry. I think he said no, then yes.

THE COURT: All right. We'll go back to you, sir, again.

POTENTIAL JUROR: I'm hard of hearing.

THE COURT: Yeah. I asked you can you decide the case based on the law and the evidence presented or would you not be able to do so based on knowing the --

POTENTIAL JUROR: No, sir.

THE COURT: No, sir, what?

POTENTIAL JUROR: I'm probably a little partial.

THE COURT: You're probably a little partial?

POTENTIAL JUROR: Yes, sir.

THE COURT: All right. Thank you for clarifying that.

We will not consider Mr. Dickerson for service in this case.

Thank you, Mr. Hayes.

MR. HAYES: Thank you.

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THE COURT: Yes, sir. If you'd pull your mask down while you're talking so we can hear you better.

POTENTIAL JUROR: Chris Robinson. Juror 147.

THE COURT: And, Mr. Robinson, Chris Robinson, you're standing why?

POTENTIAL JUROR: Because I know of him. I've seen him multiple times.

THE COURT: You knew of -- you knew of who? Who do you know of?

POTENTIAL JUROR: The defendant.

THE COURT: The --

POTENTIAL JUROR: Yes, sir.

THE COURT: All right. And would that affect your ability to be a fair and impartial juror?

POTENTIAL JUROR: Yes, sir.

THE COURT: All right. And you would be -- you can't be fair and impartial because you know the defendant; is that right?

POTENTIAL JUROR: Yes, sir.

THE COURT: All right. We'll not consider you for service in this case.

Thank you. If you'll be seated.

All right. Yes, ma'am.

POTENTIAL JUROR: I know the defendant Austin. He was my son's classmate and I also know Jerkezzi.

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THE COURT: All right. And tell me your juror number.

POTENTIAL JUROR: 133.

THE COURT: 123?

POTENTIAL JUROR: 133.

THE COURT: I'm sorry. 133.

And were you here this morning?

POTENTIAL JUROR: Yes, sir.

THE COURT: And what's your full name?

POTENTIAL JUROR: Danielle R. Odom.

THE COURT: Danielle R. Odom.

Ms. Odom, the fact that you know the participants in this case, would that affect your ability to be a fair and impartial juror?

POTENTIAL JUROR: No, sir.

THE COURT: You'd be able to set aside the fact that you know the parties and decide this case solely based on the law and the evidence of this case?

POTENTIAL JUROR: Yes, sir.

THE COURT: All right. Thank you, Ms. Odom.

Yes, ma'am.

POTENTIAL JUROR: My name is Zipporah Smith. I'm Juror 171 and I know the family of him and them.

THE COURT: All right. You know the family of everyone involved?

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POTENTIAL JUROR: Yes.

THE COURT: And you're Number 171, Ms. Smith. Zipporah Smith. And would that prevent you from being a fair and impartial juror?

POTENTIAL JUROR: No, sir.

THE COURT: You'd be able to decide the case fairly and impartially despite the fact that you know the people involved?

POTENTIAL JUROR: Yes, sir.

THE COURT: You would be able to?

POTENTIAL JUROR: Yes, sir.

THE COURT: All right. Thank you.

Yes, sir.

POTENTIAL JUROR: Trejon Robinson. 146.

THE COURT: All right. Mr. Robinson.

POTENTIAL JUROR: I know both of them.

THE COURT: You know both of them?

POTENTIAL JUROR: (Nods head.)

THE COURT: And would the fact that you know both of them, would that prevent you from being a fair and impartial juror?

POTENTIAL JUROR: (Nods head.)

THE COURT: And you're not able to be fair and impartial because you know them?

POTENTIAL JUROR: Yeah.

THE COURT: All right. Mr. Robinson, we will not consider you, Number 146. You can have a seat though. You're still here with us. Just have a seat.

All right. Thank you.

Yes, ma'am.

POTENTIAL JUROR: My name Kalia Glover, Number 68.

THE COURT: Number 68. Kalia Glover. Yes, ma'am.

POTENTIAL JUROR: I'm a neighbor to Austin.

THE COURT: You're a neighbor?

POTENTIAL JUROR: Yes.

THE COURT: And the fact that you're a neighbor, would that prevent you from being a fair and impartial juror?

POTENTIAL JUROR: No.

THE COURT: Despite the fact of being a neighbor, you can sit and be fair and impartial?

POTENTIAL JUROR: Yes.

THE COURT: All right. Thank you.

Additional questions. Are you or any member of your family currently employed or previously worked in law enforcement with Denmark police, Bamberg's sheriff's department or any sheriff's department in the state, SLED, FBI, military police, Solicitor's office, any of the above? Any of your family -- you or any of your family a member, employed, previously or currently, in

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law enforcement in any capacity? If so, please stand.

(Potential jurors stand.)

THE COURT: All right. And tell me your juror number and why you're standing.

Yes.

POTENTIAL JUROR: Robin Jones, Juror Number 110. I have family in the sheriff's department, as well as attorneys.

THE COURT: Sheriff's department here in Bamberg?

POTENTIAL JUROR: Yes.

THE COURT: All right. Would that prevent you from being fair and impartial?

POTENTIAL JUROR: No.

THE COURT: Thank you.

Yes, sir.

POTENTIAL JUROR: Darryl James, Juror Number 94.

THE COURT: All right.

POTENTIAL JUROR: My brother worked in Orangeburg at the public safety.

THE COURT: Would that prevent you from being fair and impartial?

POTENTIAL JUROR: No, sir.

THE COURT: Thank you.

Yes, ma'am.

POTENTIAL JUROR: Carey Herndon, Juror Number 82.

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My father worked with the Department of National Resources as a game warden for the Bamberg area.

THE COURT: Would that affect your ability to be fair and impartial?

POTENTIAL JUROR: No, sir.

THE COURT: Thank you.

Yes, sir.

POTENTIAL JUROR: Juror Number 184. My father was -- retired from Mounks Corner Police Department.

THE COURT: And would that prevent you from being fair and impartial?

POTENTIAL JUROR: It would not.

THE COURT: All right. Thank you.

Have you or any member of your immediate family or any close personal associate or acquaintance of yours ever been the victim of a violent crime? And violent crimes are typically classified as rape, robbery, burglary, murder or serious assault.

If any of you or any close associate or family member or acquaintance have ever been the victim of a violent crime, please stand.

(Potential jurors stand.)

THE COURT: And tell me what crime it was. Your juror number what crime it was.

Yes, sir.

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POTENTIAL JUROR: Darryl James. Juror Number 94. My cousin was killed in a -- I guess a gang-related incident in Orangeburg. A car was set on fire and he was still inside.

THE COURT: Thank you, sir.

Yes, sir. In the red.

POTENTIAL JUROR: Deit Vaughn again. 184. My -- both my home and my business have been burglarized.

THE COURT: Thank you.

Yes, sir.

POTENTIAL JUROR: Brad Etheridge, 48. A home burglary.

THE COURT: All right. Thank you.

Anyone else?

If any of those instances would affect your ability to be a fair and impartial juror in this case, please stand.

If any of you or any member of your immediate family has ever volunteered with or contributed money to any enforcement -- or any agency that is focussed on violent crimes, Mothers Against Drunk Driving, Students Against Drunk Driving, any other related organizations or any other organizations in protection or pursuing -- focussed on the rights of the accused such as ACLU or any related organization? If so, please stand.

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It's been indicated that one of the witnesses is a police officer or law enforcement officer. The role of the jury is to evaluate the credibility or believability of each and every witness who testifies. Would the fact that a law enforcement agent testifies affect your ability to weigh the credibility of that witness just as any other witness? If so, please stand.

If any of you or any member of your immediate family has ever testified as a witness in a criminal case? If so, please stand. If you've testified as a witness in a criminal case, served as a juror in a criminal case. If so, please stand.

(Potential juror stands.)

THE COURT: All right. Yes, sir.

POTENTIAL JUROR: Bryan Rhoad. I'm not sure what my juror number is. I was a juror in a criminal case, a drive-by shooting, in Charlotte, North Carolina, approximately four years ago.

THE COURT: Is that Bryan Rhoad?

POTENTIAL JUROR: Yes, sir.

THE COURT: Number 142. All right. Thank you, sir. Yes, sir.

POTENTIAL JUROR: Deit Vaughn, 184. I was an alternate juror for a trial -- criminal trial, but that was years ago.

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THE COURT: All right. Thank you, sir.

MR. HAYES: What was his number?

THE CLERK: 184.

THE COURT: If you know of any reason whatsoever why you cannot give both the State and the defense a fair and impartial trial or if you know any reason or anything about the nature of the charges, the parties involved, if you know of any reason whatsoever why you cannot be a fair and impartial juror, if you know of any such reason, please stand.

If you know of any reason why you should not be selected to be a juror in this case. If you do, please stand.

Any additional --

(Potential juror stands.)

THE COURT: Yes, ma'am. Without telling me the reason, if you'll come forward, please. Along with counsel.

(The following proceedings were held out of the hearing of the jury panel.)

POTENTIAL JUROR: I -- I -- I heard about this case, heard some information from the community, and I don't think I can serve as a juror without being partial.

THE COURT: Based on what you've heard about the case?

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POTENTIAL JUROR: Yes, sir. I don't think I can be.

THE COURT: And you're the -- you're in charge of what again?

POTENTIAL JUROR: South Carolina DSS here in Bamberg.

THE COURT: So you're supposed to know what's going on, right?

POTENTIAL JUROR: Uh-huh.

THE COURT: All right. So we're gonna set her aside. Any objection?

MS. ALEXANDER: Your juror number?

POTENTIAL JUROR: 183.

THE COURT: 183. Okay. Thank you.

(The following proceedings were held in open court.)

THE COURT: Number 183 will not serve in this case. Any additional questions proposed by either side?

MR. SCREEN: Nothing from the defense, Your Honor.

MR. MILLER: Nothing from the State, Your Honor.

MR. HAYES: Your Honor, in light of what was just said, I'd specifically ask about Number 9 in our voir dire. We introduced ourselves, but I don't think anybody was asked if they knew or had any relationship to us or the Solicitor's office.

THE COURT: All right.

And, of course, I posed the question whether you know any of the people who've introduced themselves.

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Specifically, do you know any of the solicitors, any defense attorneys, any association with any of them? If you do, please stand.

(Potential juror stands.)

THE COURT: All right. Mr. Rhoad.

POTENTIAL JUROR: Yes. I do know Player Long.

THE COURT: All right.

POTENTIAL JUROR: I consider him a friend. Not a close relation, but I know him.

THE COURT: All right. Would that prevent you from being a fair and impartial juror in this case?

POTENTIAL JUROR: I do not believe so.

THE COURT: All right. Thank you.

Any additional questions proposed?

MR. HAYES: Specifically, Number 1, as to if they've heard anything, saw anything in the paper, television or has anybody heard anything in discussion.

THE COURT: Has any member of the jury panel read anything in the newspaper, seen anything on television or heard anything at all about this case? If so, please stand.

(Potential juror stands.)

THE COURT: Juror --

POTENTIAL JUROR: Juror 171.

THE COURT: Juror 171, if you'll come forward,

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please, with counsel.

(The following proceedings were held outside the hearing of the jury panel.)

THE COURT: I think she said she knows everybody involved and neighbors with some of the people.

Are you familiar with some of the people?

POTENTIAL JUROR: I know both defendants, you know, from --

THE COURT: Say again.

POTENTIAL JUROR: I know the defendant from being around the way.

THE COURT: Being around the way?

POTENTIAL JUROR: Being from Denmark.

THE COURT: Denmark. That's where you're from?

POTENTIAL JUROR: Yes.

THE COURT: Okay. How's things going over there?

POTENTIAL JUROR: Great.

THE COURT: Good.

POTENTIAL JUROR: And I read the paper.

THE COURT: You read the paper?

POTENTIAL JUROR: Yes, and I've heard rumors.

THE COURT: And heard rumors?

POTENTIAL JUROR: Yes.

THE COURT: And the fact that you've read the paper, heard rumors and live near the people, would that prevent

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you from being a fair and impartial juror?

POTENTIAL JUROR: I think so.

THE COURT: You think so?

POTENTIAL JUROR: Yes.

THE COURT: You don't think you should be on the jury?

POTENTIAL JUROR: Unh-unh.

THE COURT: Why didn't you say that?

POTENTIAL JUROR: I'm saying it now.

MS. ALEXANDER: What's your number?

POTENTIAL JUROR: 171.

THE COURT: I don't want to put you on the spot.

(The following proceedings were held in open court.)

THE COURT: All right. Number 171 is off the panel. Anyone else?

(Potential juror stands.)

THE COURT: If you'll come forward. And counsel.

And, ladies and gentlemen, if you have a problem or an issue in serving as a juror in this case, you need to bring it to my attention at this time. I'm asking questions, you're under oath. Your oath is to give complete and truthful responses to all questions. If you have any issue or problem being a fair and impartial juror or serving as a juror in this case, please come forward at this time.

(The following proceedings were held outside the hearing of the jury panel.)

THE COURT: Yes, sir.

POTENTIAL JUROR: I'm concerned about my safety being a juror --

THE COURT: Don't -- don't talk so loud.

POTENTIAL JUROR: Okay -- in a case of this nature. I'll be glad to help out. I'm a deacon in a church. I'm willing to be honest and true, but I'm just concerned about my safety in a situation with such a violent crime and in the future being identified as a juror and potentially -- because I just moved to Bamberg recently and I just don't want any problems with being on a jury.

MR. HAYES: What was your number?

POTENTIAL JUROR: Number 4. Buford Anderson.

THE COURT: So we'll -- of course, during the trial as the jurors are selected, you will be identified only by juror number, not by name. But this is a relatively small community, so I understand what you're saying.

You live Bamberg, Denmark or --

POTENTIAL JUROR: I live in Bamberg.

THE COURT: Okay.

POTENTIAL JUROR: But like I said, it's just my concern about being identified out and being new in the town I'm not comfortable with participating in something

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that could potentially change someone's life forever, sending them to prison, and me being an honest person in that situation is what I would truly be, but I don't want there to be any repercussions with me and my wife.

THE COURT: All right.

Any questions by the State?

MS. ALEXANDER: I don't have any questions, but maybe to help with your concerns if you ever have any concerns leaving the courthouse or walking to the courthouse from your car, we can always get a deputy to walk you to your car or walk you from your car into the courthouse. You know, your address will not be disclosed. Like Judge Newman said, we're just going to be identifying you by juror number.

THE COURT: I said do you have any questions --

MS. ALEXANDER: I'm sorry.

THE COURT: -- not an explanation.

Any other questions?

MS. ALEXANDER: No. No other questions.

THE COURT: Any questions?

MR. HAYES: No, sir.

THE COURT: Any reason that --

POTENTIAL JUROR: Anderson.

THE COURT: Mr. Anderson -- just so you know, I have to call your name, but this is a private conversation.

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Any reason why he should not be excused based on his concern? Anything from the State? Any objection?

MS. ALEXANDER: Your Honor, I would ask that he not be excused.

THE COURT: And from the defense?

MR. SCREEN: I would take him. I wouldn't let him be excused.

MR. HAYES: And I concur with that. I think he would be a good juror.

THE COURT: Everybody thinks you'd be a good juror.

POTENTIAL JUROR: I feel like I would be, too. I moved from Charleston County to here hoping it would be little less activity with things of this nature, and so being in a community that I've seen and heard situations, I just have concerns. That's why I wanted to bring it to your attention.

THE COURT: Yes, sir. I appreciate it. And in my twenty-one years I've yet to see anyone retaliate against a juror and, of course, if any family goes anywhere in that direction, the Court gives severe consequences if that happens. So that's not an issue you should have to worry about.

The last person lives in the same neighborhood, knows the same people, read about something in the newspaper, all those things affect her ability, but I

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think just basically everyone who serves on a jury they have some issue or some concern, but at the same time it's your civic duty to serve.

POTENTIAL JUROR: Okay.

THE COURT: We'll keep you with us. Thank you for drawing our attention to your concerns.

POTENTIAL JUROR: Yes, sir.

(The following proceedings were held in open court.)

THE COURT: Anything further?

MR. HAYES: I have nothing further, Your Honor.

MR. SCREEN: Nothing. Thank you.

THE COURT: All right. Are the parties ready to strike?

MR. MILLER: The State's ready, Your Honor.

THE COURT: All right. Ladies and gentlemen, if you will give the clerk your attention.

What do you want them to do, Madam Clerk? How far do you want them to come -- the jurors to come forward?

THE CLERK: All right. Ladies and gentlemen, when your name is called, we need you to come forward -- come forward and --

THE COURT: Just call them by juror number only, Madam Clerk. If you all will come forward and wait for the lawyers to speak.

MR. MILLER: Your Honor, may we inquire as to the

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total number of qualified jurors?

THE CLERK: Thirty.

THE COURT: Thirty?

THE CLERK: Yes, sir.

MR. MILLER: Thank you, Your Honor.

THE COURT: Ladies and gentlemen, the way jurors are selected, the computer spits out a random list, not an alphabetical list, but a random list, and each party has a certain number of strikes.

I believe in this case each defendant has five.

MR. MILLER: Yes, Your Honor.

THE COURT: And the State has?

MR. MILLER: Ten.

THE COURT: Ten?

MR. MILLER: Yes, sir.

THE COURT: So we'll wait for this list to be generated, then we'll proceed.

In the meantime -- I know you've been sitting for a while. In the meantime, let's all stretch. No conversations. Just stretch and relax for a moment.

(Pause in proceedings.)

THE COURT: Number only.

THE CLERK: Huh?

THE COURT: Juror number only.

THE CLERK: Number 1. Bryan Rhoad.

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THE COURT: That's just the opposite of what I said. Call the juror number.

Number 142.

(Whereupon, Bryan S. Rhoad, a white male, stands.)

THE CLERK: Okay. Got you.

THE COURT: I think due to the closeness of everything, you can stand there instead of coming forward.

All right.

MR. MILLER: Please present the juror.

MR. SCREEN: Please excuse this juror.

THE COURT: All right. You may remain seated, but you're excused.

THE CLERK: 73.

THE COURT: Juror Number 73.

(Whereupon, Franklin S. Griffin, a white male, stands.)

MR. MILLER: Please present the juror.

MR. HAYES: Please seat the juror.

THE COURT: If you'll come forward, sir.

THE CLERK: 59.

(Whereupon, Kathy M. Ford, a black female, stands.)

MR. MILLER: Please present the juror.

MR. SCREEN: Please swear the juror.

THE COURT: All right. Come forward, please, and

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have a seat in the jury box.

THE CLERK: 36.

THE COURT: Juror Number 36, please stand.

Let's see. Mr. Davis, was he excused?

BAILIFF: There's some that don't know their numbers. We'll have to call their names.

THE COURT: Let's see. Mr. Davis, was he excused? Norman Davis? 36. There is he.

(Whereupon, Norman L. Davis, a black male, stands.)

MR. MILLER: Please present this juror.

MR. SCREEN: Please seat the juror.

THE COURT: Come forward, Mr. Davis.

THE CLERK: Number 4.

(Whereupon, Buford L. Anderson, a white male, stands.)

THE COURT: What says the State?

MR. MILLER: Please excuse Juror Number 4.

THE COURT: All right. You've been excused. You may be seated. Thank you.

THE CLERK: Number 68.

THE COURT: Did you skip one? Which one do you have after 4?

THE CLERK: Number 13.

THE COURT: Did you call that number? Did you call his name?

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THE CLERK: No, sir.
THE COURT: Juror Number 13.
THE CLERK: Okay. I missed him. Number 13.
(Whereupon, Clarence E. Blocker, Jr., a black male, stands.)
THE COURT: What say the State?
MR. MILLER: Please excuse Juror Number 13.
THE COURT: All right. You've been excused.
Go ahead, Madam Clerk.
THE CLERK: Now Number 68.
(Whereupon, Kalia T. Glover, a black female, stands.)
MR. MILLER: Please excuse Juror 68.
THE CLERK: Number 94.
THE COURT: Juror Number 94.
(Whereupon, Darryl-Robert James, a black male, stands.)
MR. MILLER: Please present the juror.
MR. SCREEN: Please excuse this juror.
THE COURT: All right. You've been excused.
THE CLERK: Number 58.
(Whereupon, Donna W. Ford, a black female, stands.)
MR. MILLER: Please present the juror.
MR. SCREEN: Please swear the juror.
THE COURT: All right. You can come forward, ma'am.

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THE CLERK: Number 22.
(Whereupon, Katelin M. Brummel, a white female, stands.)
MR. MILLER: Please present the juror.
MR. SCREEN: Please seat the juror.
THE COURT: Please come forward.
THE CLERK: Number 42.
(Whereupon, Jayce C. Dukes, a white male, stands.)
MR. MILLER: Please present the juror.
MR. SCREEN: Please seat this juror.
THE COURT: If you'll come forward, sir.
THE CLERK: Number 182.
(Whereupon, Barbara C. Turner, a black female, stands.)
MR. MILLER: Please present the juror.
MR. SCREEN: Please seat this juror.
THE COURT: Juror, come forward.
THE CLERK: Number 31.
(Whereupon, Kerria S. Crosby, a black female, stands.)
MR. MILLER: Please excuse the juror.
THE COURT: You're excused, ma'am, and you may be seated.
THE CLERK: Number 150.
(Whereupon, Joseph L. Rutland, a white male,

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stands.)

MR. MILLER: Please present the juror.

MR. SCREEN: Please seat that juror.

THE COURT: Come forward, sir.

THE CLERK: Number 89.

(Whereupon, Cierra S. Irons, a black female, stands.)

MR. MILLER: Please present the juror.

MR. SCREEN: Please seat that juror.

THE COURT: Juror Number 89. Come forward, please.

THE CLERK: Number 83.

(Whereupon, Corey J. Herron, a white male, stands.)

