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March 14, 2025

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

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

Question II, (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 ones 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

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.

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.

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

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

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

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

THE COURT: You ready to bring out the jury.

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

THE COURT: Okay, let me hear from you.

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

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

THE COURT: All right.

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