

PATRICIA B. SHEALY
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March 14, 2025

Erick Maurice Willard, 265040
Ridgeland Correctional Institution
P.O. Box 2039
Ridgeland, SC 29936

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Mar 26 2025

S.C. SUPREME COURT

Re: Erick M. Willard v. State
Appellate Case No. 2024-001837

Dear Mr. Willard:

Your counsel has submitted a petition for writ of certiorari indicating that this appeal is without merit and moves to be relieved as your counsel. *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988). The records of this Court reflect that counsel served you with a copy of the Petition and Appendix.

You may, within forty-five (45) days of the date of this letter, file with this Court a *pro se* response to the petition filed by your counsel. In this response, you may raise and argue any issues you believe the Court should consider in this appeal. Upon receipt of your *pro se* response or the expiration of forty-five (45) days, the matter will be submitted to the Court for its consideration.

If you do decide to file a *pro se* response, the response must be either typewritten or legibly hand printed, and must have at least an inch margin on all sides. Further, you will need to only submit one copy of your response, and this copy

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Question 11, (a)

Trial counsel was ineffective assistance of counsel, for failing to object and preserve for appellate review. Inconsistent testimony by Agent Bobby Crawford. On direct Examination Tr. 57. 17-19, Agent Crawford said that he saw someone throw something out of the window. And it was still dark at 4:30 am. And on Tr. 58. 3-6, he states that he could see part of a hand throw something out of the window.

Now, on cross examination Tr. 68. 6-25, Agent Crawford testified that the incident report that was prepared immediately after the incident occurred stated that the drugs were laying on the ground. And he didn't say he saw anyone throw anything out of the window. The State either knew or should have known that this was improper testimony. And by letting it go uncorrected created bias as to make one's trial so fundamentally unfair it

would clearly deprive one of their
Due Process right to a fair trial.
And as a matter of law the
S.C. Rule of Evidence, Rule 602,
lack of Personal Knowledge; A witness
may not testify to a matter; unless
evidence is introduced sufficient
to support a finding that the witness
has personal knowledge of the
matter. Evidence to prove personal
knowledge may but need not, consist
of the witness' own testimony. The
incident report proved that Agent
Crawford had no personal knowledge
that anything was thrown out of
the window. And pursuant to
Strickland v. Washington, Counsel
was deficient for not objecting
to improper testimony. And the prejudice
will be bias so bad that one could
not overcome the prejudicial effect
of the false testimony. That
clearly implemented Agent Crawford's
willingness to give more favorable

Question 11, (a)

testimony to help bolster the State's case. The trial court's duty is to rule on the existence of evidence. However, the appellate court should rule on the weight of the evidence.



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THE COURT: All right. You may step down.
(WHEREUPON, the witness leaves the witness
stand.)

THE COURT: Any other witnesses?

MR. MCEACHIN: Nothing further, Your Honor.

THE COURT: Any witnesses from the defense?

MR. MEETZE: Judge, for the record, we would
make the motion that the statement that attributes
Mr. Willard be excluded. There's no corroborating
evidence in regards to that statement having been made
with regards to any kind of audio or video recording or
anything like that. No other statements from anybody else
in the location. And based on that for the record, we
object to it being entered as evidence.

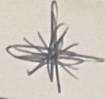
THE COURT: All right. I'm going to find that
the defendant was properly Mirandized and he gave the
statement freely and voluntarily. Certainly, you can
cross-examine to the great detail in the regard.

MR. MEETZE: Judge, and just to make sure
that -- they've testified that he made a statement that he
was taking ownership of the items that they located and
they testified to just making sure there aren't any other
statements the State would intend to introduce.

MR. MCEACHIN: That's the only statement.

THE COURT: That's it.

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1 MR. MEETZE: And with regards to why they were
2 there, obviously we would move that no testimony be
3 elicited with regards to prior distribution charges that
4 they have warrants already for. There was an alleged
5 distribution charge that was the basis for getting a
6 search warrant that I don't think they had warrants for.
7 I think this is just the testimony that they were legally
8 at the house some form or fashion or another should be.

9 MR. MCEACHIN: Certainly, Your Honor, and the
10 State has no intention to bring that up. As a matter of
11 fact, it's my understanding that there is no attempt to
12 suppress any of the drugs that were at the residence based
13 on a insufficient search warrant, invalid search warrants,
14 so based on that there's absolutely no basis for us even
15 getting into that.

16 THE COURT: All right, sounds good. All right,
17 see you all at 9:30 in the morning.

18 (WHEREUPON, the proceedings were concluded for
19 the day to be reconvened on November 14, 2017.)

20 THE COURT: You ready to bring out the jury.

21 MR. MCEACHIN: Your Honor, I have a motion.

22 THE COURT: Okay, let me hear from you.

23 MR. MCEACHIN: Thank you, Your Honor. Your
24 Honor, it came to the State's attention last night that
25 the defendant made a phone call from the jailhouse. He

1 contacted his mother and father. As part of that
 2 conversation, it's the State's position that the defendant
 3 made some statements against his interest. I would state
 4 at the appropriate time the State does intend to introduce
 5 that into evidence under the rules of evidence. I've
 6 notified Mr. Meetze. I was made aware of it the first
 7 thing this morning. I made him aware of it as soon as it
 8 came to light. This is isn't something that's been out
 9 there. It's not something that would have given him or
 10 had the opportunity to give him prior to trial of the
 11 case, but it just came into existence last night. So I
 12 would put that on the record. And it maybe some portions
 13 of that statement needed to be redacted, but that's
 14 certainly something that can be handled over the lunch
 15 break if we need to, Your Honor.

16 THE COURT: All right.

17 MR. MEETZE: Judge, we would object to the
 18 admission of the phone call just based on 403 objection.
 19 Also, certainly I think there's no question that portions
 20 of it would need to be redacted. There's parts of it
 21 where he speaks with his dad where he's talking about
 22 needing to get him clothes and things like that which
 23 certainly I think can be overly prejudicial, but we're
 24 asking that you exclude on the basis of its prejudicial
 25 effect.