MR. MILLER: Please present the juror.

MR. SCREEN: Please seat the juror.

THE CLERK: Number 141.

(Whereupon, William T. Rentz, a white male, stands.)

MR. MILLER: Please present the juror.

MR. SCREEN: Please seat that juror.

THE COURT: Come forward.

THE CLERK: Number 54.

(Whereupon, Albert Flemming, a black male, stands.)

THE COURT: Number 54. Mr. Albert.

MR. MILLER: Please present the juror.

MR. SCREEN: Please swear that juror.

THE COURT: Please come forward, sir.

THE CLERK: Number 102.

THE COURT: Do we have twelve jurors?

MR. MILLER: I believe we do, Your Honor.

THE CLERK: Oh, we've got twelve?

THE COURT: Let's have two alternates.

THE CLERK: Okay. Well, the next one is Number 102.

THE COURT: First alternate.

(Whereupon, Debra A. Johnson, black female, stands.)

THE COURT: The strikes are one and two.

MR. MILLER: Please present the juror.

MR. SCREEN: Please seat that juror.

THE COURT: Do we have any agreement on the alternates? One and two or two and four?

MR. MILLER: I think it's one and four, Your Honor. They each get two, we get one.

THE COURT: All right. First alternate come forward. One more alternate.

THE CLERK: 118.

(Whereupon, Tammy A. Martin, a white female, stands.)

THE COURT: 118.

MR. MILLER: Please present the juror.

MR. SCREEN: Please excuse this juror.

THE COURT: All right.

THE CLERK: Number 184.

(Whereupon, Deit J. Vaughn, a white male, stands.)

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MR. MILLER: Please present the juror.

MR. HAYES: Please excuse this juror.

THE CLERK: Number 48.

(Whereupon, Brad A. Etheridge, a white male, stands.)

MR. MILLER: Please present the juror.

MR. SCREEN: What's the juror number, Judge?

MR. MILLER: 48.

THE COURT: 48.

MR. SCREEN: Please excuse this juror.

THE COURT: So this is -- on the second alternate, the strikes are one and two?

MR. MILLER: Second alternate, strikes one and four. They have four. We have one.

THE COURT: Okay.

THE CLERK: 33.

(Whereupon, Bryon O. Davis, a black male, stands.)

MR. MILLER: Please present this juror.

MR. SCREEN: Please seat that juror.

THE COURT: Okay. If you'll come forward.

Once you move from your seat, bring everything with you. Don't leave anything back out there.

Are there any matters of law regarding the jury selection?

MR. MILLER: None from the State, Your Honor.

MR. SCREEN: None from the defense, Your Honor.

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THE COURT: Mr. Hayes?

MR. HAYES: I was gonna say none from us.

THE COURT: All right. Thank you.

Ladies and gentlemen, you've been selected to be the jury in the trial of this case. Those of you who were not selected, we are through with you-all for this day.

Let's see. On the list, Ms. Alexander, any additional potential trials this week?

MS. ALEXANDER: No other potential trials, Your Honor. This is the only one.

THE COURT: All right. So, ladies and gentlemen, those of you who were not selected, we are through with you-all and you have completed your jury service. Thank you very much for cooperating with us and you are now disqualified from serving for the next year because you've served this year. So through 2022 you're not eligible to serve. For two additional years you may choose not to serve, but thank you very much for your cooperation today, and you-all are free to go.

What do you do about compensation, Madam Clerk?

THE CLERK: We mail their check.

THE COURT: They will mail a check to you for your jury service.

Thank you very much and you may go.

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(Whereupon, the jury panel was released at 3:06 PM.)

THE COURT: So is the jury room prepared for the jury to go into it?

THE CLERK: Yes, sir.

THE COURT: Pardon?

THE CLERK: Yes, sir.

THE COURT: Are you sure?

THE CLERK: Yes, sir.

THE COURT: Okay.

All right. Ladies and gentlemen, we're gonna have you go to the jury room for just a few minutes just to get yourself oriented to the jury room. The bailiffs will probably come and tell you how to come in or which door to use to come in. When you come in or show up in the morning, you won't come through the courtroom. You'll always -- I guess there's another way to come directly to the jury room and the bailiff will explain that to you.

Once you're picked on a jury, you cannot discuss the case in any form or fashion until I tell you that it's time to do so, which will be -- which will be at the end of the case after everyone has presented any and all evidence, the lawyers have made their closing argument and I've given you instructions on the law. From this point forward you cannot discuss this case at

all.

If you'll go to the jury room and we'll have you come back before long. I think it's that door.

I think for convenience purposes -- for convenience purposes we're gonna maybe have the bailiffs -- for convenience purposes we'll have this juror seated where an alternate would typically be seated by -- by the door there so she won't have to climb steps. She has some trouble coming up and down.

(Whereupon, the jury retires to the jury room at 3:10 PM.)

THE COURT: I think when they come back out maybe if you'll just put a chair right by the door there where she can come and sit right by the door. It will take her a while to come all the way around, so we can just have her a spot right by the door.

BAILIFF: Right. Right.

THE COURT: All right. Just as far as logistics and moving forward, as I indicated we'll not start anything today to give everyone some additional hours and a fresh start in the morning.

Anything we need to talk about before I let the jury go?

MR. MILLER: Nothing before the jury goes, Your Honor. The only thing we were thinking about is I think

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logistically the only way we can do it with the jurors being on both sides of the courtroom is to set the -- the screen out here and actually play it directly in front of the Court so that all of the jurors can see it unless you tell us you want us to do it some other way, but, otherwise, ones gonna have a really good view of it and the others are gonna be looking at the back of it.

THE COURT: Well, you know, in Aiken we've had jurors out in the audience. This is my first getting a view of the jurors.

MR. MILLER: And I wouldn't object to that either, Your Honor. It would certainly make it a little bit more convenient for --

THE COURT: When you're talking to an audience, if you've got them all in front of you --

MR. MILLER: I hate turning my back on the Court though.

THE COURT: Well, it's just -- it seems like it might be better to have them seated out there.

MR. MILLER: Yes, sir.

THE COURT: You know, when you see a speaker, and I'm gonna refer to defense counsel there, I guess when you've got people on all sides of you, you give a speech there and another speech there, it might be easier just to --

MR. MILLER: Yes, sir. That -- that would be my preference.

THE COURT: Okay. What do you think, Mr. Screen?

MR. SCREEN: As long as they can all see at the same time, it's okay with me.

THE COURT: Yeah. So, bailiffs, what we're gonna do is just have the jurors instead of seated in the jury box, we're gonna have them sit on right side of the courtroom. They can spread out better there and then the lawyers can talk to them without wondering whether the ones over here -- they'll know who to talk to and they won't want to give the same speech twice.

BAILIFF: Right. Will do.

THE COURT: Yeah, we'll do it that way, and maybe the lady with the -- the ladies that are handicapped can just take the front row.

BAILIFF: Yes, sir.

THE COURT: So I'm gonna tell them to -- we'll tell them to come to the jury room at 10:00, and we can address anything, but I want everyone else here at 9:30.

MR. MILLER: Yes. Absolutely.

THE COURT: So I'm gonna bring them out and cut them loose.

Mr. Hayes?

MR. HAYES: The only request I have is now that

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we've picked the jury, we haven't sworn the jury, I would ask if my client's bond would stay instated at this point.

THE COURT: Yeah, I don't think we have an issue with your client and his bond.

MR. MILLER: No, sir. As long as the jury is not sworn, we're --

MR. HAYES: I just want to make sure because that's happened at this point and --

THE COURT: You can bring them back out.

(Whereupon, the jury return to the courtroom at 3:17 PM.)

THE COURT: All right. Ladies and gentlemen, we are done for today. We need you back at ten tomorrow morning. And we just -- rather than having the jurors split on both sides, we're gonna just have you-all seated out there and you can spread out as much as you want to out there that you're comfortable spreading out.

And please do not discuss the case. Don't go on the Internet trying to research to find out anything. All the information that you need concerning this case will be presented in the courtroom.

So we'll see you-all tomorrow morning at 10:00.

When you come tomorrow at ten, however, come to the jury room and we'll bring you out here.

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(Whereupon, the jury was excused for the day at 3:18 PM.)

THE COURT: All right.

MR. MILLER: We'll see you in the morning, Your Honor.

THE COURT: All right.

MR. MILLER: Does that suit you?

THE COURT: That suits me fine.

Anything else I can do for anybody today? Mr. Screen? Mr. Williams? Mr. Hayes? Mr. Williams?

MR. SCREEN: Nothing from us, Your Honor.

THE COURT: All right. We'll see you-all at 9:30.

MR. HAYES: Yes, sir.

MR. SCREEN: Yes, sir.

MS. ALEXANDER: See you tomorrow.

(Whereupon, the proceedings were concluded for July 12, 2021, at 3:20 PM.)

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C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter for the Eleventh 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 the evidence introduced in the hearing of the captioned case in Circuit Court on the 12th day of July, 2021.

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

October 29, 2024

/s/ Stacy S. Johnson
STACY S. JOHNSON
CIRCUIT COURT REPORTER

State of South Carolina	)	Court of General Sessions
County of Bamberg	)	Second Judicial Circuit
State of South Carolina,	)	Transcript of Record
vs.	)	2021-GS-05-00042
Aaron Lamar Williams,	)	
Defendant.	)	

July 13, 2021
Bamberg, South Carolina

B E F O R E:

The Honorable Clifton Newman, Judge

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

David W. Miller, Solicitor
Carson M. Alexander, Assistant Solicitor
On behalf of the State of South Carolina

Charles David Hayes, Esquire
On behalf of Aaron Lamar Williams

Jerry M. Screen, Sr., Esquire
On behalf of Austin Lewis Williams

Reported by: Stacy S. Johnson,
Circuit Court Reporter

I N D E X

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Certificate of Reporter 86

E X H I B T S

NO EXHIBITS WERE INTRODUCED

(The following proceedings were held July 13, 2021, beginning at 10:10 AM.)

BAILIFF: All rise. Come to order. Judge Clifton Newman presiding.

THE COURT: Thank you. Please be seated.

Good morning.

MS. ALEXANDER: Good morning, Your Honor.

The State calls the case of State of South Carolina verses Austin Williams and Aaron Williams. The jury is here and we are ready to proceed, Your Honor.

It is my understanding that the defendants wish to enter a plea of guilty and take the offer that has been offered to them.

THE COURT: Swear each defendant for me.

(Whereupon, Aaron Williams and Austin Williams were duly sworn by the Clerk of Court.)

AARON WILLIAMS: I do.

THE CLERK: Thank you.

AUSTIN WILLIAMS: I do.

THE CLERK: Thank you.

THE COURT: All right. Responding, Mr. Aaron Williams, you've just taken the oath?

Aaron Williams, you've just sworn to tell the truth?

AARON WILLIAMS: Yes, sir.

THE COURT: And Austin Williams?

AUSTIN WILLIAMS: Yes, sir.

THE COURT: All right.

When you're swearing and you have -- there are two different people, you need to specify specifically who you're talking to.

THE CLERK: Okay. Do you want me to do them over?

THE COURT: Just them over.

THE CLERK: Okay.

Mr. Austin Williams, will you raise your right hand.

Do you solemnly swear that the testimony you're about to give this Court will be the truth, the whole truth and nothing but the truth so help you God?

AUSTIN WILLIAMS: I do.

THE CLERK: Okay. And, Mr. --

AARON WILLIAMS: Aaron.

THE CLERK: Aaron.

Mr. Aaron Williams, will you raise your right hand.

Do you solemnly swear or affirm that the testimony you're about to give this Court to be the truth will be the truth, the whole truth and nothing but the truth so help you God?

AARON WILLIAMS: I do.

THE COURT: Thank you.

THE COURT: All right. Mr. Screen, the Solicitor says that your client, Austin Lewis Williams, wants to waive his right to a jury trial and plead guilty; is that right?

MR. SCREEN: Yes, sir.

THE COURT: And do you agree with the decision?

MR. SCREEN: Yes, sir.

THE COURT: All right. And, Mr. Hayes, likewise as to Aaron Williams, the State says he wants to waive his right to a jury trial and plead guilty; is that right?

MR. HAYES: Yes, Your Honor.

THE COURT: And do you agree with that?

MR. HAYES: Yes, Your Honor.

THE COURT: So do you want to waive your right to a jury trial and plead guilty, Mr. Austin Lewis Williams?

AUSTIN WILLIAMS: Yes, sir.

THE COURT: And, Mr. Aaron Lamar Williams?

AARON WILLIAMS: Yes, sir.

THE COURT: Now we've selected the jury. The jury is in the back ready to go with your case. At this moment in time you're presumed to be not guilty of the charges and you have the right to have a jury trial on the charges. If you had a jury trial, the State would be required to convince each and every juror of your

guilt beyond a reasonable doubt and you'd have the right to challenge any evidence the State offers against, you'd have the right to testify or not testify, confront any witnesses, have your lawyer bring in any witnesses that you may have on your own behalf.

Do you understand all of those rights?

AUSTIN WILLIAMS: Yes, sir.

THE COURT: Mr. Aaron Williams?

AARON WILLIAMS: Yes, sir.

THE COURT: And do you want to give up those rights and plead guilty, Mr. Austin Williams?

AUSTIN WILLIAMS: Yes, sir.

THE COURT: Mr. Aaron Williams?

AARON WILLIAMS: Yes, sir.

THE COURT: Has anyone promised you anything to get you to plead guilty, Austin Williams?

AUSTIN WILLIAMS: No, sir.

THE COURT: Aaron Williams?

AARON WILLIAMS: No, sir.

THE COURT: The offenses that you've indicated that you are pleading guilty to are classified in the law -- attempted murder is classified as a most serious offense and the second charge -- there's just the one charge?

MS. ALEXANDER: Yes, Your Honor. They are gonna be pleading guilty to attempted murder only.

THE COURT: Okay.

And attempted murder is classified in the law as a violent offense and a most serious offense.

Do you understand that, Mr. Austin Williams?

AUSTIN WILLIAMS: Yes, sir.

THE COURT: Mr. Aaron Williams?

AARON WILLIAMS: Yes, sir.

THE COURT: Now where there is a most serious offense, you plead guilty to a most serious offense, it qualifies you under the two strikes law in the state. In South Carolina, if a person commits two most serious offenses they can be sentenced to prison for life without the possibility of parole. Your pleading guilty to this most serious offense means that if you during your lifetime commit another most serious offense, you can be sentenced to prison for life without the possibility of parole.

Do you understand that, Mr. Austin Williams?

AUSTIN WILLIAMS: Yes, sir.

THE COURT: Do you understand that, Mr. Aaron Williams?

AARON WILLIAMS: Yes, sir.

THE COURT: In fact, that the State serves notice of intent to seek life without the possibility of parole if you are charged with a most serious offense and if

you are convicted of another most serious offense, the sentence of life without parole is a mandatory sentence. You must be sentenced to life without the possibility of parole.

Do you understand that, Mr. Austin Lewis Williams?

AUSTIN WILLIAMS: Yes, sir.

THE COURT: And, Mr. Aaron Lamar Williams?

AARON WILLIAMS: Yes, sir.

THE COURT: Are you on probation or parole at this time?

AUSTIN WILLIAMS: No, sir.

THE COURT: Aaron Williams?

AARON WILLIAMS: No, sir.

THE COURT: Now, Mr. Austin Lewis Williams, tell me what you did that makes you guilty.

AUSTIN WILLIAMS: I shot the victim.

THE COURT: Do you believe you're guilty of attempted murder?

AUSTIN WILLIAMS: Yes, sir.

THE COURT: Mr. Aaron Lamar Williams, what did you do that makes you guilty of attempted murder?

AARON WILLIAMS: I was with Austin when he shot the victim.

THE COURT: Meaning you are a participant in the activities that led to the victim being shot?

AARON WILLIAMS: Yes, sir.

THE COURT: And you believe you're guilty of attempted murder?

AARON WILLIAMS: Yes, sir.

THE COURT: Now regarding -- I asked you whether anyone promised you anything to get to you plead guilty to this.

Ms. Carson Alexander, I -- I forgot the words you used. You said something about accepting a plea offer or something.

What did you say?

MS. ALEXANDER: Your Honor, there is a recommendation of this case for them to plead to attempted murder for a recommendation of a cap of twenty years. Additionally, pleading to attempted murder is going to resolve all of their pending charges as well, the remaining ones.

THE COURT: All right.

Is that your understanding of that, Mr. Screen?

MR. SCREEN: Yes, sir, it is.

THE COURT: And Mr. Hayes?

MR. HAYES: Yes, sir.

THE COURT: Mr. Austin Williams?

AUSTIN WILLIAMS: Yes, sir.

THE COURT: And, Mr. Aaron Williams?

AARON WILLIAMS: Yes, sir.

THE COURT: Now there are two types of guilty pleas -- or three types; a straight-up plea, a negotiated plea, and a plea with recommendations.

Where there's a guilty plea and a recommendation by the State, I may or may not accept the recommendation as opposed to a negotiated sentence where either I accept the negotiated sentence and give you exactly what's been negotiated or not accept the guilty plea. So do you understand I'm not obligated legally to accept the recommendation of the sentence?

Do you understand that, Mr. Austin Williams?

AUSTIN WILLIAMS: Yes, sir.

THE COURT: And, Mr. Aaron Williams?

AARON WILLIAMS: Yes, sir.

THE COURT: And understanding everything that I've asked you, how do you plead, Mr. Austin Williams?

AUSTIN WILLIAMS: Guilty.

THE COURT: And, Mr. Aaron Williams?

AARON WILLIAMS: Guilty.

THE COURT: And, Mr. Austin Williams, are you satisfied with the representation of your lawyer?

AUSTIN WILLIAMS: Yes, sir.

THE COURT: Mr. Aaron Lamar Williams, are you satisfied with the representation of your lawyer?

AARON WILLIAMS: Yes, sir.

THE COURT: Now you said yesterday you had some issue with Mr. Hayes and wanted me to relieve him and I told you that you could represent yourself, but he's appointed and the trial will not be delayed.

Are you now satisfied with his representation?

AARON WILLIAMS: Yes, sir.

THE COURT: And are you satisfied with your lawyer's representation, Mr. Austin Williams?

AUSTIN WILLIAMS: Yes, sir.

THE COURT: All right. And I think I've asked this question. Understanding everything, how do you plead? Guilty or not guilty?

AUSTIN WILLIAMS: Guilty.

AARON WILLIAMS: Guilty.

THE COURT: All right. The facts.

MS. ALEXANDER: Your Honor, may it please the Court? Just for the record, the indictment for Austin Williams is for attempted murder and that is Indictment Number 2021-GS-05-00040.

THE COURT: I'm gonna -- I'm gonna pause you here. I have jurors who have dedicated their time and showed up. I'm gonna have them -- I've -- I'm accepting the guilty plea. I'm gonna have the jurors come in for the balance of the proceedings.

If you can bring them in and have them have a seat out in the audience.

(Pause in proceedings.)

MR. MILLER: Bring them in this door.

THE COURT: Although you're addressing me, I'd like for you to speak loud enough for everyone to hear you.

MS. ALEXANDER: Yes, Your Honor. I'll try to position myself so it will carry that way, too.

THE COURT: Since you're not making a jury argument, you're presenting.

(Whereupon, the jury enter the courtroom at 10:21 AM.)

THE COURT: Good morning.

All right. Welcome back, ladies and gentlemen. I had you come in at ten this morning in anticipation of starting the trial in this case. Everyone has had an opportunity to think about everything overnight and this morning the defendants have decided to plead guilty to the charge -- charges, each pleading guilty to one charge of attempted murder, so we will not need you to decide this case and we'll be through with you-all as far as jury service in a little while.

I'm in the process of taking the guilty plea. I've accepted the guilty plea and Ms. Carson Alexander

is giving the facts of the case at this time and rather than have you-all stay back there locked up -- not locked up, but wondering what's going on, I've had the Solicitor bring you out so that you can be listeners to the case.

You may go ahead.

MS. ALEXANDER: Your Honor, as I mentioned earlier, Austin Williams will be pleading guilty to Indictment Number 2021-GS-05-00040 for attempted murder. That has been true billed by the grand jury.

Mr. Aaron Williams will be pleading guilty to Indictment Number 2021-GS-05-00042, also for attempted murder, and that has been true billed by the grand jury as well.

Your Honor, relating to the facts of this case, on March 12th of this year Anthony Ja'Kevi Daniels Youmans was working a typical Friday afternoon -- or Friday midday detailing cars the Wroten's Detail Shop on Carolina Highway in Denmark, which is within Bamberg county.

THE COURT: What's -- what's the name of it again?

MS. ALEXANDER: Wroten's Detail Shop.

THE COURT: Wroten's Detail Shop.

MS. ALEXANDER: W-R-O-T-E-N.

THE COURT: All right.

MS. ALEXANDER: While he was working, Your Honor, defendant Aaron Williams, Austin Williams and Brian Stukes pulled up into the car wash. Aaron Williams and Austin Williams immediately got out of the car. Aaron Williams attacked Mr. Youmans. While he was attacking him, a firearm fell out of Aaron Williams' waist band onto the ground. At that point Austin Williams also came up and attacked the victim, pulled a firearm and began shooting. Mr. Youmans was able to grab that firearm off the ground that Aaron Williams had dropped and was able to fire back. Austin Williams was ultimately shot in the stomach a couple of times.

THE COURT: Let me stop you for a moment.

Are those facts true, Mr. Austin Williams?

AUSTIN WILLIAMS: No. No, sir.

THE COURT: Okay. What were they not true?

AUSTIN WILLIAMS: She said that the gun fell out the waistband and -- and I started shooting. I was the first one to get shot.

THE COURT: She -- and she said that the gun fell out of your waistband and you started shooting. She -- she didn't say you hit anybody.

AUSTIN WILLIAMS: Yes, sir. I didn't -- I did not start shooting after no gun fell out of my waistband or anything like that.

THE COURT: All right. And what other way is what she's saying not true? Is everything else she said true?

AUSTIN WILLIAMS: Yes.

THE COURT: Sir?

AUSTIN WILLIAMS: Yes, sir.

THE COURT: Is everything that she's said to this point true, Mr. Aaron Williams?

AARON WILLIAMS: Yes, sir, but the gun didn't fall off me. I didn't have a gun on me.

THE COURT: You didn't have a gun?

AARON WILLIAMS: No, sir.

THE COURT: How many guns were there?

AARON WILLIAMS: There were two guns.

THE COURT: Two guns?

AARON WILLIAMS: Yes, sir.

THE COURT: All right. Go right ahead.

MS. ALEXANDER: Your Honor, during that --

THE COURT: You can back up if you want to, but go right ahead.

MS. ALEXANDER: I'll back up just a bit, Your Honor.

It's alleged that a firearm fell out of Mr. Aaron Williams' waistband and then was picked up by the victim. During this tussle, Mr. Youmans was shot

twelve times all about his body. I believe two were in his groin, several were in his legs, a couple were in his chest. Austin Williams was shot in the stomach and then ultimately Aaron Williams was shot by his own brother. During this incident when Austin was trying to shoot at Mr. Youmans, he accidentally shot his own brother who, as you can see, is now paralyzed.

THE COURT: That true, Mr. Austin Williams?

AUSTIN WILLIAMS: I'm not sure.

THE COURT: You don't know if you shoot your brother or not -- shot your brother or not?

AUSTIN WILLIAMS: Yes, sir.

THE COURT: All right. Go ahead.

MS. ALEXANDER: Your Honor, after this incident, Mr. Youmans was able to get away from the scene into his car and actually drove himself to the Bamberg-Barnwell Emergency Medical Center where he was then airlifted to Columbia for surgery and for treatment.

Austin Williams and Aaron Williams were driven also to the Bamberg-Barnwell Emergency Medical Center by the man that they were with, Brian -- by the name of Brian Stukes, but they were -- and they also, Your Honor, had to be airlifted out. They were then charged.

At the scene, Your Honor, at that car wash there was actually surveillance video. SLED arrived on-scene,

as well as multiple local law enforcement agencies. Those surveillance -- that surveillance footage was ultimately taken into custody and reviewed and paints a pretty good picture of what happened that day, Your Honor.

We would like to show that at the appropriate time if Your Honor would allow it. And I know that the victim's grandmother, Charlene Dickerson, would also like to address the Court at the appropriate time.

THE COURT: I'd be happy to watch the video.

MS. ALEXANDER: Your Honor, we'll go ahead and play that for you.

We -- we put a monitor on your -- on your bench and once we play it up here it should start playing on your monitor as well so you can see it.

THE COURT: All right.

(Whereupon, a surveillance video played.)

MS. ALEXANDER: And, Your Honor, I believe Mr. Youmans, the victim, is the individual in all black on the right side of the screen.

THE COURT: Okay. Who's the other person?

MS. ALEXANDER: He is an individual that works at the car wash, Your Honor.

INVESTIGATOR: He's a customer.

MS. ALEXANDER: Or he's a customer. I apologize.

(Surveillance video continued playing.)

MS. ALEXANDER: And, Your Honor, if you look in the upper right-hand corner of the video, in just a moment you're gonna see a tan-ish color car come around, that right there, and that car's gonna go and circle around that building and then come back and pull up by the car wash.

And there it is again coming back. And there's Mr. Youmans. You'll see Aaron Williams come up. He is in a blue shirt and his brother Austin is in a black shirt.

And, Your Honor, right here is where a gun just fell out of Aaron Williams' waistband. It's right by that front -- front driver tire. You can see Austin Williams shooting. Right there, Your Honor, that is when he paralyzed his brother, who is now on the ground unable to move. Mr. Austin Williams picks up other firearm and continues to shoot at Mr. Youmans, who is by now getting into his vehicle and attempting to get to the hospital.

And that individual in white is Brian Stukes who drove Aaron and Austin Williams to the hospital.

THE COURT: Were both of the Williams brothers shot?

MS. ALEXANDER: Yes, Your Honor. I believe Austin

Williams was shot in the stomach twice and then Aaron Williams was also shot, Your Honor, and that is -- his injury is -- is paralyzing.

As you can see, Aaron Williams is unable -- unable to lift himself up from his injuries.

MR. MILLER: That's it.

MS. ALEXANDER: Your Honor, I do believe the victim's grandmother does wish to speak.

As I mentioned earlier, there is a recommendation of a cap of twenty years in this case, Your Honor.

This incident is an on-going incident and has been for several years in the Denmark community. Just after -- after this occurred -- this occurred on March 12th. On July --

MR. HAYES: Judge, I'd object going into anything about July that wasn't relating to either one of our clients, especially Aaron, who was in a wheelchair, wasn't a participate, and I don't -- I don't believe it has any bearing here.

THE COURT: Let me stop you just for a moment. I'd like you to play the video again without commentary so that I can focus on it.

MS. ALEXANDER: Yes, Your Honor. Thank you.

(Surveillance video was played.)

THE COURT: With respect to the objection, I think

it's important for the Court to know some context under which a random shooting in broad daylight would occur, so I overrule the objection.

MS. ALEXANDER: Your Honor --

THE COURT: Random or not random, a shooting.

MS. ALEXANDER: Yes, Your Honor. I understand.

To showcase, I guess, kind of the seriousness and how egregious this crime was, on July 4th, just two weekends ago, an associate of Austin Williams and Aaron Williams by the name of LaTroy Jamison went looking for Mr. Youmans presumably to kill him in regards to this upcoming trial that was scheduled for this week. This case had been on the trial list and we were gearing up ready to try this case.

That night, the night of July 4th, LaTroy Jamison drove by the Youmans' household with presumably Aaron and Austin's other brother driving the car. LaTroy Jamison was hanging out the window and fired shoots into the home, which fortunately did not hit Mr. Youmans, but unfortunately hit a young woman in the leg and hit a special needs boy in the neck.

Later that night, early morning of July 5th, a family member of Mr. Youmans, infuriated naturally, which is reasonable, went looking for LaTroy Jamison, thought LaTroy Jamison was in a car that he pulled up

to, shots rang out, and now another young woman is dead. She was struck and she crashed her car and she ultimately died.

This retaliation back and forth is not new. It has been going on for several years, it has been in front of Your Honor for several years, and I believe this -- being able to try this case and being able to resolve this case will not only help the streets be a little bit safer, but hopefully deter future shootings such as this where more often than not the person that people want dead aren't getting dead. These innocent bystanders are getting shot, they're getting hurt, and it's devastating the community of Denmark quite frankly.

THE COURT: All right. Thank you.

A prior record, if any?

MS. ALEXANDER: Your Honor, neither Austin Williams nor Aaron Williams have a prior record.

THE COURT: Prior pending charges?

MS. ALEXANDER: Your Honor, they also had the -- the assault and battery by mob in the second degree that was pending and I believe Austin Williams had pending -- at the time of this incident he had a pointing and presenting, an -- another attempted murder, a reckless driving, a failure to stop for a blue light and a discharging of a firearm that date back to 2019.

THE COURT: And what would be the status of those charges?

MS. ALEXANDER: At the resolution of this plea, Your Honor, those charges will be dismissed.

THE COURT: All right. And Mr. -- who's gonna speak? Mr. Youmans, Ms. --

MS. ALEXANDER: Ms. Dickerson. Charlene Dickerson. She is Mr. Youmans' grandmother and she would like to speak, Your Honor.

THE COURT: All right. Ms. Dickerson, yes, ma'am.

MS. DICKERSON: May I take off --

THE COURT: Yes, please take off your mask.

MS. DICKERSON: Your Honor, I want to thank you and thank the Court for this case coming to pass so fast. This has been devastating. Not knowing what's coming next, who's coming next, what's going to happen next. This case, this situation, has taken a toll on all parts, not only on my family, but on their family as well. I don't think that, you know, they understand the ramifications of what has happened and what has transpired and what is going on with hurting families.

We all love our children, I love mine, but when my children are wrong I tell them they're wrong, but I still help them, and when they're right, I tell them that they're right and I am there by their side.

I liked to have lost my grandson. I doctored on those twelve wounds and those forty staples that was in his stomach. I did it by the grace of God. You know, we have not because we ask not, but I'm asking you, I'm asking you from the bottom of my heart to do what is right in this case because there's no right in it.

We all have to learn our lesson one way or the other. I'm not perfect, they're not perfect, but we are all human, and that was overkill. That was intentionally trying to kill Anthony. You don't shoot a dog like that and think it's okay. You go to jail for shooting animals, you go to jail for fighting animals, you go to jail for mistreating animals, and I'm praying today, and I have never done this before, that justice will be served.

And I thank the Court for listening at me and allowing me to speak. Thank you.

THE COURT: Thank you.

Mr. Youmans?

ANTHONY YOUMANS: (Shakes head.)

THE COURT: All right. Mr. Youmans, you do not wish to say anything?

ANTHONY YOUMANS: No, sir.

THE COURT: All right. How old are you?

ANTHONY YOUMANS: Twenty-three.

THE COURT: Twenty-three. And how are you doing?

ANTHONY YOUMANS: I'm good.

THE COURT: All right. Anything else from the State?

MS. ALEXANDER: One more thing, Your Honor. I have just been informed that Mr. Long has put up on his computer, which will soon be on your computer, it is a still frame from that video that you saw that shows the firearm in Aaron Williams' back waistband. You can actually see it falling out of his waistband. If you wouldn't mind taking a look at that. You can see his back right side where his shirt is kind of billowing out is the firearm falling out of his waistband.

THE COURT: And Mr. Williams had just told me that it did not fall from his waist?

MS. ALEXANDER: That's correct.

THE COURT: What were they mad about?

MS. ALEXANDER: Your Honor, I am -- I am not actually certain what they were mad about. I have heard speculations that there may have been some sort of altercation earlier in that day, maybe a fight earlier in that day that they were not happy about, but, like I said, Your Honor, that -- that is just a speculation I have heard. I have really no evidence

to show Your Honor regarding why this would have happened like this.

THE COURT: All right. Thank you.

MS. ALEXANDER: Your Honor, that is all I have from the State.

THE COURT: All right. Mr. Screen.

MR. SCREEN: Can I come around?

MS. ALEXANDER: Of course.

MR. SCREEN: Your Honor, this is a -- a difficult time. In all of my years I am always saddened when I see particularly young African American men going into situations like this, going into prisons and other institutions when they ought to be producing and taking care of families in a positive way.

There are millions of people incarcerated that look like me in America and I know that you know that laws and mandatory minimum sentences hasn't gotten the job done. What it has done is overheated our tax basis. It costs money to put these guys in uniforms and equip them. It costs money to feed them and the house them and provide humane medical services to them while they're discharging their sentences.

And I don't say this lightly to the members of this community. I'm a stakeholder in Bamberg county. I went to college here at Voorhees. I spent fifteen

years chairing that Board of Trustees out there to ensure that we get young men and women headed in the right direction.

So I am a stakeholder here, I own property here, and so I'm saddened today to bring before this Court this young man that I've gotten to know. I've gotten to know his mother, Ms. Anna, and his daddy, and they are tight-knit and they love each other, but when a bomb goes off sometimes the bomb maker gets hurt in the process. What they set in motion has hurt them as much as perhaps what they perpetrated. This family has a sister who is in law enforcement in another state, so they are not lawless altogether.

My client's young, just twenty-two years old. He graduated high school from Denmark-Olar in 2017 where he played football, basketball. Otherwise seemed to be a normal young man on his way up. He spent a year, about a semester or so, out at my alma mater, out at Voorhees, and then he left. And he's held several jobs, pool jobs and stuff, in this area.

He tells me that his girlfriend is currently with child, his child, and that that baby is due to arrive here on this planet sometime in October, so that I'm hoping that whatever sentence this Court metes out here today serves the purposes of sentencing, which this

Court knows well, to protect this community, to deter future and further behavior similarly situated, but it is -- we take it as punishment, but it is not designed to punished, it is designed to correct a situation.

We say we send them to the Department of Corrections. There's nothing corrective about that. There's nothing corrective. I hate to think that you've got to go to jail in order to correct. As a Baptist preacher, we preach every Sunday to try to -- I tell people I preach on Sunday to preach the you-know-what out of them and I try to represent them while they do that all week long.

But, Judge, we -- this family is -- is warm. We've spent -- you kindly gave us time yesterday and we spent that time I thought very economically, very wisely talking about the implication of what was coming, and as I said yesterday, I am a no nonsense person and lawyer. I said from the outset once I was able to view this backwards and forward and pray about it and digest it, this was a slope too slippery, this was a bridge too far, so we find our self here pleading guilty and placing this matter in your hands.

The Legislature's given you that authority to preside over what is almost an aboveground funeral, but having known this Court as I have been fortunate

to know you across the years, I'm comfortable that this Court will mete out its sentence that speaks the truth that's fair to all parties and that serves a legitimate purpose and I hope one day that my client gets home and takes that child that's on the way here by the hand and whispers in that child's ear some things that may prevent that child from landing where he'd landed.

I could say more, but, Judge, I appreciate you taking the time. This is difficult. It is never easy for me. I don't take it lightly. If I ever get where it's just a number, I'll quit doing this. I've got to be saddened. I've got to almost be in tears about it because I am sick and tired to my stomach of seeing my brothers in jumpsuits, in leg irons, monitors. I'm tired of seeing it. I know you're sick of it. I thank you.

THE COURT: Yes, sir. Thank you.

Mr. Hayes.

MR. HAYES: Judge, before I get started, there was -- you went over the most serious and serious. I don't recall you going over the fact that this is an 85 percent. That no matter what sentence is given that they will have to do 85 percent no parole.

THE COURT: And typically I don't address the issue of how much time a -- a person has to serve

since the Department of Corrections seems to have a mind of their own, but, of course, I know that the most serious offenses are classified as no parole offenses --

MR. HAYES: That's correct.

THE COURT: -- which means that you must do at least 85 percent of the sentence --

MR. HAYES: Yes, sir.

THE COURT: -- prior to being eligible and then you have good time and bad time and I don't know how they figure out all that out.

MR. HAYES: Yes, sir. They could potentially do the full sentence if they -- if any of the good time that they do earn is taken away, but they will do at least 85 before they are released.

THE COURT: All right.

MR. HAYES: They also would be released into the community supervision program for two years instead of being released straight out, and I just wanted to make sure that was put on the record, Your Honor.

THE COURT: All right.

MR. HAYES: As well as that there is no probation on this charge. It is a sentence.

THE COURT: It is non-probationable.

You understand that, Mr. Austin Lewis Williams?

AUSTIN WILLIAMS: Yes, sir.

THE COURT: And, Mr. Aaron Williams?

AARON WILLIAMS: Yes, sir.

THE COURT: All right.

MR. HAYES: Your Honor, Aaron is twenty-nine years of age. You asked about what makes or made this happen, what I am told is that there has been an issue that's on-going and there was a fight and they're running into each other and having fights.

Aaron was actually gainfully employed and was working at Allied Glass when he received a phone call from Austin that he had been jumped on up at the liquor store -- or between the liquor store and the grocery store here and that he left work and came to check on his brother.

Your Honor, he'd worked at Allied Glass for two years. Prior to that he worked at Augusta Fiberglass, as well as Southeastern here in Bamberg. He's worked ever since he graduated. He attended Swansea, went through the tenth grade and then came here to Denmark-Olar and graduated in 2011. He then spent one year at you USC Salkehatchie and about one year at Denmark Tech studying business administration. At that point in time he had to stop attending school because he had his first child on the way and from that point

forward he has spent the rest of his time working in the fiberglass industry since he was about eighteen, nineteen years of age.

Your Honor, after that child he has a -- which is a ten-year-old boy, he has a three-year-old girl and an eight-month-year-old -- eight-month-old. He and his significant other have been together for the last twelve years. They've had a longtime relationship. I think that shows that he -- as well as his work history, that he is committed to what he is doing. He stays with his family, he's worked, he's provided, he hasn't job-hopped. He's found an industry that he was working in and was doing well and was holding down long-term employment, which for me, is rare to see for somebody to have.

Your Honor, in this situation there's -- I think the remark from somebody was made that everybody was happy. I don't think there's anybody happy. I don't think anybody here is glad to see this or wants to see what is happening. I think there was bad decisionmaking that was made and -- and a very unfortunate results.

You've got two brothers. One, who got shot, ends up in the hospital; the other one, who potentially may have shot his own sibling and put him in a -- in a wheelchair. So you had a healthy young man who was

capable at holding down a job and doing well and supporting his family who now is going to go to prison, as well as be confined to a wheelchair and require medical and help in even simple daily tasks as putting on your pants.

So I -- I don't think there is anything happy or anything that anybody in this room or anyone in this community is -- is glad to see. I don't think there's any smiles. He's now got screws in his back, his legs are in constant pain. He says that -- that it just throbs, his knees are killing him, and he can't get up and move and stretch. He's been attending physical therapy for three -- up to three times a week and he's now been cut down to two because that's all his insurance and Medicaid would pay for.

I tried to get the surveillance to show you, as well as the Court, and that was potentially something we would use in our defense as to why this was going on, however, we weren't able to obtain it. It was copied over before he was appointed to me and I was able to start searching for it.

Your Honor --

THE COURT: Explain further what you just said.

MR. HAYES: When he was appointed me, he came to me and told me the story about what was going on. That

he had been -- his brother had been attacked or jumped on and that he left work to go check on him or assist him and that it was between the liquor store and the gas station in Denmark in the parking lot. I have sent my investigator to go pull that or subpoena the security footage from those stores or storefronts and by the time he got there the video of any potential incident had been recorded over within -- you know, they did seven-day --

THE COURT: It wasn't another video of the same incident. It was --

MR. HAYES: No, sir. It was what was leading up to.

THE COURT: Okay.

MR. HAYES: The -- my opening would have been a picture is worth a thousand words; however, not every picture tells every story. You've got to have somebody to tell the memory. It's just a freeze frame in time that just freezes for a momentary instant. The video we watched, that's several hundred pictures that are taken back to back to back and we just run them real fast in order; however, you need somebody to be able to tell the story, to tell the memory.

It's like a picture of me when I was a kid. I'm holding up a deer and everybody that sees the picture

just assumes I'm the one that got the deer, but it was a friend of mine who had gotten the deer but he was a dog hunter so his dogs are running. We were actually in Bamberg or -- or Barnwell or Allendale county and his responsibility at that point when we were done that day was to catch his dogs before they got on other people's land or ran away or got hit by a car and nobody was there to take a picture with his deer and one of the older men at the club said hey, come on down and get a picture so we can give it to Mr. Sibley. So I held the deer up and I took the picture with his deer and then we proceeded to clean it, but we took the picture so we would have a memory.

The -- the picture, I believe the phrase, is worth a thousand words is that it's because it freeze frames a memory and I believe in this situation the thousand words aren't very nice, it's not a pleasant memory, and I don't think it tells the full story of what has been going on.

And to address what my -- to my objection is that there's a long back history here. I don't necessarily think that it is needed to make the decision that is needed to be made today, but it does give insight.

We have this issue where there's two groups and it's kind of like the Hatfields and McCoys and it's

not a good situation, but I don't think that the full -- when it comes to sentencing and comes to the trial, I don't think it's -- it's necessary, that it could potentially muddy the water.

THE COURT: Why -- why do you think Mr. Youmans has nothing to say?

MR. HAYES: Judge, I believe, as I said, a picture has a thousand words. I believe he's got a thousand of his own and -- and I believe there is -- the situation that's going on between Mr. Youmans' family and Mr. Williams' family is beyond just them and even into extended family.

I hope, I pray, that after today that they will bury the hatchet, they will come together, they will stop the nonsensical shooting back and forth and wounding each other's family members who they each greatly care about. Unfortunately, Mr. Screen's client, as well as my client, is -- is gonna get punished.

As I indicated, you know, there's no probation here, that it is a 85 percent charge. There is a recommendation of a cap of twenty and I'm -- and I'd like to ask the Court to consider coming in well under that. He's got physical, as well, issues that are going to handicap him not only for the rest of his life, but it's gonna make his stay at the Department of

Corrections that much more difficult to have to handle and deal with.

I know Mr. Screen said we've got to give them the best medical care, but I believe that we've got to give them sufficient medical care and I don't think that the medical care that a male or anybody gets in the Department of Corrections is necessarily the standard that you or I or Mr. Screen would expect when we're going and paying and seeking out our own doctors and our own treatment. And I think that also correlates to what life expectancy numbers are versus somebody who is on the street versus the life expectancy numbers that we are seeing. For an average male, I believe it is in his late 50's, early 60's, which is extremely low for somebody who is not incarcerated.

Your Honor, as to credit for time served, Aaron has been required to wear an electronic monitor from the day of arrest. I would like to ask the Court to give him credit for that time. I know he's not necessarily entitled to it, but I believe that it is in the Court's discretion to give it.

THE COURT: How many days has that been?

MR. HAYES: I will have to calculate that, Your Honor.

THE COURT: Well, I write credit on my sentencing

sheets.

MR. HAYES: Yes, sir. I will get it to you.

THE COURT: Excuse me.

MR. MILLER: March 30th.

MR. HAYES: I had a nifty little app that would give you that number, but I changed phones.

THE COURT: It's pretty easy to figure up.

MR. MILLER: I got 106, Your Honor.

MR. HAYES: Judge, that sounds about right and I'm not gonna argue against it.

MR. MILLER: And Austin Williams would have six more days, which would be 112 because he was arrested before Aaron was.

THE COURT: Thank you.

MR. HAYES: Your Honor, I believe that his mother may want to address the Court at the appropriate time as well.

THE COURT: All right. I'll be happy to hear from his mother.

If you'll come around, ma'am, so I can hear you better.

ANNA WILLIAMS: Your Honor, good morning. How are y'all doing?

THE COURT: We're doing fine.

ANNA WILLIAMS: My name is Anna Williams and I'm

Austin and Aaron's mom and I raised --

THE COURT: Can you pull your mask down, please?

ANNA WILLIAMS: -- and I raised them to do the right thing.

THE COURT: Pull your mask down, please.

ANNA WILLIAMS: Okay. And I raised them to do the right thing, sir. They're not bad children. Me and my husband raised my children and I love them dearly. But I know what they did was wrong and they know what they did was wrong and I ask Your Honor -- and I apologize to Ja'Kevi's family. Whatever they did they apologize, too. And I just ask your lenience on them and just give them a chance.

THE COURT: Okay. Where did they get these guns from?

ANNA WILLIAMS: I have no idea, Your Honor. I have no idea.

THE COURT: How did you find out about what had happened?

ANNA WILLIAMS: I was home and went to the store to get some gas and I saw the cars at -- the police cars at the gas station -- at the car wash and someone told me they got shot and that's how I found out.

THE COURT: Okay. They got shot?

ANNA WILLIAMS: They got shot, yeah. But, Your

Honor, this has been an ongoing situation between them and him, and they know what's going on, but I don't know. But it's up to you. They know what they did was wrong, Your Honor.

THE COURT: What kind of on-going situation are you talking about?

ANNA WILLIAMS: I don't know, Your Honor. I'm not at liberty to say, but what they did was wrong. That's all I can say and it's been all going on for a long time.

THE COURT: Of course, we know that --

ANNA WILLIAMS: Yes, sir.

The COURT: -- what they did was wrong. That's why we're here.

ANNA WILLIAMS: I don't want to say the wrong thing. I don't know, Your Honor. I don't know. Thank you.

THE COURT: All right. Thank you.

ANNA WILLIAMS: All right.

THE COURT: And, ma'am, how many children do you have?

ANNA WILLIAMS: I have five children. Two daughters and three sons.

THE COURT: Where are the rest of them?

ANNA WILLIAMS: They're working. Antoinette Williams has been in law enforcement for ten years.

Lisa Williams works for Bamberg County. She's been there for a year. And Anthony Williams, he works in Columbia. And I have ten grandchildren, Your Honor. That's it.

THE COURT: And is he the one who's accused of --

ANNA WILLIAMS: Yes, sir. He lives in Columbia.

THE COURT: Is he in jail or --

ANNA WILLIAMS: No. No, sir. He's not in jail.

THE COURT: So he's not been charged with whatever --

ANNA WILLIAMS: He had nothing to do with this incident, Your Honor.

THE COURT: I'm talking about --

ANNA WILLIAMS: Okay.

THE COURT: Just hold right there just for a second.

Weren't you telling me something about someone's brother?

MS. ALEXANDER: On the July 4th incident, Your Honor. There are no warrants, I believe SLED is still investigating the case, but they believe that Anthony Williams was the one driving the vehicle from which LaTroy Jamison was shooting.

THE COURT: So no arrests have been made at this time?

MS. ALEXANDER: No arrests have been made, Your Honor. That's correct.

THE COURT: Thank you, Ms. Williams. It's got to be tough on you as a mother --

ANNA WILLIAMS: It is.

THE COURT: -- of all those children, some of who are doing fine and some are heading to prison. It's got to be tough.

Mr. Aaron Williams, what would you like to tell me?

If you'll pull your mask down to talk.

AARON WILLIAMS: I apologize. I made a bad decision. I know I've got to get punished for it. I don't know what my sentence is gonna be. I just ask that I get out in time to see my kids. They're not at a grown age, which they probably will be. I just want to make it home to them. I feel like I let my family down. I apologize to the victim, to my mom, to my wife, and I apologize to the Court.

THE COURT: Is your wife here?

AARON WILLIAMS: She's outside.

THE COURT: She can come in. Where is she?

ANNA WILLIAMS: She has children outside.

THE COURT: How old are the babies?

AARON WILLIAMS: Ten, three and eight months.

THE COURT: Well, they can come on in.

They're not gonna do a bunch of crying, are they?

AARON WILLIAMS: (Shakes head.)

THE COURT: Even if they did, then they're babies, so. I try not to band people from the courtroom. These are important moments, you know. Of course, some people don't want their to kids to be present.

DEPUTY: Your Honor, the other two kids is downstairs. I told Dean I could walk down and get them.

THE COURT: Well, I'm just giving particularly the wife an opportunity to come in. You know, I'm not trying to find any kids.

Mr. Williams was talking. Go ahead.

AARON WILLIAMS: Sir?

THE COURT: You were talking. Go ahead.

AARON WILLIAMS: Yes, sir. I apologize to my kids, to my wife Donna, I apologize to the victim, to the Court. It was a bad decision that changed my whole life. I may never walk again and surviving in prison is gonna be hard even though I know I have to go. I just ask for a reasonable sentence. I just apologize for everything that happened.

THE COURT: So what was going on that day?

AARON WILLIAMS: I was at work and just got a call that my brother just got jumped on and when I got -- I

work in Saint Matthews, so I went out to see what was going on and when I got down there it was just -- I wasn't thinking. To be honest, I wasn't thinking. I was mad. That's my little brother. I feel like I was supposed to protect him, but we're grown and supposed to make better choices. When we got to the car wash, then we seen --

THE COURT: Where did these guns come from?

AARON WILLIAMS: They'd been bought at a store.

THE COURT: They were what?

AARON WILLIAMS: They were bought at the store.

THE COURT: Bought at stores?

AARON WILLIAMS: Yes, sir.

THE COURT: And who is this other guy who was driving the car?

AARON WILLIAMS: That's my cousin.

THE COURT: His name is Stukes?

AARON WILLIAMS: Yes, sir.

THE COURT: Is he from here or Hampton or where?

AARON WILLIAMS: He's out on bond, I think.

THE COURT: Is -- I said here -- does he live here in this town?

AARON WILLIAMS: He live in Bamberg county.

THE COURT: Bamberg County. So what were y'all planning to do?

AARON WILLIAMS: At the time we wasn't planning on anything. We didn't know it was gonna go like that. We didn't plan attempted murder or try to kill him. I know we went to fight. I was mad and I was angry. I should have I -- I shouldn't have -- I should have told him better. With him being younger and me being older than him, I felt like it was my fault. I should have -- I should have never put him in that situation and left me in this situation.

THE COURT: You know, it's sort of tying into the way people dress these days. When you see -- like one of the guys in the video, he's -- I don't know what kind of -- who worked there. His pants was halfway down.

AARON WILLIAMS: Yes, sir.

THE COURT: I guess you were wearing a jogging suit or something?

AARON WILLIAMS: No, I was in my work clothes. I had on -- that was my work clothes that I had on.

THE COURT: Was it regular pants on?

AARON WILLIAMS: Yes, sir. I work in fiberglass, so it's real dirty and messy. The pants that I wear, I won't wear them out anywhere.

THE COURT: And gun was in your -- what kind of pocket?

AARON WILLIAMS: Sir?

THE COURT: Your gun was in your pants pocket, your waist?

AARON WILLIAMS: I think it was in my pocket. Yes, sir.

THE COURT: You know, that makes me think of Plaxico Burress, who was a wide a receiver for Pittsburgh. Of course, he had some issues and when he went from Pittsburgh to the Giants, the New York Giants, and he had on his jogging outfit -- and there's some tough gun laws in New York. He had on a jogging outfit and -- and his gun fell out of his jogging outfit and he shot himself and then he ended up going to prison because New York has strict gun laws and his NFL career was over just like that, just based on his decision to have that gun at that moment in time. I mean, he wasn't going to shoot anyone I don't think. He was just walking around with a gun with a jogging suit on in his waistband and it fell out, so that made me think of that when looking at your video and the tragedy that ensued.

I mean, y'all were gonna beat him up and then pull out the gun and shoot him or --

AARON WILLIAMS: No, sir. I -- I didn't know want was gonna happen, but we didn't plan on shooting him, sir.

THE COURT: Yeah, plus the whole idea, you know,

going back in time and you decide to need two people to beat up one person. That's an unfair fight to begin with, isn't it?

AARON WILLIAMS: Yes, sir.

THE COURT: How many years do you think I should give you? I'm working with twenty or thirty. How many do you think you should get?

AARON WILLIAMS: To be honest with you, sir, I haven't even thought about it, sir.

THE COURT: You haven't thought about it?

AARON WILLIAMS: No, sir.

THE COURT: Goodness gracious.

AARON WILLIAMS: I've been thinking about my kids and their age and they know I'm gonna be gone for a while. They'll probably be grown and graduated from high school by the time I get home. I don't know. To be honest with you, I was thinking ten years. I don't know what you're gonna give me, sir. Whatever it is I have to accept my punishment and I have to move on.

THE COURT: You were thinking ten years?

AARON WILLIAMS: Yes, sir.

THE COURT: All right. You know, Mr. Screen was talking about how he hates this and he doesn't know how much more he can take of it and the same scenario being played out over and over and over again. I've

been doing this twenty-one years sentencing people to jail, prison. Seventeen years as a prosecutor before that, five years as a defense attorney before that, so I've been -- I've been in the game a long time as well as Mr. Screen and it pains me as much as it pains you and everyone else here to see promising lives just lost, destroyed based on the unimaginable.

And, you know, I go back to the -- and sometimes I just tell myself when I'm talking to myself about it and -- and I usually end up writing it down; oh, what peace we often fought over, and trying to put that into -- in thinking about the people who don't think about that when you're doing what you're doing. You know, it's tough.

I mean, you guys look like normal people and I see a lot of people who don't look very normal and y'all look normal. I have to analyze, I have to evaluate. And I told someone the other day -- they were saying Judge, I know you're not a mind reader, I know you don't have a crystal ball, and I told them, well, I have to have a crystal ball. I have to do my best to try and to read that crystal ball, but it's not easy.

Of course, you're twenty-nine and here you have a twenty-two-year-old brother and I often think that well, you know, if you had a twenty-nine-year-old, fortunately

-- usually the younger brother looks up to the older brother and, well, you said you've got to protect your younger brother, but you're -- and I'm -- I'm basing it on the culpability of the two of you, you know, who is really most responsible; you, the twenty-nine-year-old and you have a twenty-two-year-old, and it seems the twenty-two-year old is the one who...

Who was the first one in the fight on the picture? Was it the twenty-nine-year-old or the twenty-two-year-old?

MS. ALEXANDER: It was the twenty-nine-year-old, Aaron, Your Honor.

THE COURT: All right.

Okay. You -- you were the first to the fight and then you've got the twenty-two-year-old bringing up the rear and then you get shot by the twenty-two-year-old brother. That's unimaginable. How are you gonna live with this for the rest of your life?

AARON WILLIAMS: It's hard to deal with, to actually process it. It's a big change for me not walking or doing what I used to do. I used to go to work six days a week.

THE COURT: Yeah, just like that.

AARON WILLIAMS: It's gone. I can't pick my kids up or play and mess with them like I used to. It's

really hard.

THE COURT: Now you said your wife and -- I have people talking about wives, fiancees, girlfriends and old ladies. She is -- she's your wife?

AARON WILLIAMS: No, sir.

THE COURT: When you use these words these days, I don't know exactly what you're talking about.

AARON WILLIAMS: We've been together since I was in high school.

THE COURT: Okay. She -- you're not married?

AARON WILLIAMS: No, sir.

THE COURT: Okay. So I want to hear from her since you're giving her the status of your wife even though you're not married.

Come on up, young lady. Come forward and pull down your mask and talk to me and tell me what's on your mind today.

FELICIA GRAVES: What's on my mind is --

THE COURT: Pull your mask down.

FELICIA GRAVES: -- just like he say, he can't do anything with his kids. The decision they made, they wasn't thinking, but at the end of the day I'm glad that they're all alive. And it's -- it's a big change for me because I have three kids and I'm basically --

THE COURT: You have -- you have how many children?

FELICIA GRAVES: Three.
THE COURT: And what's your name?
FELICIA GRAVES: Felicia.
THE COURT: Felicia. Last name?
FELICIA GRAVES: Felicia Graves. Felicia Graves.
THE COURT: Graves?
FELICIA GRAVES: Yes.
THE COURT: All right. And you're from around here?
FELICIA GRAVES: Yes, sir.
THE COURT: You went to school here?
FELICIA GRAVES: Yes, sir.
THE COURT: Which one?
FELICIA GRAVES: Denmark-Olar.
THE COURT: So what do you think about all this going on?
FELICIA GRAVES: It's a bunch of foolishness. Nobody thought about nothing. Everybody's being a hothead, but at the end of the day I think it's an eye opening for all three of them and it's a big eye opening for me because I am taking care of three kids. He was trying, but everything, like he say, is different and --
THE COURT: Do you work?
FELICIA GRAVES: Yes, sir.
THE COURT: Where do you work?

FELICIA GRAVES: I work at Allied Air in Orangeburg.
THE COURT: Allied?
FELICIA GRAVES: Air. In Orangeburg.
THE COURT: So how do you manage it as a mother of three?
FELICIA GRAVES: My mom get them early in the mornings. I go to work, get them from school, go to Swansea to him. I just do it every day. It's a day-to-day thing.
THE COURT: And how many days have you cried about this situation?
FELICIA GRAVES: Every day.
THE COURT: What a waste. Why?
FELICIA GRAVES: Why?
THE COURT: Why are we here about this situation?
FELICIA GRAVES: Yes.
THE COURT: Everybody's here. All these people, all the jurors, everybody, they're here from their jobs. We're here today because of this situation at a car wash in broad daylight, a shooting. Can you ever imagine something like that or you being connected with something like that? Being connected through the man you're in love with.
FELICIA GRAVES: I mean, I understand when he say that's his baby brother. I have a baby sister and I

have a baby brother and if a situation occurred like that, I'm going to their rescue, too, because I'm the oldest sister.

THE COURT: You're gonna -- you're gonna go to the rescue with some guns?

FELICIA GRAVES: I mean -- no, I'm not going with a gun. I mean, if we can walk away from it, I'll walk away, but at the end of the day I have to take care of my sister and brother because I'm the oldest.

THE COURT: Well, I'm trying to understand the mindset of the people here in -- in Bamberg county. You know, I've been the chief administrative judge here in the second circuit now for -- over two years?

MR. MILLER: Yes, sir.

THE COURT: I've never really been around here. I'm from Williamsburg county, Kingstree. And Judge Early retired and then the chief justice sent me here and the stuff that I see, the killings, the same situation in Aiken county, Barnwell county, and I was thinking well, maybe Bamberg is not quite like Aiken -- Aiken and Barnwell, maybe Bamberg is little bit different, and then I see these situations in a little country town like this.

And I think of Kingstree. And I was telling someone yesterday, you know, this is -- this is truly

amazing. We don't have people killing each other like that in Kingstree. You know, in Williamsburg county, in Kingstree, almost everyone is related. Their families have been in that area for generations, for hundreds of years. When slavery ended, the people didn't leave, and the people by the last name of McFaddins, McKnights, McGill, McThis, McThat, they all have been there for hundreds of years, and -- and they're related. Many of whom don't know they're related. You might be related to him if y'all had been -- if he -- I don't know the history of the families, but -- but fortunately in that area there's some type of love that exists between the -- between the people. They don't kill each other. Now you may have some random person from some place thirty miles away, Hemingway or Lake City or some other county, but people within the county who are neighbors, they don't kill each other.

Why do they do it here? Why would this be going on in Denmark of all places? The only thing I've ever known about Denmark is Voorhees College, which Mr. Screen talked about, and my law partner, Ronnie Saab, who's now a state senator, attended school at Voorhees. The only thing I've ever known about Denmark is great things. Of course, people have told me about the man over there that painted the Coca-Cola sign. I guess he's nationally

or world famous for that.

But why? Why is this going on in this county, Ms. Graves.

FELICIA GRAVES: I don't know.

THE COURT: Why are these kids killing each other?

MS. GRAVES: That's a good question. I have no idea.

THE COURT: Well, thank you for coming. I didn't want to sentence your man without you and you being stuck outside and you have to tell the story to your babies and so you don't know what happened. Now you're a witness to it all, but thank you.

All right. Mr. Austin Lewis Williams, why don't you stand. You know, the defendants will typically stand when they're getting sentenced. I can't tell your brother to stand because he can't stand. It's your turn. Go right ahead.

AUSTIN WILLIAMS: I just want to apologize to God first, my family, the court system, the victim, the victim's family, my momma, my daddy, everybody. Like none of this -- or none of -- ain't nothing worse than seeing free folks and I be sitting in jail. Like crying, screaming, all that other stuff, it's irrelevant. Like you've got to think about other people before you make a decision. It will affect everybody. It's gonna

affect me. It affects everybody around me. Everybody that cares for me. And, like I say, the situation went down, but it wasn't supposed to go down like that. That wasn't in the plan. There was never any plan to try to kill that man. It went -- it went a different way. I got shot, he got shot, my brother got shot.

THE COURT: Why? What's the -- what were you mad about? So mad that you needed to go there with guns. Tell me about it.

AUSTIN WILLIAMS: I'm not sure. We just rushed and wasn't thinking. I mean, my gun's registered. I bought it at the store, so really it go everywhere I go. It's not just for to try to kill people with, it's for protection. A lot of stuff be going on. Like I'm not that type of person just to like go try to kill somebody for no reason.

THE COURT: Yeah, but you are. You are that -- you are that type of person because you're here for doing what you did.

AUSTIN WILLIAMS: I mean, I only shot -- I was the first one to get shot. I know like that was not intentional to --

THE COURT: What kind of training do you have shooting guns?

AUSTIN WILLIAMS: I don't have any training.

THE COURT: Yeah. And that's the most unfortunate thing. That's why continually I have people in -- before me apologizing that they killed someone, many times perfect strangers, people they don't know. Just like the people shooting at people on the highway these days. Someone drives too close or don't let you in and then the people decide to shoot in the cars. Total strangers.

AUSTIN WILLIAMS: (Nods head.)

THE COURT: Then they're off to prison. Many times for things they don't even know what they did or why they did it and I'm trying to figure this out.

How long have you known this guy?

AUSTIN WILLIAMS: I went to school with him.

THE COURT: At Denmark-Olar?

AUSTIN WILLIAMS: Yes, sir.

THE COURT: And I don't know anything about Denmark-Olar. Is it on one of the main roads? Is it on 321 or 4 or one of those roads? Which highway is that on?

DEPUTY: Highway 78, sir.

THE COURT: 78. Thank you. I know I've driven by there. The only thing I know about it is that they were in the high school basketball championship one year.

Mr. Screen said you used to play basketball.

AUSTIN WILLIAMS: Yes, sir.

THE COURT: Yeah. And I watch these kids out there playing basketball with so much promise, hope and energy and desire and years later I get a lot of them before me.

You know, when you play basketball you're taught leadership and all those goods things. Why didn't you apply it on this day?

AUSTIN WILLIAMS: I guess, anger. Doing it out of anger, emotion.

THE COURT: And why is it still going on with all these things the Solicitor told me about? I know you were in jail, so you haven't been part of it, but why is it still going on over there in Denmark?

AUSTIN WILLIAMS: I'm really not sure. I guess --

THE COURT: I mean, I had you before me for the bond hearing when you were accused of this big shooting.

I think that was in the middle of the day as well, wasn't it, Mr. Miller?

MR. MILLER: Your Honor, that incident was alleged to have started right at lunchtime at Tuten's Chicken, which is literally a stone's throw across the street from the -- from the car wash.

THE COURT: Yeah. Like anyone, I could have been driving down there on that same highway heading -- well,

I came 78 going from Aiken to Charleston. I thought that was a pretty good road to take.

And was this Tuten's on 78?

MR. MILLER: It's right there on Carolina Highway.

THE COURT: Turned off of 78?

MR. MILLER: Yes, sir. About two blocks off of 78.

THE COURT: Broad daylight. Cameras were everywhere. Were you just planning to fight? You had guns. I guess you planned to use them. What was going on?

AUSTIN WILLIAMS: It was just a fight. Like it was really supposed to be me just fighting, but I guess I seen my brother fighting, so I had to help him. Like if he hadn't came -- like just sticking together.

THE COURT: So y'all had a fight before? He beat you up?

AUSTIN WILLIAMS: It wasn't really no beat up. It was just we had an altercation.

THE COURT: About what?

AUSTIN WILLIAMS: He pulled up on me.

THE COURT: For what? About what? I need to know what's happening here.

AUSTIN WILLIAMS: I don't know.

THE COURT: And I hate to sentence people that I don't even know why or know -- you say he pulled up on

you, and that's a good phrase that people use these days that just popped up in the last -- how many years have they been saying "pull up"?

DEPUTY: About the last year, sir.

THE COURT: That's brand new. Somebody pulls up on somebody. So he pulls up on you where?

AUSTIN WILLIAMS: I was at -- in front of the IGA store with my cousin that was in the vehicle.

THE COURT: When you say pull up, you mean drove up in a car?

AUSTIN WILLIAMS: Yes, sir.

THE COURT: All right. Then what did he say?

AUSTIN WILLIAMS: He was like let me holler at you. I was like we ain't got nothing to talk about.

THE COURT: Y'all don't like each other anymore?

AUSTIN WILLIAMS: I guess that's what it supposed to be. I ain't had -- I was just chilling. I ain't had no -- I ain't had no problem with nobody. I was just chilling with my cousin.

THE COURT: And he wanted to talk to you?

AUSTIN WILLIAMS: Yes, sir.

THE COURT: And you didn't want to talk to him?

AUSTIN WILLIAMS: No, sir.

THE COURT: So he got out of his car?

AUSTIN WILLIAMS: Yes, sir.

THE COURT: And did he hit you?

AUSTIN WILLIAMS: We started fighting.

THE COURT: Y'all started fighting in the parking lot of IGA?

AUSTIN WILLIAMS: Just right across from it.

THE COURT: Is that near that McDonald's over there?

AUSTIN WILLIAMS: No, it's on the back street.

THE COURT: On the back street.

So y'all had a fight and then you called your brother and told him about it?

AUSTIN WILLIAMS: I didn't actually call him. I think somebody else called him and he found out.

THE COURT: And he left his job?

AUSTIN WILLIAMS: Yes, sir.

THE COURT: In broad daylight. He just left.

Did you clock out?

AARON WILLIAMS: Yes, sir.

THE COURT: Just told them I'm leaving. Broad daylight and you're on the job and you just say I'm gone?

And he leaves -- how many miles did you drive?

AARON WILLIAMS: I think it's like twenty miles, twenty-seven miles.

THE COURT: Left the job and drove twenty-seven

miles to join -- because somebody bothered your brother.

All right. Let me go back to you.

Y'all are fighting at the IGA. Then what?

AUSTIN WILLIAMS: I stayed up there.

THE COURT: Until your brother got there?

AUSTIN WILLIAMS: Yeah.

THE COURT: And so then what's the plan at that point?

AUSTIN WILLIAMS: There was never a plan.

THE COURT: How did y'all drag Stukes in it?

AUSTIN WILLIAMS: I was up there chilling with him. I was up there with him at IGA. He was with me the whole time.

THE COURT: So you've got -- so when Youmans fought with you, Stukes was in the fight?

AUSTIN WILLIAMS: He didn't do anything.

THE COURT: All right. What else you want to tell me?

AUSTIN WILLIAMS: (Shakes head.)

THE COURT: I had you -- I had you in -- what county were we in? It was Barnwell county, wasn't it?

AUSTIN WILLIAMS: Aiken county.

THE COURT: You were in jail for this shooting near Tuten's or something?

AUSTIN WILLIAMS: No, I came for bond court -- I

came for a bond hearing on this charge right here in Aiken. That's the last time I seen you.

THE COURT: Yeah. Didn't you -- didn't I set a bond on somebody from the shooting that -- the other case you were charged with?

AUSTIN WILLIAMS: I'm --

THE COURT: Was that you or your brother?

AUSTIN WILLIAMS: I'm not sure.

THE COURT: Was that your first time seeing me in Aiken?

AUSTIN WILLIAMS: Yes, sir.

THE COURT: Maybe I had somebody else.

Who -- are there co-defendants on that other one?

MR. MILLER: There were a number of co-defendants and actually it was both sides of the altercation, too. I think Nathaniel Naughton might have been in front of you before.

THE COURT: Maybe that's the one.

MR. MILLER: Yes, sir.

THE COURT: He's the one I had.

MR. MILLER: And he was the other party at the -- the Tuten's.

THE COURT: Somebody shooting and then someone went to someone's mother's house or someone was driving a girlfriend's car or something?

MR. MILLER: That was the -- that was it, Your Honor.

The allegation was that this girl who worked with Naughton had gone with him to the chicken restaurant for lunch and that Naughton had gotten into some kind of verbal altercation with this defendant and some others and that ultimately the girl, the co-worker of Naughton, and Naughton got into the car and then at some point -- this was one of the reasons why I think that the bond was granted, Naughton saw a vehicle he believed to be occupied by the Williams brothers, Austin Williams and the other brother, I believe it was Anthony Williams that was supposed to be in that one, but he saw them behind him so he pulls out his gun and starts shooting at them which caused --

THE COURT: Naughton did?

MR. MILLER: Naughton did.

THE COURT: All right.

MR. MILLER: And at that point the girl stopped the car and just got out of her own car and said I'm not having somebody shooting out of my car. Naughton slides over into the driver's seat, takes off in the car. By this time -- they had stopped initially when they were getting shot at, the change happens, and now they're shooting at each other as they're going down

the road was the allegation that was in that case, but obviously that's -- that was one of the problems that we had. We had Nathaniel Naughton on one side and we had these guys on the other side, so.

THE COURT: Bad guys on both sides.

MR. MILLER: And -- and basically -- and both sides charged, too, so neither side had any incentive to cooperate.

THE COURT: Right.

All right. Mr. Austin Lewis Williams, twenty-two years old, about to get sentenced for attempted murder.

What else do you want to tell the judge to try to convince me about your sentence?

AUSTIN WILLIAMS: That I just had a baby that I probably won't see for a long time, a little boy, that's gonna need guidance, that's gonna need a father figure so he won't end up like I did. I feel like I let him down. I feel like I let everybody down all for something not even worth it.

THE COURT: You know the last case I had, which was just a few days ago where, you know, people had a child and then the guy -- they break up and the girl gets a new guy and then the father's mad because a new man is around his child and then he tries to kidnap the girl for having a new man around his child. And, of course,

I get a lot of people telling me that I don't want to be in prison too long because I want to be in the life of my child, but then when they're not in jail then they're away from the child or children committing crimes or they're teaching their children to live the way they're -- they're living and the child ends up following in the same footsteps ending up in court years later. So I've gone through generations from granddaddies to daddies to the children being trained the same way.

Where's your daddy today by the way?

ANNA WILLIAMS: Outside.

THE COURT: He's outside?

You know, he was orchestrating things yesterday. Does he -- do you want him to say something?

AUSTIN WILLIAMS: Yes, sir. That would be fine.

THE COURT: Yeah, I need to know what to do with you guys. I've got to make a decision here. You know, it's -- it's not the end of the case because it's -- it's the beginning of y'all doing time. I need to get as much information as I can. Fortunately, the jury won't have to be here for two days, they'll be through when we get through with this today.

Anything else you want to say before your father comes?

AUSTIN WILLIAMS: I just ask that you give a little

leniency.

THE COURT: I'm not known for leniency. I try to do justice though. I hate to be connected with leniency. It's not good for a judge to have a reputation of being lenient. Most time when you're lenient people end up doing the same thing over again, but even worse. But I want to be fair and just and have mercy because I've been in situations where I needed mercy, and we all need it every day, and I'm just thankful that I've never had the experience in my life of believing that I needed to take a gun to retaliate against somebody at some place.

Mr. Youmans, you still have nothing to say?

ANTHONY YOUMANS: No, sir.

THE COURT: You know, it's very rare that I have a quiet victim who gets shot eight times with nothing to say.

Victim Advocate, do you want to say something? Who are these other ladies over here?

VICTIM'S MOM: I'm his mom.

VICTIM'S AUNT: I'm his auntie.

THE COURT: Oh, you're his mom? Youmans' mom?

VICTIM'S MOM: Uh-huh.

THE COURT: Okay. Well, then good. I know you have something to say. Your boy got shot.

Yes, ma'am, stand up and talk to me.

VICTIM'S MOM: I live in Columbia.

THE COURT: You're such a young mother. Were you -- were you about sixteen when you had him?

VICTIM'S MOM: Yes, sir, I was.

THE COURT: Okay. I could figure it out. I'll tell you about this crystal ball.

VICTIM'S MOM: I live in Columbia. I was at work when I received a phone call that my son had been shot. The phone call came through and said that he had been shot in the leg, but he was fine, so --

THE COURT: Let me get the orchestrator to have a seat.

All right. Go ahead.

VICTIM'S MOM: So as far as him being shot, I still -- it didn't register to me. You know, he's fine, he just got shot in the leg, so then I got in my car, proceeded off of 26 to try to get him when I was told to turn around, he was shot twelve times, that I needed to head back to Richland.

THE COURT: That's fine. These kind of emotions are good.

VICTIM'S MOM: I had my son when I was young. When my son's father died, he was twenty-three. My son got shot when he just turned twenty-three. My son got shot

three days after his birthday. His daughter was born twelve times. Remember he got shot twelve times.

THE COURT: Did you say his daughter was born --

VICTIM'S MOM: She was born on the 12th.

THE COURT: On the 12th. All right.

VICTIM'S MOM: Uh-huh, and I play this over in my head a lot. He received twelve bullets, his daughter was born on the 12th, he got shot on the 12th, then he had another baby on the 12th.

This was one of the hardest days of my life and I spoke to my mom about it several times and the whole time I'm constantly praying for my child, but I'm also praying for these guys. And I was told that they don't understand how you do that. Well, I understand how I did it because they're human just like he is. And it wasn't fair. This has been going on forever. They have been traumatizing my family forever all the way down to the little kids pulling guns out on these kids as they walk down the street to the bus stop. They --

THE COURT: What's -- wrong with them? What's going on?

VICTIM's MOM: They young and dumb. All of them. They shot my nephew, my handicapped nephew, on the 4th of July. Everybody gets in here and everybody says oh, I'm sorry, I got a baby, I had a baby, I love my wife.

You don't love nobody, not even yourself. Because was you thinking about that child or your momma or your daddy or whomever when you was out there shooting at people? No, you wasn't. You don't care about nobody but yourself. And you don't even care about yourself.

These kids need to put these guns down and something has to happen in Denmark. We can't sleep at night because there's still boys out here that should have been -- should have been caught a long time ago from shooting up their house. How are we supposed to sleep not knowing if we're next? We can do a lot of should have, could have, would have, but, guess what, it took these boys off the streets. We just don't need it.

And, like I said, I pray for you guys. I pray for you guys, I really do, but you make your bed hard and you shall lay in it.

Thank you.

THE COURT: All right. Thank you.

All right. Now we're getting volunteers.

Yes, ma'am.

FELICIA GRAVES: Okay. On the part that she just said on the last that somebody had got shot, she say "they" did. How is it possible that "they" shot them when one of them was locked up and the other one was in

a wheelchair?

THE COURT: She's -- she's not saying specifically --

FELICIA GRAVES: Right.

THE COURT: She's not referring to the two guys here today.

FELICIA GRAVES: Well, why do they have to name them? They don't have any connections with that. No connections at all. People shooting up whoever house, they don't have any connections with that.

THE COURT: Well, I -- I understand what she was saying a little differently from what your understanding of what she was saying is.

FELICIA GRAVES: No, but she's saying "they". She needs to be specific because how she said it, it sounds like they did it.

THE COURT: I understand. I understand what you mean, but I also understand what she means. She's speaking of the effect on her by this violence that's in that community.

FELICIA GRAVES: Well, she needs to correctly say it another way because I don't the way something's said about them.

THE COURT: I understand what you're saying and thank you very much.

Yes, sir. Mr. Williams, the father.

Yes. If you'll pull your mask down and talk to me. What's you on your mind?

MR. WILLIAMS: Okay. Just for the record, Aaron Lamar Williams, Austin Lewis Williams are my sons, and I don't deny it. Now I don't deny that maybe somewhere down the line I'm not to blame.

THE COURT: Come a little bit closer. Come next to your sons so I can hear you a little bit better.

MR. WILLIAMS: I admit somewhere down the line I might have did or didn't do something right or whatever. I take blame for that, but I love them. The Lord give them to me.

I'm not your every average day run of the mill fella. I've got degrees. I went to Denmark Tech, taught classes for them. I have two of them actually. I've got the highest degree ever gave at Denmark Tech. I've been to South Carolina State, worked in Houston, had top secret clearance, worked on Air Force One, pledged a fraternity called Omega Psi Phi, and I'm proud of all of that. I say all of that to tell you this.

THE COURT: Okay. So you're -- you have a child who's accused, not you.

MR. WILLIAMS: I'm an Omega. I'm the -- I'm the dog. Excuse me. I didn't mean no --

THE COURT: I understand. I'm a Kappa, but I understand what you're saying.

MR. WILLIAMS: I pray for -- I pray for Kevi. My uncle -- I sent my uncle to the hospital when this happened to pray for everybody. I didn't go up there to fight obviously, but when I got there somebody wanted to fight me. I didn't go there to fight. I love these fellas, okay, and I wish you could find in your heart some mercy for my kids because somehow their father, something I didn't do right. Maybe my momma should have kicked my butt a little more. I don't know what it is, but please.

THE COURT: You got them to twenty-two and twenty-nine, so you -- you did your part.

MR. WILLIAMS: No, no. I know what you're saying. Yeah, I did my part.

THE COURT: You got them to -- you got them to -- you got him to twenty-one. I guess you were -- how old were you when you went to jail? Twenty-one or twenty-two?

AUSTIN WILLIAMS: I was twenty-two.

THE COURT: Twenty-two. All right.

MR. WILLIAMS: A similar incident occurred in my life, but I was fortunate enough that NAACP came in and they did a movie out of it and somebody played me in a

movie. You talking about hard times and connections, they shot my house up for no reason. The same people shot my house up.

THE COURT: That happened in this county?

MR. WILLIAMS: Yes, Bamberg county. Denmark police, under the direction of Lieutenant Laquan found the guys, but he was having an affair with one of the kids' -- or whatever, but he was having an affair with one of the guys's mother and he let them go. They shot my house. I had nothing to do with this. I don't go out on the streets. I'm not taking part of this. I don't go out and fight. Like I said, I pray for everybody.

THE COURT: That's something that happened relatively recently.

MR. WILLIAMS: Relatively recently.

THE COURT: I think I've heard -- heard that story before. I think.

MR. WILLIAMS: I love my sons and I wish that I had another chance whether it's impossible or it's almost impossible or whatever, but I wish I had another chance to -- to take them wherever they need to go to the Lord. When I say I failed them, I failed to properly teach them -- them enough to -- to let them know who the Saviour is, okay? And I wish I had another chance to do

that for them because I don't think the Lord is pleased totally with what I've done. You said I've done my job, but he's in -- he's in charge.

THE COURT: No, I'm just talking to you.

MR. WILLIAMS: I understand. I understand, and I appreciate that, but I just -- if there's anything I can do to help my sons -- and I told the -- the attorneys because I don't -- and I'm not the judge and I'm not the law and I'm not the lawmakers, but I just don't think that what they done is worth what they might get. I know they say they shot, but they -- they did not shot nobody twelve times.

THE COURT: How did he get shot -- how did he get twelve bullets in him?

MR. WILLIAMS: There was a lot of people out there shooting. You see --

THE COURT: You mean more people than the two that we see on the video?

MR. WILLIAMS: People behind the scene shooting.

THE COURT: Behind the scene shooting?

MR. WILLIAMS: Yeah. But, see, there's a lot about this case that they don't want to come out because it will complicate --

THE COURT: You were doing pretty good until you went there.

MR. WILLIAMS: Well, we won't go there. We won't -- let's back up. Take that off the record, okay? But if there's anything I can do, like I say, to help my kids I'll be glad to do it. Even -- I don't know.

THE COURT: That's the unfortunate thing when people, once they get involved in the court system, then there's nothing you can do because it gets from your hands -- you know, we're in control of a lot of things, but once you get under the control of law enforcement and the system, the court system, then there's nothing you can do but what you're doing now.

MR. WILLIAMS: I have to ask.

THE COURT: Pardon?

MR. WILLIAMS: I have to ask.

THE COURT: Go ahead. Yes, sir. Yes, sir.

MR. WILLIAMS: Like I'm saying, it's probably impossible, but I have to ask.

THE COURT: Well, you know, the guy here was shot twelve times. The momma thought her boy might have been dead. Had he died, then the minimum sentence, and that would be totally out of your son's control, had he died, the minimum sentence would have been thirty years. Minimum thirty years to life.

MR. WILLIAMS: I know.

THE COURT: So he survived and he looks healthy, so

the Lord obviously was with him and with your children because he didn't die.

MR. WILLIAMS: But he -- he's in a wheelchair. He was paralyzed.

THE COURT: I know he is.

MR. WILLIAMS: He was paralyzed.

THE COURT: Yeah, but he was on his job working.

MR. WILLIAMS: Yes, sir.

THE COURT: In broad daylight and working.

MR. WILLIAMS: Yes, sir.

THE COURT: Can you imagine? You're on your job working and someone shows up with guns. Go ahead.

MR. WILLIAMS: You said if I go to that area, I mess up, so I can't -- I can't --

THE COURT: If you go to the area of claiming that somebody else was shooting from across the street --

MR. WILLIAMS: No, I didn't say anything about shooting from --

THE COURT: -- or wherever you're talking about, we just watched the video a few times.

MR. WILLIAMS: Okay. Okay. I got you.

THE COURT: No, you can't -- you can't say anything that will cause me to give them more time. You can say whatever's on your mind. I'm just telling you that whatever you're saying is not -- doesn't help them when

you -- when you come into the area of make believe.

MR. WILLIAMS: I don't know about make believe. I -- well, okay. I didn't -- I've never seen the film.

THE COURT: You never saw the film?

MR. WILLIAMS: Yeah.

THE COURT: There you go. Okay. Well, that explains it. If you didn't see the film, then that explains it.

MR. WILLIAMS: Okay.

THE COURT: And -- and I'm not surprised because I've seen so many parents who just would not believe that their child, their children, have done what they have done and what they've come to court and confessed to have done and then the parents come and say it ain't true --

MR. WILLIAMS: Okay.

THE COURT: -- and many times that's part of the problem. Because, you know, it's good to defend your children and to support them, but when they're wrong, they're wrong, and you can't -- and when a parent denies it, then it's the wrong leadership toward those children.

Go right ahead, sir. I'm still listening to you.

You're an Omega man. I'm sure you can talk for two or three hours at a minimum.

MR. WILLIAMS: And I could, but I'm getting a -- I'm getting a sit down, sit down, sit down from people, so. You said there's nothing I can do. It's out of my hands.

THE COURT: It is out of -- it's out of your hands, but, I mean, I -- I observed you yesterday, you were kind of operating behind the scenes. I know you're a man with good leadership, I can tell that you are because you were -- you were performing your job as a parent trying to do what you could do to help with this situation that your boys are facing, and -- and I respect you for that.

MR. WILLIAMS: Well, I'm -- I'm like them. I'm not only wanting the best for them, I want the best for him, too. Me and his uncle do work together. We decided that we're not gonna let things stop us from working and making money. When I leave here, we're gonna do something. I have to live. I have to live.

THE COURT: That's what I was just saying about the people from Kingstree who don't shoot each other and they -- either their church members, they're related, they're -- there's a connection that the people know that they have with each other, they love each other whether they're actually related or not. There's a love there that I don't see here for some strange reason

when you have people shooting at the neighbors's home and things of that nature.

MR. WILLIAMS: That's my wife. She's telling me to sit down.

THE COURT: Okay. She knows you better than I do.

MR. WILLIAMS: So you concur? Sit down?

THE COURT: Yeah, you've done good. Thank you.

MR. WILLIAMS: Thank you. Thank you-all.

THE COURT: Yes, sir.

All right. All right. Once I stir up the water, I usually let everybody have their final say before I do the sentencing.

So anything else from the State?

MS. ALEXANDER: Nothing further from the State, Your Honor.

THE COURT: All right. Mr. Hayes?

MR. HAYES: Nothing further, Your Honor.

THE COURT: Okay. I intentionally waited for Mr. Screen to be last.

MR. SCREEN: I leave it in your capable hands, sir.

THE COURT: So I started off saying I'm trying to balance between Aaron and Austin as to who -- who should get the bigger penalty or who is more at fault. The twenty-nine-year-old was supposed to be

providing guidance to the twenty-two-year-old, the twenty-two-year-old paralyzed the twenty-nine-year-old. You know, these are -- it's a tough situation.

You know, it might be my crystal ball, but I still see possibilities in these young men and I see the pain of the mother and the pain inflicted on her son and I see a community that's in turmoil where there has to be some peace because of the past in some kind of way.

I wrote down some of what Mr. -- I believe what Mr. Screen said. Protect, deter, correct in the purposes of a sentence and correct not being a result even though the name of the place is the Department of Corrections. It's unfortunate that we have to have a Department of Corrections.

You know, the Department of Corrections came into being at the end of the civil war when people were free and they were so free that they -- you know the scripture about the foxes have holes, the bird has their nest, but the son of man has no place to go, and so the people when they were free they were wanderers, they just -- you know, they were many times vagrants, they were people just hanging out and then society decided we need a place to put these people and made a Department of Corrections, we need to make them slaves

again, so they -- they do not merit freedom, and that's where these boys are. I call them boys. There getting up there, but young men, and they've forsaken their freedom because slavery still exists. It exists with people who are incarcerated. That's written into the Constitution. All men are free except those who are imprisoned and become slaves again. And if you can imagine the things that people do that result in them forfeiting their freedom and causing them to become slaves once again. And you feel like a slave.

When you came in here yesterday, Williams, with the chains around you as you do now with -- what it is? Is it leg irons? What do you have on?

DEPUTY: A leg brace.

THE COURT: A leg brace?

DEPUTY: Yes, sir.

THE COURT: If he tried to run, it's gonna freeze up?

DEPUTY: Yes, sir.

THE COURT: You're not going anywhere. You're -- you're in the same condition as your brother right now and as soon as you leave here you'll be back in the chains once again.

You brought it on yourself and my heart pains for you because I'm looking at guys who are intelligent, no

criminal history, and should have their lives going in a direction, the opposite of which you're headed. And fortunately you come from a strong family who will stand in the gap I'm sure with regard to your children to the extent that your wife allows it because she's a factor as well. These comments didn't help about them accusing them of whatever she was saying, but it's not what I interpret the mother saying again.

You know, when I do a sentencing I like for the jury to be here to kind of -- I try to -- I try to gain the spirit, I try to gain the wisdom of everyone who's present in the courtroom, you know, so I look around and stair at eyes staring at the judge wondering what the judge is gonna do and I'm trying to get a sense. That's why I keep just talking, talking, talking. It's a tough job sending people to prison and I try to figure out the most just sentence that should be imposed and it's -- it's important that I hear the explanations of people.

You know, I hear from these boys -- and forgive me for calling you boys, but that just seems easier for me to think of you that way. People are like I'm a man. When do you become a man?

When do they become a man, Mr. Screen? These fellas, when do they really become men?

I mean, I guess I have to say Aaron is a man.

He's a twenty-nine-year-old, got these children and responsibilities and all that. I don't know that Austin has had an opportunity to become a man, but by these terms I'm not using them in any disrespect, but, you know, hearing a myriad of things and there's, of course, a recklessness with regards to the weapons. You can buy a weapon. People these days believe that they have to have one. I guess everyone in Bam --Denmark's probably -- probably walking around with a weapon even though it's illegal.

But the sentence of the Court is that each of you be confined to the State Department of Corrections for a period of ten years and you get credit for time served.

I wish you the best and hope that you make the best of your time. You're very fortunate that this young man is able to function.

MR. HAYES: Judge, I believe you said we would get credit for 106 days as well?

THE COURT: Yeah, credit for the number of days that you-all said that you-all agree on.

And I would say that each of you -- I would say, each you have benefitted from some very good representation. I like Mr. Screen's no nonsense, not trying to make excuses for people who commit

these crimes. You can't do it. You've got to provide a defense, but you can't -- you've got to bring some reality to these kids to the extent that you can. And, again, not kids, but these young men.

MR. SCREEN: Thank you.

THE COURT: That's the best I can do with this situation. I'm not trying to make everybody happy, but I try to get the sense from everybody and then I do what I think I should do because I'm the one that has to live with every decision I make.

Best of luck to everyone. Thank you.

Ladies and gentlemen of the jury, you are free to go. You've done your duty and you will get a -- you got a -- rather than sitting a couple of days here with lawyers back and forth and me talking and everybody talking, you got the case in a nutshell. Hopefully you've gotten an understanding of your own community and what you-all are facing in this community and hopefully you can take the words better and help guide someone in the right direction.

So thank you-all and good luck to you.

(Whereupon, the jury was excused at 12:11 PM.)

THE COURT: All right. Well, I hope we've served some justice and we're done with this case. I think I made the right decision and you probably think so, too,

when you think of the alternatives that you were facing.

Anything else today on this?

MR. MILLER: Nothing from the State, Your Honor.

MR. SCREEN: Nothing from the defense, Your Honor. I appreciate it. Thank you.

MR. HAYES: Thank you, Your Honor.

THE COURT: Good luck to everyone.

(Whereupon, the proceedings were concluded at 12:13 PM.)

C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter for the Eleventh 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 the evidence introduced in the hearing of the captioned case in Circuit Court on the 13th day of July, 2021.

This transcript may contain quoted material. Such material is reproduced as read by the speaker.

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

May 2, 2022

/s/ Stacy S. Johnson
STACY S. JOHNSON
CIRCUIT COURT REPORTER

WITNESSES

Denmark Police Department

Leroy R Grimes

Law Enforcement Case #: DPD 21-0088

DWM

ARREST WARRANT NUMBER

2021A0520200014

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury
Date: 5/6/21

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2021GS0500042

The State of South Carolina

County of Bamberg

COURT OF GENERAL SESSIONS

MAY TERM 2021

THE STATE
vs.

AARON LAMAR WILLIAMS

CDR #: 3410

Indictment for

ATTEMPTED MURDER

§ 16-03-0029(A)

BILL WEEKS, SOLICITOR

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR ATTEMPTED MURDER
	)	
COUNTY OF BAMBERG	)	
	)	§ 16-03-0029(A)

At a Court of General Sessions, convened on May 31, 2021, the Grand Jurors of Bamberg County present upon their oath:

That **AARON LAMAR WILLIAMS**, along with others, did in Bamberg County on or about March 12, 2021, feloniously and with malice aforethought, attempt to murder Anthony Youmans by means of shooting him repeatedly. All in violation of Section 16-3-29 of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

BILL WEEKS, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Bamberg)
STATE)
VS.)
Aaron Lamar Williams)
AKA:)
Race: Sex: M Age: 29)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City, State, Zip: Denmark, SC 29042-2361)
DL# [redacted] SID#)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2021 - GS - 05 - 00042

A/W#: 2021A0520200014
Date of Offense: 3/12/2021
S.C. Code §: 16-03-0029(A)
CDR Code #: 3410

SENTENCE SHEET

0 - 30 years

*CDL Yes ☐ No ☒ CMV Yes ☐ No ☒ Hazmat Yes ☐ No ☒

In disposition of the above indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Attempted Murder

In violation of § 16-03-0029(A) of the S.C. Code of Laws, bearing CDR Code # 3410

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

David W Matt 69553 [signature] [signature] 77834

Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ **State Department of Correction** ☐ **County Detention Center,**

for a determinate term of 10 days/months/years/Time Served ☐ **Youthful Offender Act** not to exceed ___ years

and/or to pay a fine of $____; provided that upon the service of ____ days/months/years/Time Served and or payment

of $____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run
☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.
106 days/months
☐ To include time spent on monitored house arrest prior to trial and sentencing.
☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Aaron Lamar Williams INDICTMENT/CASE#: 2021 - GS - 05 - 00042

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing

☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program

☐ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

☐ Other: _____

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total $_____ plus 20% fee: _____ $_____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:		$
Fine may be pd. in equal consecutive weekly/monthly pmts. of $ _____ Beginning _____		
§14-1-206 (Assessments 107.5%)		$
§14-1-211 (A)(1)(Conv. Surcharge)	$100	$
§14-1-211 (A)(2)(DUI Surcharge)	$100	$ 100.00
§56-5-2995 (DUI Assessment)	$12	$
§56-1-286 (DUI Breath Test)	$25	$
§14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§14-1-213 (Drug Court Surcharge)	$150	$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	$41	$
§50-21-114 (BUI Breath Test Fee)	$50	$
§56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% to County (if paid in installments)	TBD	$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires $500 be paid to Clerk during probation and shall be collected before any other fees	$500	$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	$
	TOTAL	$ 128.75

Clerk of Court/Deputy Clerk: Joyce A. Dwight
Court Reporter: Stacy Johnson

Presiding Judge: Clifton Newman
Judge Code: 2127
Sentence Date: July 13, 2021

A TRUE COPY
Attest _____
CLERK OF COURT
BAMBERG COUNTY SC

FORM 5

STATE OF SOUTH CAROLINA)
County of Bamberg)
Aaron Lamar Williams 365644)
Full name and prison number (if any) of Applicant)
v.)
State of South Carolina)

IN THE COURT OF COMMON PLEAS

2022-CP-05-00071

FILED
BAMBERG COUNTY
2022 FEB 14 AM 8:15
CLERK OF COURT
BAMBERG SC

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS – READ CAREFULLY

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

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

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

1. Place of detention Kershaw Correctional Institution

2. Name and location of Court which imposed sentence General Session Court Bamberg South Carolina

3. Name(s) of co-defendant(s) (if any) _____

4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
   (a) 2021-GS-05-00042
   (b) _____

(c) _____

5. The date upon which sentence was imposed and the terms of the sentence:

(a) 7/13/21 Was date Sentence Imposed

(b) The Terms Was a Ten year Sentence

(c) _____

6. Check whether a finding of guilty was made:

(a) after a plea of guilty ✓

(b) after a plea of not guilty _____

(c) after a plea of nolo contendere _____

7. Did you appeal from the judgment of conviction or the imposition of sentence?

NO

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

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

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

(c) the date of each such result:

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

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

(a) I called lawyer no answer. And when

(b) got to Kirkland I couldnt call for two weeks.

(c) _____

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

(a) I was wrongful charge

(b) Evidence Did not show everything happened

(c) _____

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

(a) I did not specific intent to commit murder

(b) I never fired a weapon

(c) The Victim fired the first shots.

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

(a) any petition in a State Court under South Carolina Law? NO

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO

(d) any other petitions, motions or applications in this or any other Court? NO

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

(a) the specific nature thereof:

i. _____

ii. _____

iii. _____

iv. _____

(b) the name and location of the Court in which each was filed:

i. _____

ii. _____

iii. _____

iv. _____

a) I did not Specific Intent to Commit murder

(c) the disposition thereof:

i. _____

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

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

i. _____

ii. _____

iii. _____

iv. _____

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

NO

_____

_____

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

(a) which grounds have been presented:

i. _____

ii. _____

iii. _____

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

i. _____

ii. _____

iii. _____

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

(a) I wasn't aware that I could file pcr

(b) I have Just Recieved my PCR Application

(c) I had to do some Research in Law Libary

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

(a) your arraignment and plea? Yes

(b) your trial, if any? _____

(c) your sentencing? Yes

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

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

_____

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

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

i. David Hayes 410 Barnwell Ave NW Aiken SC 29801

ii. _____

iii. _____

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

i. Sentencing Plea

ii. _____

iii. _____

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

I am seeking my sentence to be overturn and Be Release from SCDC

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

NO

STATE OF SOUTH CAROLINA)
) VERIFICATION
County of Bamberg)

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

x Aaron Williams

SWORN to and subscribed before me this 7th day of February, 2022.

Cathrine A Conway (L.S.)
Notary Public

My Commission Expires: 1-22-2029

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

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

(1) I am the applicant in this action and I believe I am entitled to redress.

(2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Aaron Williams
Applicant

SWORN or affirmed to and subscribed before me this 7th day of February, 2022.

Cathrice A Omary
Notary Public

My Commission Expires: 1-22-2029

Revised 3/2003

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	FOR THE 2nd JUDICIAL CIRCUIT
COUNTY OF BAMBERG	)	Case No.: 2022-CP-05-00071
Aaron Lamar Williams, #385644	)	
	)	
Applicant,	)	**AMENDED POST-CONVICTION RELIEF APPLICATION**
	)	
v.	)	
	)	
State of South Carolina.	)	
	)	

The Applicant, by and through his undersigned attorney, hereby amends his PCR application filed on February 14, 2022 to add the following:

Applicant requests that he be permitted to amend his PCR application to conform to the evidence presented at the PCR hearing should any new or unaddressed issues arise during the course of the hearing that have not been specifically addressed in the Application. *See* Simpson v. Moore, 367 S.C. 587, 627 S.E.2d 701 (2006); *see also* Love v. State of South Carolina, 428 S.C. 231, 834 S.E.2d 196 (2019).

Respectfully submitted,

ASHLEY A. MCMAHAN, ESQUIRE
MCMAHAN LAW, LLC
PO Box 50536
Columbia, SC 29250
803-219-1110
ashley@mcmahantaylor.com
SC Bar No. 71676
ATTORNEY FOR APPLICANT

December 30, 2022

CERTIFICATE OF SERVICE

I certify that I have served this document via email to:

Zachary Jones
Assistant Attorney General
zacharyjones@scag.gov

This 30th Day of December, 2022.

ASHLEY A. MCMAHAN, ESQUIRE
Attorney for Applicant

FILED
BAMBERG COUNTY
2022 SEP -6 AM 10:35
JANET JOHNSON
CLERK OF COURT
BAMBERG, SC

STATE OF SOUTH CAROLINA COUNTY OF BAMBERG	IN THE COURT OF COMMON PLEAS FOR THE SECOND JUDICIAL CIRCUIT
AARON LAMAR WILLIAMS, #385644, Applicant, v. STATE OF SOUTH CAROLINA, Respondent.	Case No.: 2022-CP-05-0071 **RETURN AND MOTION FOR MORE DEFINITE STATEMENT TO THE APPLICATION FOR POST-CONVICTION RELIEF** (Counsel Already Appointed)

Respondent the State of South Carolina, in response to the post-conviction relief application filed by Applicant Aaron Lamar Williams on February 14, 2022 and received by Respondent on February 17, 2022, makes the following return[1] to the application and requests Applicant, though appointed counsel, file an amendment providing specific allegations on which he asserts he is entitled to relief in compliance with the Uniform Post-Conviction Procedures Act and the South Carolina Rules of Civil Procedure in advance of the scheduling of any evidentiary hearing to resolve the vague claims as set forth in this application.

I. Procedural History

Applicant is presently confined in the South Carolina Department of Corrections. On March 21, 2021, Applicant and two co-defendants drove to a carwash in Denmark, South Carolina,

[1] Respondent's return was due to be filed within sixty days of receipt. See Rule 12(a), SCRCP ("[T]he State of South Carolina shall answer or otherwise respond to an application for post-conviction relief within 60 days after service of the application, if it arises out of a guilty plea, and 90 days if it arises out of a trial."). However, on the date the return was due to be served, the court reporter had not yet delivered the requested transcript for Applicant's plea and sentencing proceedings to the State. Since receipt and review of this transcript was necessary for the drafting and submission of a return, Respondent requested an extension to file this return once all necessary transcripts were received. See S.C. Code Ann. § 17-27-70(a) (establishing that the Court may fix the time in which the State must respond and that "respondent shall file with its answer the record or portions thereof that are material to the questions raised in the application."); Guinyard v. State, 260 S.C. 220, 195 S.E.2d 392 (1973) (holding the trial court may extend the time for filing and that the time limit prescribed by the statute is not mandatory, but discretionary with the trial court.). Now, having received the transcripts, Respondent submitted this return to the application.

while armed with deadly weapons, and proceeded to violently attack a victim, resulting in the firing of several shots which struck the victim and Applicant. The entire incident was captured on surveillance video. Applicant was subsequently arrested by the Denmark Police Department for his involvement in the crime. Thereafter, during its May 2021 term, the Bamberg County Grand Jury indicted Applicant for attempted murder (2021-GS-05-0042). Applicant was represented by C. David Hayes of the Second Circuit Public Defender's Office. Deputy Solicitor David W. Miller and Assistant Solicitor Carson M Alexander of the Second Circuit Solicitor's Office prosecuted the case.

On July 31, 2021, Applicant, alongside counsel, appeared before the Honorable Clifton Newman, circuit court judge, for trial. Following jury selection, Applicant elected to forgo his constitutional right to a jury trial and enter a plea of guilty to the indicted offense of attempted murder based on a recommendation from the State for a sentence of no more than twenty years of imprisonment. After a thorough colloquy wherein Judge Newman ascertained Applicant was freely, knowingly, and intelligently entering his plea, Judge Newman accepted Applicant's plea and sentenced him to a ten-year term of imprisonment. Applicant did not pursue a direct appeal.

II. Current Action before the Court

In his application for post-conviction relief, Applicant alleges he is entitled to relief based on the following:

10(a) "I was wrongful charge"

11(a) "I did not specific intent to commit murder"

10(b) "Evidence did not show everything happened"

11(b) "I never fired a weapon" and "the victim fired the first shots."

(See Application for Post-Conviction Relief Questions 10 and 11).[2]

As requested relief, Applicant states he is seeking "my sentence to be overturn and be release from SCDC."

Attached herewith and incorporated herein are the records of the Bamberg County Clerk of Court regarding the subject convictions, the transcript from Applicant's plea proceeding, and Applicant's records from the South Carolina Department of Corrections. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

III. Response to Allegations Raised

In his application, Applicant provides vague allegations that he is entitled to relief based on a lack of evidence for the charged crime.

The Uniform Post-Conviction Procedure Act[3] (the Act) provides that a person who has been convicted of a crime may seek post-conviction relief based upon the following:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;

2. That the court was without jurisdiction to impose sentence;

3. That the sentence exceeds the maximum authorized by law;

4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;

---

[2] While not listed as a ground on which Applicant bases he is being held unlawfully, Applicant does state in response to question #9 that he did not appeal his guilty plea, "I called lawyer no answer. And when got to Kirkland I couldn't call for two weeks." It is unclear if Applicant is asserting that he is entitled to belated appellate review pursuant to White v. State, 263 S.C. 110, 208 S.E. 2d 35 (1974), based on ineffective assistance of counsel. As Respondent is moving for a more definite statement based on the vagueness of Applicant's overall claims, Respondent requests Applicant, though appointed counsel, also clarify if this is a claim Applicant is raising.

[3] S.C. Code Ann. §§ 17-27-10 to -160.

5. That his sentence has expired, his probation, parole or conditional release unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or

6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy[.]

S.C. Code Ann. § 17-27-20(A). "The applicant has the burden of establishing his entitlement to relief by a preponderance of the evidence." Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

The Sixth and Fourteenth Amendments to the United States Constitution guarantee Applicant, like all other defendants, the right to effective assistance of counsel. Strickland v. Washington, 466 U.S. 668 (1984); Taylor v. State, 404 S.C. 350, 359, 745 S.E.2d 97, 101 (2013). Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive effective assistance of counsel guaranteed by the Sixth Amendment. See generally S.C. Code Ann. § 17-27-20(A) (enumerating allegations cognizable in PCR actions); Fortune v. State, 428 S.C. 545, 558, 837 S.E.2d 37, 44 (2019) (As we have repeatedly explained, in most instances, a PCR claim is properly presented as a Sixth Amendment claim for ineffective assistance of counsel.").

In light of this standard, Respondent interprets Applicant's vague claims in this vein of ineffective assistance of counsel, specifically that plea counsel was ineffective for failing to challenge the evidence for the charged crimes. However, these claims are still too vague, and it is impossible for Respondent to discern how exactly Applicant believes counsel was ineffective. Accordingly, Respondent moves for Applicant, through his appointed counsel, to amend this allegation to include sufficient, specific facts to support his claims of ineffective assistance of counsel.

The Sixth and Fourteenth Amendments to the United States Constitution guarantee Applicant, like all other defendants, the right to effective assistance of counsel. Strickland v. Washington, 466 U.S. 668 (1984); Taylor v. State, 404 S.C. 350, 359, 745 S.E.2d 97, 101 (2013). Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive effective assistance of counsel guaranteed by the Sixth Amendment. See generally S.C. Code Ann. § 17-27-20(A) (enumerating allegations cognizable in PCR actions). The allegation of denial of such representation sets forth a prima facie violation of this constitutional right and raises a question of fact that can only be determined by an evidentiary hearing. Rogers v. State, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

In a post-conviction relief action, the applicant bears the burden of proving the allegations by a preponderance of the evidence—a mere allegation of ineffective assistance is not sufficient to warrant granting relief. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). The reviewing court applies the two-part test outlined in Strickland to determine whether counsel's conduct "was so ineffective as to require reversal" of the applicant's conviction or sentence. 466 U.S. at 687. First, the applicant must show that counsel's performance was deficient; and second, that the deficient performance prejudiced the applicant. Id. at 668; Butler, 286 S.C. at 442, 334 S.E.2d at 814.

The first prong—constitutional deficiency—is "necessarily linked to the practice and expectations of the legal community." Padilla v. Kentucky, 559 U.S. 356, 366 (2010). In order to prove deficient performance, the applicant must show counsel's representation fell below an objective standard of "reasonableness under prevailing professional norms." Cherry v. State, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler,

286 S.C. at 442, 334 S.E.2d at 814.

Strickland, however, "does not guarantee perfect representation[—]only a 'reasonably competent attorney.'" Harrington v. Richter, 562 U.S. 86, 110 (2011) (quoting Strickland, 466 U.S. at 687). Representation is constitutionally ineffective only if counsel's conduct "so undermined the proper functioning of the adversarial process" that the defendant was denied a fair proceeding. Strickland, 466 U.S. at 686. Just as there is "no expectation that competent counsel will be a flawless strategist or tactician, an attorney may not be faulted for a reasonable miscalculation or lack of foresight or for failing to prepare for what appear to be remote possibilities." Harrington, 562 U.S. at 110.

Accordingly, "[j]udicial scrutiny of counsel's performance must be highly deferential, as it is all too tempting for a defendant to second-guess counsel's assistance after conviction or an adverse sentence, and it is all too easy for a court, examining counsel's defense after it has proved unsuccessful, to conclude that a particular act or omission of counsel was unreasonable." Strickland, 466 U.S. at 689; see also Yarborough v. Gentry, 540 U.S. 1, 6 (2003) ("The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight."). Unlike a later reviewing court, the attorney observed the relevant proceedings; knew of materials outside the record; and interacted with the client, opposing counsel, and the judge. Thus, the question is whether an attorney's representation amounted to incompetence under "prevailing professional norms," not whether it deviated from best practices or most common custom. Id. (quoting Strickland, 466 U.S. at 690).

Thus, a fair assessment of attorney performance requires every effort be made to eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel's challenged conduct, and to evaluate the conduct from counsel's perspective at the time. Id. Because of the

difficulties inherent in making such an evaluation, the reviewing court must indulge in a "strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance." Butler, 286 S.C. at 445, 334 S.E.2d at 816. The applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625.

Reviewing courts "must judge the reasonableness of counsel's challenged conduct on the facts of the particular case, viewed at the time of counsel's conduct." Strickland, 466 U.S. at 690. An applicant making a claim of ineffective assistance "must identify the acts or omissions of counsel that are alleged not to have been the result of reasonable professional judgment." Id. The reviewing court must then "determine whether, in light of all the circumstances, the identified acts or omissions were outside the wide range of professionally competent assistance." Id.

The Strickland standard must be applied with scrupulous care, lest "intrusive post-trial inquiry" threaten the integrity of the very adversary process the right to counsel is meant to serve. 466 U.S. at 689-690; see also Harrington, 562 U.S. at 105 (cautioning that an ineffective assistance of counsel claim could potentially function as a way to escape rules of waiver and forfeiture and raise issues not presented at trial). Even under *de novo* review, the standard for judging counsel's representation is a most deferential one. Harrington, 562 U.S. at 105. Unlike a later reviewing court, the attorney observed the relevant proceedings; knew of materials outside the record; and interacted with the client, opposing counsel, and the judge. Thus, the question is whether an attorney's representation amounted to incompetence under "prevailing professional norms," **not** whether it deviated from best practices or most common custom. Id. (quoting Strickland, 466 U.S. at 690) (emphasis added).

The second, or "prejudice" prong of Strickland is rooted in the very purpose of the Sixth Amendment guarantee of counsel—to ensure a defendant has the assistance necessary to justify

reliance on the outcome of the proceeding. Id. at 691–92. In order to prove prejudice, an applicant must demonstrate counsel's deficient performance prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. A reasonable probability is a probability "sufficient to undermine confidence in the outcome." Strickland, 466 U.S. at 694. Thus, it is not enough "to show the errors had some conceivable effect" on the outcome of the proceeding—counsel's errors must be "so serious as to deprive the defendant of a fair trial." Id. at 687 (emphasis added).

Because the Sixth Amendment right to counsel also applies to a defendant entering a guilty plea, Hill v. Lockhart extended the two-part Strickland test to challenge guilty pleas based on ineffective assistance of counsel." Hill, 474 U.S. 52; cf. Padilla, 559 U.S. at 373 (recognizing the guilty plea process is a "critical phase of litigation" for purposes of the Sixth Amendment right to effective assistance of counsel). A claim of ineffective assistance of guilty plea counsel requires the applicant present evidence satisfying two prongs: first, evidence that counsel's performance was deficient; and second, evidence that counsel's deficient performance prejudiced the defendant by causing him to plead guilty rather than go to trial. Hill, 474 U.S. 52.

The analysis of counsel's performance under the first prong of Strickland remains unchanged—the applicant must show counsel's representation fell below the objective standard of reasonableness demanded of attorneys in criminal cases. Hill, 474 U.S. at 58–59; accord Thompson v. State, 340 S.C. 112, 115, 531 S.E.2d 294, 296 (2000). An applicant alleging his plea was induced by ineffective assistance of counsel must prove counsel's advice to plead guilty was not "within the competence demanded of attorneys in criminal cases." Hill, 474 U.S. at 56.

The second, or "prejudice" prong, however, "focuses on whether counsel's constitutionally

ineffective performance affected the outcome of the plea process." Id. at 58–59. Specifically, when an applicant claims counsel's deficient performance caused him to accept a plea, the applicant "must show that there is a reasonable probability that, but for [plea] counsel's [alleged] errors, he would not have pleaded guilty and would have insisted on going to trial." Id. at 59. This inquiry "focuses on a defendant's decisionmaking" and does not turn on the outcome of a defendant's actual criminal proceeding or potential outcome had a defendant chosen to proceed to trial. Lee v. United States, 582 U.S. ___, 137 S. Ct. 1958, 1966 (2017). However, an applicant must convince the court that a decision to reject the plea bargain would have been rational under the circumstances. Padilla, 559 U.S. at 372. The question here is whether the applicant, if correctly informed of circumstances surrounding the plea, would have pleaded guilty—not whether counsel would have still advised him or her to plead guilty. Turner v. State, 335 S.C. 382, 385, 517 S.E.2d 442, 444 (1999).

Surmounting Strickland's high bar is never an easy task, and the strong societal interest in finality has "special force with respect to convictions based on guilty pleas." Lee, 582 U.S. ___, 137 S. Ct. at 1967 (internal citations and quotation marks omitted); cf. Hill, 474 U.S. at 58 ("[R]equiring a 'prejudice' showing from defendants who seek to challenge the validity of their guilty pleas on the ground of ineffective assistance of counsel 'will serve the fundamental interest in the finality of guilty pleas.'"). Reviewing "[c]ourts should not upset a plea solely because of post hoc assertions from a defendant about how he would have pleaded but for his attorney's deficiencies. Lee, 582 U.S. ___, 137 S. Ct. at 1967. Rather, judges should "look to contemporaneous evidence to substantiate a defendant's expressed preferences. Id. In determining whether a guilty plea was taken in accordance with constitutional standards, the reviewing judge must analyze and consider the entire record, including the transcript of the plea and the evidence

presented at the PCR hearing. Harres, 282 S.C. at 134, 318 S.E.2d at 361.

The performance and prejudice standards, however, "do not establish mechanical rules; [t]he ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged." Id. at 696. Moreover, "there is no reason for a court deciding an ineffective assistance claim to approach the inquiry in the same order or even to address both components of the inquiry if the defendant makes an insufficient showing on one." Id. at 697. The court "need not determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies. Id. If it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, the court may evaluate the prejudice prong only. Id.

Respondent submits that Applicant cannot satisfy either requirement of the Strickland test, as the record establishes he was represented by a competent attorney who diligently represented him. However, without more specific allegations of ineffective assistance of counsel and factual support for those allegations, it is impossible to respond to these general claims of ineffective assistance of counsel with any specificity. Accordingly, Respondent requests Applicant, through his appointed counsel, amends his application to include the specificity required to support an allegation of ineffective assistance of counsel.

IV. Motion for More Definite Statement

Applicant alleges he is being held in custody unlawfully based on vague allegations that the evidence was insufficient for the charged crimes. However, Applicant fails to set forth with specificity the facts and circumstances upon which these constitutional violations are based. The Uniform Post-Conviction Procedure Act requires that the Applicant must "... specifically set forth the grounds upon which the application is based." Section 17-27-50 of the Code of Laws of South

Carolina (1976). In an application for post-conviction relief, it is incumbent upon Applicant to make at least a prima facie showing which would entitle him to relief before an evidentiary hearing will be scheduled and held. Welch v. MacDougall, 246 S.C. 258, 143 S.E.2d 455 (1965); Blandshaw v. State, 245 S.C. 385, 140 S.E.2d 784 (1965). See also Rule 8(a)(2), SCRCP (requiring all civil pleadings to include "a short and plain statement of the facts showing that the pleader is entitled to relief"); Rule 71.1(d), SCRCP ("Counsel shall insure that all available grounds for relief are included in the application and shall amend the application if necessary."). "[M]ere allegations of incompetency or ineffectiveness of counsel will not ordinarily suffice as grounds for a new trial under the Post-Conviction Procedure Act. The bare assertion by the [applicant] that he was deprived of adequate and effective assistance of counsel is insufficient." Coardes v. State, 262 S.C. 493, 497, 206 S.E.2d 264, 265 (1974).

Applicant has failed to state with any specificity the specific facts giving rise to these allegations. Additionally, this allegation is not supported by any other additional information in the application. Respondent moves pursuant to Rule 12(e), SCRCP, to require Applicant, through his appointed counsel, to provide a more definite statement of his allegations by filing an amended application well in advance of the hearing scheduled in this matter. If Applicant fails to file a timely and responsive amended application setting forth specific allegations for relief, Respondent reserves the right to move to dismiss the application.

V. Any Future Amendments and Invocation of Discovery Process

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. All claims should be made well in advance of the evidentiary hearing. Because Applicant has an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRCP. *Pro se* filings will not be considered at the PCR hearing.

The State reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to the State pursuant to Love v. State, 428 S.C. 231, 834 S.E.2d 196 (2019), or, alternatively, the State will request a continuance in the matter. See Id. at 245, 834 S.E.2d at 203 (Kittredge, J., dissent) ("If, however, the proposed amendment . . . would truly prejudice the State, the better course of action would be to continue the matter and thus remove any possibility of prejudice resulting from the belated amendments.").

Pursuant to section 17-27-150 of the South Carolina Code, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless granted leave from the Court upon a showing of good cause. Further, Respondent requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to the State well in advance of the evidentiary hearing. As noted above, the State reserves the right to request a continuance and oppose witness testimony and exhibits that are withheld until the last minute resulting in undue prejudice to the State. See Love, 428 S.C. 231, 834 S.E.2d 196.

VI. Response to Any and All Other Allegations

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied.

VII. Request for an Amended Application Prior to Any Hearing Being Scheduled

WHEREFORE, having made its return, Respondent requests Applicant, though appointed counsel, file an amendment providing specific allegations on which he asserts he is entitled to relief in compliance with the Uniform Post-Conviction Procedures Act and the South Carolina Rules of Civil Procedure in advance of the scheduling of any evidentiary hearing to resolve the vague claims as set forth in this application.

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

By: _____
ATTORNEYS FOR RESPONDENT

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Telephone: (803) 734-3737

August 9, 2022

STATE OF SOUTH CAROLINA COUNTY OF BAMBERG	IN THE COURT OF COMMON PLEAS 2022-CP-05-71
AARON LAMAR WILLIAMS, #385644 Applicant, vs STATE OF SOUTH CAROLINA, Respondent,	CERTIFICATE OF SERVICE BY MAIL

1. I am an employee of the Respondent in the above-captioned action.

2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.

3. I have this day served a copy of the Return to the Application for Post-Conviction Relief and Motion for More Definite Statement in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Ashley A. McMahan, Esquire
McMahan Law, LLC
Post Office Box 50536
Columbia, South Carolina 29250

DATED this 9th day of August, 2022.

Joshua Osborne, Legal Assistant
For Respondent

FILED
BAMBERG COUNTY
2022 SEP -6 AM 10:42
CLERK OF COURT
BAMBERG, SC

STATE OF SOUTH CAROLINA	)	
	)	COURT OF COMMON PLEAS
COUNTY OF BAMBERG	)	2022-CP-05-71
	)	
	)	
	)	
	)	
	)	
AARON LAMAR WILLIAMS,	)	
APPLICANT,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
STATE OF SOUTH CAROLINA,	)	
RESPONDENT.	)	
	)	

January 17, 2023
Aiken, South Carolina

B E F O R E:

THE HONORABLE EDWARD W. MILLER, JUDGE.

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

ASHLEY A. MCMAHAN, ESQ.
Attorney for the Applicant

ZACHERY JONES, ESQ.
Attorney for the Respondent

PENNY M. JOHNSON
Court Reporter III

I N D E X

(AW) - Denotes Applicant's Witness
(RW) - Denotes Respondent's Witness

Page No.

(AW) AARON LAMAR WILLIAMS:
Direct Examination by Ms. McMahan.....
Examination by the Court.....

(RW) DAVID HAYES:
Direct Examination by Mr. Jones.....
Cross-Examination by Ms. McMahan.....
Redirect Examination by Mr. Jones.....
Examination by the Court.....
Recross-Examination by Ms. McMahan.....

E X H I B I T S

(There were no exhibits submitted.)

PROCEEDINGS

THE COURT: Okay.

MR. JONES: The first matter over here is Aaron Lamar Williams vs. The State of South Carolina, case number 2022-CP-05-71. I am Zachary Jones. I am Assistant Attorney General for the State of South Carolina. Mr. Williams is present, I believe, as well as his attorney, Ms. Ashley McMahan.

Your Honor, Mr. Williams was indicted for attempted murder as charged per 2021-GS-05-42. He was represented by Mr. David Hayes of the Second Circuit Public Defender's Office.

On July 31st, 2021, he appeared before the Honorable Clifton Newman for trial. He then elected to enter a plea of guilty to the indicted offense of attempted murder based on recommendation from the State for a sentencing cap of 20 years.

After plea colloquy, Judge Newman accepted his plea and sentenced him to a ten-year term of imprisonment. He did not pursue a direct appeal. This present Post-Conviction Relief application was filed on February 14th, 2022.

Your Honor, at this point, I'll turn it over to Ms. McMahan.

MS. MCMAHAN: Judge, we'd like to call Mr. Williams to the stand.

AARON LAMAR WILLIAMS,

after being duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. MCMAHAN:

Q Would you state your name for the record, please?

A Aaron Lamar Williams.

Q Did you file this PCR application?

A Yes.

Q And I've had multiple conversations with you and in our conversations, have I explained to you that in a PCR you can't get a time cut, you start from the beginning?

A Yeah.

Q And understanding that, do you wish to go forward with your PCR?

A Yes.

Q Who was your attorney that represented you in this case?

A David Hayes.

Q So tell me what happened in your case. How many times would you say you met with Mr. Hayes?

A If I'm not mistaken, I think I met with him twice.

Q Were you in the detention center awaiting trial or were you out on bond?

A I was on house arrest.

Q Okay. So you were out on bond. And when you met with

him those two times, where did you meet with him?
A One time I met him in Barnwell at his office and the second time at the Bamberg courthouse.
Q So why were you at the courthouse that day? Was it just to meet with him or was it for another reason?
A I think that was the day -- they say it was jury selection that day.
Q Okay. Tell me how you knew to be there for jury selection.
A I got a letter in the mail stating that my case may be called and I needed to be at the courthouse. It was July the 12th, if I'm not mistaken.
Q And when was your guilty plea?
A July 13th.
Q So you got a letter a few days before that your case was on the jury trial docket?
A A week before.
Q And when you got that letter, did you contact Mr. Hayes?
A I don't think so. No, ma'am.
Q So when you met with him at the courthouse that morning, what were you guys talking about?
A He called me in the back and the first thing he asked me was how do I want to play this. I told him I really don't know, that he was my lawyer and he needed to have an

angle.

Q So the transcript eludes to the fact that at some point that first morning, you tried to relieve him as your attorney?

A Yes.

Q So tell us about that.

A Like, what do you want to know about it?

Q Because we don't have the transcript about why you wanted him to be relieved, so tell us about what your argument was.

A My argument was that we didn't have an angle to play. Like, he already said I was going to go to prison, so it was a plea deal for three to 20 and that's all he had offered me. He didn't have a strategy how we was going to go to trial or what we was going to do. I felt like I needed another lawyer.

Q So when you met with him, did you ever discuss a possible trial strategy or anything like that?

A I told him I wanted to go to trial, but he didn't have a strategy. One time he told me that me might be getting me off with attempted murder, but I still had the assault by mob.

Q Did you guys talk about hand of one, hand of all, like, conspiracy and all that?

A No, ma'am.

Q What was your first conversation with him about?
A The first time I met with him was at his office. I walked in there -- well, I rolled in there. We started talking about my case. He showed me the video. They had the video. He showed me the video. And the first thing, he was like -- he said I'm going to prison. He didn't know how long, but he said I was going to prison. That was his first words. And I told him -- I really can't recall what I said after that. But I told him I wanted to go to trial.
Q How long do you think you met with him that day?
A How long did I meet with him that day?
Q Yes.
A About 20 minutes, if I'm not mistaken.
Q Did you ever talk to him on the phone or anything like that?
A I don't think we ever talked on the phone.
Q Did you ever meet with anybody else from his office, like, his paralegal or anything?
A No, ma'am, not that I can recall.
Q So you explained to Judge Newman that you wanted him relieved because you guys did not discuss a trial strategy or anything like that?
A Yes, ma'am.
Q So before you guys started pulling a jury that day, did he talk about any kind of plea offers or anything with you?

A He said he was still the cap of three to 20.
Q So the plea offer you always heard was the recommended cap of somewhere between three and 20?
A Yes, ma'am.
Q And that's, ultimately, kind of what you pled to, wasn't it?
A Yes, ma'am.
Q So the day before, you guys had pulled a jury. The jury was waiting for the trial to start. I guess you get there Tuesday morning and then you decide to plead guilty?
A Yes, ma'am.
Q Tell us how that came about, why you decided to do that.
A Because we really didn't have a strategy, so the Judge told me I had until nine o'clock that morning to come in and decide if I wanted to take a plea deal before we swore the jury in. So I went home and I thought that night and I thought it was best for me to take the plea deal because we didn't have a strategy to go to trial with.
Q Did you talk to Mr. Hayes after you guys had pulled a jury, like, that afternoon or anything?
A No.
Q So what kind of trial strategy did you think he may have for you?
A Say that again.

Q What kind of trial strategy did you think Mr. Hayes may have had for you?
A He didn't really have any. When we did discuss it the first time at his office, when he showed me the video, I told him there was a whole section that was kind of missing. He kind of brushed that off and he didn't want to talk about that.
Q What was the section of the video that was missing?
A The victim shooting my brother.
Q So that would have been sometime during the fight with the victim shot your brother, Austin, right?
A Yes.
Q And that part was missing?
A Yes, he skipped past it. Like, he kind of fast-forwarded past that.
Q So what did it show?
A It show me and the victim fighting. It show me drop a weapon. After I dropped my weapon, it supposed to be that he picked it up and shot my brother, but it skipped past that and we end up on top of a Mustang. My brother shoot the victim and he shot me and I fall. My cousin and my brother picked me up, put me in the car and took me to the hospital.
Q And somebody took the other individual to the hospital as well, correct?

A If I'm mistaken, they said he drove hisself.
Q Did you ever discuss with him the incident that sort of led up to this, like, how it got to be that you guys were fighting at the car wash?
A I think we did talk about it. I told him -- I think the victim and my brother had a fight the day before. I told him I got off work, went to see what was going on and went to the car wash. After that, that's when we start fighting and everything and everything happened.
Q So your brother and this individual had been involved with each other earlier that day?
A Yes.
Q But there was no evidence presented about how this came about?
A No.
Q Did he have a discussion with you about possibly trying to present that as a trial strategy, sort of he started it first kind of thing?
A I'm not sure. I don't think so.
Q So did he go over with you the amount of time you were facing on all these charges?
A Yes, ma'am.
Q And what the State had to prove?
A We went over, like, how much time I was facing and over the charge. He didn't really tell me what the State had to

prove.

Q He didn't go over the elements of each charge with you?

A Yes, ma'am.

Q There was a third person, I guess, that was involved that dropped you guys off, right?

A He was there the whole time.

Q So did he end up getting charged?

A Yes, we all got charged with the same thing.

Q Did he plea or anything that day or what happened to him? Do you know?

A He never came to court. I don't know if he took a plea.

Q Were all three of you going to be tried that day?

A Just me and my brother.

Q You guys had kind of a long guilty plea where a bunch of people talked. Do you remember the Judge asking you how much time you thought you should serve?

A Yes, I kind of remember that. I was going through a lot of pain then.

Q And why was that?

A I was shot. I really couldn't move. I was in a wheelchair then. I was on medicine, pain medicine. I was taking shots every 12 hours.

Q So you had gotten shot during the whole melee, right?

A Say that again.

Q You had gotten shot during the whole incident, right?
A Yes.
Q And at that point, you were in a wheelchair and couldn't walk; is that correct?
A Yes, paralyzed.
Q Okay. You got your transcript and you've kind of read through it?
A Yes.
Q But you said you vaguely remember Judge Newman asking you that?
A Yes.
Q Is there anything else you want the Court to know today about your PCR application?
A That's about it.
Q Also, before I finish, Mr. Hayes did address to the Court that you were in a lot of pain, didn't he?
A You say he did?
Q Yeah, or, at least, you did, right?
A I don't think I did. I don't think he did either, if I'm not mistaken.
Q But you were there in a wheelchair?
A Yes.
MS. MCMAHAN: Please answer any questions Mr. Jones or the Court may have.
MR. JONES: I don't have any questions.

EXAMINATION

BY THE COURT:

Q How much time passed between the incident and your guilty plea?

A The incident happened on March 12th and my guilty plea was July 12th. That's like four months.

Q Did you ask your attorney to do anything to prepare for a trial?

A I asked him did he have a strategy. I told him there was a part missing out the video, how could they show the video if there was a part missing. He told me he probably could get me off with attempted murder charge if we went to trial, but I would still have that assault by mob, which he said carried, I think 20 years, if I'm not mistaken. That was the only strategy that we really had, that he really offered.

THE COURT: Anything anybody else wants to ask him?

MR. JONES: No, thank you, Your Honor.

THE COURT: Looks like you recovered all right. You doing all right?

THE APPLICANT: Yes, sir.

MS. MCMAHAN: That's all we have, Your Honor.

THE COURT: Okay.

MR. JONES: Your Honor, the State would call David Hayes.

DAVID HAYES,

after being duly sworn, testified as follows:

THE WITNESS: David Hayes, H-A-Y-E-S.

DIRECT EXAMINATION

BY MR. JONES:

Q Mr. Hayes, how long have you been representing criminal defendants?

A Fourteen years, going on 14 years.

Q Do you remember this case?

A I do.

Q Do you remember how many times you met with the Applicant, Mr. Williams?

A I recall meeting with him in our office in Barnwell, at least, once. I talked with him on the phone. I met with him in Bamberg and then we met prior to the trial. I met with him, his brother and Jerry Screen. The family hired Jerry Screen for his brother. We were picking the jury that Monday.

Q And they pled together at the same proceedings?

A They were being tried together and the offer was for them to plead together.

Q Could you recite the factual basis of this case?

A The facts are as he said. The brothers were seen with, I believe it was a cousin or third party that was asked about, drive up at a very fast rate of speed on the victim

and parked their car sideways kind of blocking in the car that was being detailed. My client comes running around the vehicle and attacks the victim and starts beating on him. As he is fighting him, his brother comes running around the car with a gun in his hand.

During that part of the video, you see the gun come flying out of the back of his pants and fall onto the ground. The victim ends up picking it up as the brother is pistol whipping him and they're scuffling. They go to the ground and the victim shoots.

And what he's talking about is skipping is that when they had turned it over from SLED, the video was playing in, like, three-second chunks and then it would -- it did have gaps. Now, at trial -- prior to trial, the video was given to us in a consistent playing motion and it was played even at the plea that showed it consistently.

The victim, it's not clear, picks the gun up and shoots. Whether he hits somebody or not, I don't know. The brother runs off. They go to bouncing off the vehicle and rolling on the ground. His brother then runs up and unloads a full magazine and both of them rolling on the ground.

At that point, the victim gets up and was able to run off camera. The brother ends up having to pick him up, the other guy that retreated, and put him in the vehicle and take them both to the hospital.

Q Do you remember how many times the victim was struck?
A I do not.
Q When you saw the video, did you have any ideas about potential defenses?
A There's no defense. He is coming to attack the victim. Even admittedly, he just testified to it again that they were coming to fight and attack the victim. That's hand of one, hand of all. They're both there to fight him. They're bringing on the difficulty themselves. There's no defense and it's on video.
Q And did you advise him of that conclusion?
A I did, and so did Jerry Screen. Me and Jerry Screen met with him and the family and his brother and everybody's opinion was the same.
Q The State's offer, did you view that plea offer as being the best -- potentially the best deal he was going to get?
A Yes.
Q Did you think it was in his best interest to accept that plea offer?
A Yes.
Q And, in fact, the deal was a recommended cap of 20 years, correct?
A That's correct.
Q And do you recall what the sentence ended up being?

A It was ten. Jerry Screen did the first mitigation and it was artwork. It was phenomenal. It was hard to even followup with my client, but riding the coattails, it ended up being a great deal and they got half of what the cap was. It was a good sentence and a great result.

Q In the intervening years, have you looked back on it and thought of something you would have done differently?

A Absolutely not.

MR. JONES: I think that's all the questions I have for you right now, Mr. Hayes.

THE COURT: Cross?

MS. MCMAHAN: Yes, Your Honor.

CROSS-EXAMINATION

BY MS. MCMAHAN:

Q So at some point in the transcripts, it alludes to a jury being pulled?

A Yes.

Q Were you there as a jury trial? Was that what was going to happen?

A It was scheduled for a jury trial. The case moved very fast. The application for a public defender was sent in on 5/10. The discovery and everything was immediately mailed over. The solicitor was not wanting to sit on this. There was a daylight shooting in downtown Denmark and he was ready to go forward. They had the information a few days prior or

weeks, but by the time it got to me, he had already made an offer and said we are scheduling this for trial in July.

Q Did you relay that offer to Mr. Williams?

A I did.

Q And at some point, I guess, in the transcript, there's an allusion to Mr. Williams wanting to relieve you as his attorney. Do you recall what that was about?

A I don't recall. That's not uncommon.

Q Did you have any discussions with him about the fact that there were no trial strategies in this situation?

A It may have been as he said, he was probably going to prison, the question is how long. It's on the video. There's no defense.

Q Did you think going to trial was in his best interest?

A No. He had a Constitutional right to.

Q So after that first day of court, did you guys sit around and discuss the plea offer again?

A I believe that right after we picked the jury, Jerry Screen, myself, my client and his client went into a room and we discussed it as well as with family members. His father wanted to watch the video, but never showed up that afternoon to watch the video in my office.

Then the next day, we went in to start the trial and his brother and him indicated to Jerry and I that they wanted a plea. We watched the video in part of the plea and

then dad came in saying, I can't remember, it was a conspiracy or something and Judge Newman cut him off real quick and said you haven't watched the video, have you.

Q Yes, I recall that. And at that point, I think the issue of the conspiracy was sort of shut down by the Court, wasn't it?

A Yes.

Q Did you think ten years was a favorable sentence or did you think --

A That was way better than I thought he would get. I was thinking it was going to be closer to the 20.

Q There were some talk raised in the guilty plea about, I guess, sort of some bigger issues kind of going on in Denmark and those being referenced. Do you recall if you tried to object to those?

A I don't recall.

Q I'm talking about another shooting that happened on July 4th?

A I believe the decedent was shot at by Chelsea Gilbert.

Q Uh-huh.

A No, I don't think I objected to that.

Q If the record reflects you did object to some information trying to come in, would you disagree with it?

A No. I mean, I don't recall.

Q Okay. Do you remember how many times you met with him?

I think you said in your office, in the office in Barnwell?
A I know I met with him in our office in Barnwell because I had to meet him downstairs. I don't remember if it was once or twice. Then I met with him in Bamberg courthouse and then we had -- prior to trial, I met with him, I think -- let me look at the schedule. Looks like I had one, two, three appointments scheduled for him, whether he attended them, I don't know. But I had an appointment on 5/14, 6/8, 7/1 and then we had a docket appearance on 9/28/22 and today. So the 9/28/22 was the first PCR hearing, that was, I think, continued.
Q I believe it was. Did he ever reach out to you or ask you to file an appeal on any of this?
A No. I got a message from the father asking about filing an appeal either the day -- I think it was the day after. I was still in Bamberg. I went over to the jail and met with him and asked him about filing an appeal. I told him that I didn't know of any issues, but I'd have to file, I think it's a 203 letter, but if you want an appeal -- I think at that point, he had nine more days to do so. He told me he didn't know what his father was doing and he was fine.
Q And the letter --
A And I told him about a PCR.
Q And the letter that you're referencing, that's the

letter you have to file when it's an appeal from a guilty plea of what your issues would have been?

A Well, if you didn't have an objection or something for the Court of Appeals to look at, yes. I didn't know of any preserved matters.

Q Did you talk to any of his family about who wanted to be there to discuss any possible mitigation on his behalf?

A I remember meeting with the father several times.

Q Did you ever meet with his girlfriend?

A I don't recall.

Q Do you remember anything about your meeting with his dad?

A I remember his dad was talking about he had been wrongfully accused of something and they made a movie about him.

Q The dad?

A Yeah.

Q I think he alluded to that in the guilty plea as well, didn't he?

A Yeah. He alluded to it multiple times.

Q Is there anything else you want the Court to know about Mr. Williams' case?

A No, ma'am.

MS. MCMAHAN: I have nothing further.

REDIRECT EXAMINATION

BY MR. JONES:

Q Just very briefly. You sort of covered this when I was first asking you about it, but did you think mitigation went well or went poorly?

A I think mitigation was phenomenal. Jerry Screen did a great job. Then I had to follow it. But I think as a result of Jerry's mitigation, having both brothers there, one brother shooting the other brother. I think Judge Newman alluded to it, that can't be easy to live with and then he sentenced both of them to ten years. I think it was a great result.

MR. JONES: I think that's all the questions I have. Thank you.

MS. MCMAHAN: Nothing further, Your Honor.

EXAMINATION

BY THE COURT:

Q Did your client give you any names of witnesses? Did he ask you to do any investigation?

A There was some investigation, Your Honor. I had my investigator review the file. He's got his notes, but he went to the Red & White in Denmark and spoke to the workers there. They were trying to get more video surveillance footage. And I think the issue I was looking at and trying to answer was the back of the car wash. There's times when both the victim as well as my client's brother are outside

the view of the video.

And when I first got the videos, I didn't have all of it. Come to find out later, they were having issues at SLED in preserving and trying to dump the whole hard drive. Ultimately, they did right prior to trial and it was done fairly quickly considering from when I was appointed to the time they were wanting to try this case. But I think I got that video the week prior to trial. It ended up showing the back of the car wash where the victim ran and got in his vehicle and showed him driving himself outside the --

Q Okay, but your client didn't give you any --

A No, sir.

Q Anything to investigate, any witnesses to talk to or anything like that?

A Not that I recall, sir.

THE COURT: All right. Any other --

THE WITNESS: His answer to me was pretty much what he testified to here today, that he had been at work. He got a message from his father -- or his brother that there was a fight or he had been dissed or something and they were going to address it. And they brought guns to a fistfight.

THE COURT: Anything else?

MR. JONES: Nothing further from this witness or the State, Your Honor.

MS. MCMAHAN: Just briefly.

RECROSS-EXAMINATION

BY MS. MCMAHAN:

Q So you talked about him leaving work because there had been an issue with the victim earlier that day before this incident, correct?

A Yes.

Q Do you recall whether or not your investigator was able to get any surveillance video regarding the right between the victim and the brother?

A No, and that was part of getting the video from the Red & White because the fight or the dissing or the disrespect that was the issue was at the grocery store in the parking lot at the Red & White. The videos that they were able to pull up only went back 30 days. By the time I had that information, it was on 7/6 and it had been erased or recorded over.

Q So I think in what you said was your opening, you were alluding to the fact that a picture is a thousand words and this doesn't explain the whole picture, this one video. Were you attempting to use this prior incident earlier that day to kind of describe the whole situation?

A That was -- the only strategy you had a trial was to explain the whole situation, that there was a fight prior to with the brother and this was why this was going on. But in the end, self-defense isn't an option. They're at fault for

bringing on the difficulty.

Q Do you recall how much earlier in the day that fight in the parking lot was prior?

A It was the day before or it was a day or two days before.

Q So it wasn't the same day?

A No, not that I recall.

MS. MCMAHAN: I don't believe I have any further questions. Thank you.

MR. JONES: Nothing further from the State, Your Honor. The State rest.

THE COURT: Thank you, sir. You may step down.

Anything in reply?

MS. MCMAHAN: No reply witnesses, Your Honor, just ask that you review the record as a whole, take this under advisement and issue a ruling accordingly.

THE COURT: Y'all want to tell me anything, any arguments or anything?

MS. MCMAHAN: I don't, Your Honor. You know, obviously, you've heard the evidence as presented. I would just ask that you take that into consideration.

MR. JONES: No, Your Honor. Our position is simply that the Applicant has failed to prove any grounds that would entitle him to post-conviction relief. He received a very favorable sentence in connection with a very serious

charge. We believe that was through the efficacy of Mr. Hayes and that he didn't really have a lot of other options available to him because of the strength of this video.

THE COURT: Okay.

MS. MCMAHAN: Just briefly, Your Honor. The issue and concern is not whether or not the sentence was fair, it's obviously, whether or not the attorney was ineffective. I would just ask that you review the record before making a decision.

THE COURT: Well, based on what's been presented to me today, I'm ready to rule. I think the sooner you know, the better.

So I don't find that you've met -- it's your burden to prove that your attorney was ineffective and that if you proved that, that that ineffectiveness would have changed the outcome of the case. So based on what's been presented, I'm going to tell you that I'm going to deny your relief. I mean, it happened really fast, that's for sure, from the incident to the disposition, but I don't see anything that would -- a failure on behalf of your attorney to effectively present your case. So I'm going to deny the relief.

I'm going to ask the State to prepare an order that reflects that and share it with your attorney before I see it. Where are you? Where do they have you housed?

THE APPLICANT: Out in Kershaw.

THE COURT: What's your max-out date?

THE APPLICANT: '29.

THE COURT: Your brother, the same time?

THE APPLICANT: Yes, sir.

THE COURT: Same place?

THE APPLICANT: No, he's in Ridgeland.

THE COURT: But you've recovered from your injuries?

THE APPLICANT: I'm still working on it.

THE COURT: I wish you the best with respect to that. Thank you very much.

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

I, PENNY M. JOHNSON, Official Court Reporter for the Second Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the hearing of the captioned case, relative to appeal, in the Court of Common Pleas for Bamberg County, South Carolina, on the 17th day of January, 2023.

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

June 19, 2024

Penny M. Johnson
Penny M. Johnson
Official Court Reporter

STATE OF SOUTH CAROLINA COUNTY OF BAMBERG	)	IN THE COURT OF COMMON PLEAS FOR THE SECOND JUDICIAL CIRCUIT
Aaron Lamar Williams, #385644, Applicant, v. State of South Carolina, Respondent.	)	Case No. 2022-CP-05-00071 **ORDER OF DISMISSAL**

FILED
BAMBERG COUNTY
2024 FEB 26 AM 9:27
CLERK OF COURT
BAMBERG, SC

INTRODUCTION

The matter before this Court arises from an application for post-conviction relief ("PCR") commenced by Aaron Lamar Williams ("Applicant") on February 14, 2022. On January 17, 2023, a hearing into the matter was convened before the Honorable Edward W. Miller at the Aiken County Courthouse. Applicant was present and represented by Ashley A. McMahan, Esquire. Assistant Attorney General Zachary W. Jones represented the State. After hearing the testimony at the PCR hearing and upon full review of the record, this Court finds all of Applicant's allegations are without merit. For the reasons discussed below, this Court denies and dismisses this application with prejudice.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections. On March 21, 2021, Applicant and two co-defendants drove to a carwash in Denmark, South Carolina, while armed with deadly weapons, and proceeded to violently attack a victim, resulting in the firing of several shots which struck the victim and Applicant. The entire incident was captured on

surveillance video. Applicant was subsequently arrested by the Denmark Police Department for his involvement in the crime. Thereafter, during its May 2021 term, the Bamberg County Grand Jury indicted Applicant for attempted murder (2021-GS-05-0042). Applicant was represented by C. David Hayes ("Counsel") of the Second Circuit Public Defender's Office. Deputy Solicitor David W. Miller and Assistant Solicitor Carson M. Alexander, of the Second Circuit Solicitor's Office, prosecuted the case.

On July 31, 2021, Applicant, alongside counsel, appeared before the Honorable Clifton Newman, circuit court judge, for trial. Following jury selection, Applicant elected to forgo his constitutional right to a jury trial and enter a plea of guilty to the indicted offense of attempted murder based on a recommendation from the State for a sentence of no more than twenty years of imprisonment. After a thorough colloquy wherein Judge Newman ascertained Applicant was freely, knowingly, and intelligently entering his plea, Judge Newman accepted Applicant's plea and sentenced him to a ten-year term of imprisonment. Applicant did not pursue a direct appeal.

CURRENT APPLICATION

In his application for post-conviction relief, Applicant alleges he is entitled to relief based on the following:

10(a) "I was wrongful charge"

11(a) "I did not specific intent to commit murder"

10(b) "Evidence did not show everything happened"

11(b) "I never fired a weapon" and "the victim fired the first shots."

(errors in original). As requested relief, Applicant states he is seeking "my sentence to be overturn and be release from SCDC."

FINDINGS OF FACT & CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the PCR hearing, observed the witnesses, passed upon their credibility, and weighed their testimony accordingly. Before the Court are the application for post-conviction relief, the records of the Bamberg County Clerk of Court concerning the subject convictions, and the records of Applicant's plea proceedings. After hearing the testimony presented and considering the legal arguments and pleadings, this Court finds all of Applicant's allegations are without merit. Pursuant to S.C. Code Ann. § 17-27-80, this Court makes the following findings of facts and conclusions of law based upon all of the probative evidence presented:

Wrongful Charge and Lack of Evidence

The allegations raised in Applicant's PCR application—that he was wrongfully charged with attempted murder because he lacked specific intent to kill, and that the evidence did not support the charge of attempted murder—do not constitute cognizable claims for relief in a PCR proceeding.

An applicant may commence a post-conviction relief action on the following grounds:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
5. That his sentence has expired, his probation, parole or conditional release [was] unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy . . . . Provided, however, that *this section shall not*

be construed to permit collateral attack on the ground that the evidence was insufficient to support a conviction.

S.C. Code Ann. § 17-27-20(A) (emphasis added). Further, section 17-27-20(B) expressly states PCR "is not a substitute for . . . direct review of the sentence or conviction." A post-conviction relief application cannot assert any issues that could have been raised at trial or on appeal. *Drayton v. Evatt*, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993).

Therefore, Applicant's allegations that the evidence did not support his conviction are explicitly barred by S.C. Code Ann. § 17-27-20(A)(6). In addition, Applicant pled guilty to the charge of attempted murder. "A plea of guilty is an admission or a confession of guilt, and is as conclusive as the verdict of a jury; it admits all matter of fact averments of the accusation." *State v. Allen*, 261 S.C. 448, 451, 200 S.E.2d 684, 686 (1973).

Therefore, the Court finds the allegations raised in Applicant's PCR application meritless. However, the State, in its return to Applicant's PCR application, construed Applicant's application as raising a claim of ineffective assistance of counsel, and the testimony at the evidentiary hearing concerned Counsel's effectiveness. Therefore, the Court will address the allegations as if they had been originally framed as ineffective assistance claims. *See Fortune v. State*, 428 S.C. 545, 558, 837 S.E.2d 37, 44 (2019) ("As we have repeatedly explained, in most instances, a PCR claim is properly presented as a Sixth Amendment claim for ineffective assistance of counsel."); *Roscoe v. State*, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001) ("In PCR cases, a defendant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel.").

Ineffective Assistance of Counsel, Generally

In a PCR action, Applicant bears the burden of proving the allegations in his application by a preponderance of the evidence. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985); Rule 71.1(e), SCRCP. Where the application alleges ineffective assistance of counsel as a ground for

relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in *Strickland*. First, Applicant must prove that counsel's performance was deficient. *Strickland*, 466 U.S. at 687; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." *Cherry*, 300 S.C. at 117, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." *Id.* (citing *Strickland*, 466 U.S. at 690). The Court, in determining deficiency, must affirmatively entertain the range of possible reasons counsel may have had for proceeding as they did. *Cullen v. Pinholster*, 563 U.S. 170, 196 (2011); *Harrington v. Richter*, 562 U.S. 86, 109–10 (2011). "[E]ven if an omission is inadvertent, relief is not automatic. The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight." *Yarborough v. Gentry*, 540 U.S. 1, 6 (2003); *see also Murphy v. Davis*, 901 F.3d 578, 592 (5th Cir. 2018) ("[C]ounsel's performance need not be optimal to be reasonable.").

Second, counsel's deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Cherry*, 300 S.C. at 117–18, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 694). "This does not require a showing that counsel's actions 'more likely than not

altered the outcome,' but the difference between *Strickland*'s prejudice standard and a more-probable-than-not standard is slight and matters 'only in the rarest case.'" *Harrington*, 562 U.S. at 111-12 (quoting *Strickland*, 466 U.S. at 697). "The likelihood of a different result must be substantial, not just conceivable." *Id.* at 112.

In the context of a guilty plea, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pleaded guilty and would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 59 (1985). An applicant who enters a plea on the advice of counsel may "only attack voluntary, knowing and intelligent character of the plea by showing that plea counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for counsel's errors, the [applicant] would not have pled guilty, but would have insisted on going to trial." *Roscoe*, 345 S.C. at 20, 546 S.E.2d at 419.

Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, the PCR applicant's right to contest the validity of such a plea is usually, but not invariably, foreclosed. *See Blackledge v. Allison*, 431 U.S. 63, 73–74 (1977) ("Solemn declarations in open court carry a strong presumption of verity. The subsequent presentation of conclusory allegations unsupported by specifics is subject to summary dismissal, as are contentions that in the face of the record are wholly incredible."). "Indeed, where a thorough colloquy is conducted, courts must exercise caution in setting aside the guilty plea." *Garren v. State*, 423 S.C. 1, 12, 813 S.E.2d 704, 712 (2018); *see Jamison*, 410 S.C. at 469–71, 765 S.E.2d at 129–30 (observing that "guilty plea[s] must be treated as final in the vast majority of cases" and instructing that caution must be exercised so as not to "undermine the solemn nature of a guilty plea and the finality that generally attaches to a guilty plea"). Statements made during a guilty plea should be considered conclusive, unless an Applicant presents valid reasons why he should

be allowed to depart from the truth of his statements. *Dalton v. State*, 376 S.C. 130, 137–38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing *Crawford v. United States*, 519 F.2d 347, 350 (4th Cir. 1975)). In evaluating an allegation on PCR that a guilty plea was based on inaccurate advice of counsel, the transcript of the guilty plea hearing will be considered to determine whether any possible error by counsel was cured by the information conveyed at the plea hearing. *Wolfe*, 326 S.C. at 165, 458 S.E.2d at 370; *cf. Rayford v. State*, 314 S.C. 46, 443 S.E.2d 805 (1994) (finding that, where the transcript of the guilty plea proceeding refuted applicant's claim that he did not understand the terms of a plea bargain, granting PCR was inappropriate notwithstanding applicant's claim his lawyer misadvised him).

The standards do not establish mechanical rules; the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged. *Strickland*, 466 U.S. at 696. A court need not first determine whether counsel's performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies; if it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, that course should be followed. *Id.* at 696–97.

Failure to Prepare Trial Strategy

At the evidentiary hearing, Applicant argued that he decided to plead guilty because Counsel had failed to come up with a viable trial strategy. The Court finds this allegation without merit.

Applicant testified that, prior to pleading guilty, he wanted to relieve Counsel because he felt that Counsel had not prepared a trial strategy. He claimed he wanted to go to trial, but he ended up pleading guilty because of the lack of a trial strategy. Applicant admitted he had gone with his brother to fight the victim in retaliation for an earlier fight between Applicant's brother

and the victim the day before. Applicant also admitted the shooting was caught on video. Applicant did not propose any defense strategy.

Counsel testified that the confrontation between Applicant and the victim was captured on video. He testified the video showed Applicant and his brother driving to the victim's place of work at a fast rate of speed, Applicant getting out of the car and beating up the victim, and Applicant's brother shooting the victim multiple times. Counsel testified he believed the video proved Applicant and his brother were the aggressors in the incident, there was no meritorious defense, and he thought it was likely that Applicant would be convicted at trial under the "hand of one, hand of all" doctrine. He testified he asked other lawyers for their opinions, and all the lawyers he consulted agreed with him. He testified he believed the plea offer—which was for a cap of 20 years—was the best offer Applicant was going to get, and he believed accepting the offer was in Applicant's best interest. He testified Applicant only got sentenced to 10 years, which Counsel viewed as a highly favorable outcome. Counsel explained that Applicant did not inform him of any witnesses or other potential avenues of investigation to pursue.

Based on Counsel's credible testimony, the Court finds Applicant has failed to prove Counsel's performance fell below an objective standard of reasonableness. Applicant claims Counsel was deficient for failing to come up with a viable trial strategy; however, Applicant did not articulate any trial strategy Counsel could have raised, much less one that would have been viable in light of the damning video evidence in his case. Counsel's conclusion that it was in Applicant's best interest to accept the State's plea offer was well within the range of professionally competent advice. Therefore, the Court finds Applicant has not met his burden of proving Counsel's performance was deficient, and this allegation of ineffective assistance must be denied and dismissed with prejudice.

CONCLUSION

Based on the foregoing, this Court finds Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application for post-conviction relief. Accordingly, this application must be denied and dismissed with prejudice.

Applicant must file and serve a notice of appeal within thirty days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review pursuant to Rule 203, SCACR. Applicant has a right to appellate counsel's assistance in seeking review of the denial of PCR. *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991). Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to Rule 243, SCACR, for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. This PCR application is denied and dismissed with prejudice; and
2. Applicant shall be remanded to the custody of the State.

AND IT IS SO ORDERED this 14 day of February, 2024.

Edward W. Miller

THE HONORABLE EDWARD W. MILLER
Presiding Judge
Second Judicial Circuit

Greenville, South Carolina