

October-14-2013

The Honorable Jenny Abbott Kitching  
Clerk of Court For Court of Appeal  
P.O. Box 11629  
Columbia SC 29211

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RE: The state vs James C Williams - motion

Dear Ms Kitchings:

Please find enclosed an original copy served upon you to amend to my motion for after newly discovered evidence request for to be heard at the status conference

I am serving a copy of this motion on David M Mauldin from the Lexington County Public Defender Office

Thank you for your assistance in this matter  
With kind regards

Sincerely  
James C Williams

State of South Carolina  
County of Lexington

James C Williams #282929  
Petitioner

VS

The state of South Carolina  
Respondent

In the South Carolina  
Court of Appeal  
Case No 2013-001849  
Petitioners Amendment  
To motion for after newly  
discovered evidence  
request for to be heard

Please Take Notice that the Petitioner at dar James C Williams move before the Court to amend his Pending motion for after newly discovered evidence to include the following ground for relief to be heard and ruled upon at the hearing on this motion the order status conference page (6) that Mr. Williams claimed that he was never told about certain right including his right against self-incrimination i was never told that and the transcript do not say or prove any thing about my constitutional right

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## ISSUE Presented

Whether Petitioner Guilty Plea Complied  
With Mandates Set Forth in Boykin v Alabama  
Mr. Williams Claimed that he was never told  
about certain right including his right  
against Self Incrimination due Process  
of law require that before a Guilty Plea  
Can be entered voluntarily and intelligently  
a defendant must be advised of his  
Privilege against Compulsor Self  
Incrimination Guaranteed by Fifth  
amendment and applicable to the state by  
reason of the Fourteenth see Malloy v Hogan  
378 U.S. 184 S.Ct. 1489 12 L.Ed. 2d 653  
second is the right to trial by jury see  
Duncan v Louisiana 391 U.S. 145, 88 S.Ct.  
1444 20 L. Ed. 2d 491 Third the right to  
confront one accusers Pointer Texas  
380 U.S. 400 85 S.Ct. 1065 13 L. Ed. 2d 923

We Can not Presume a waiver of these important Federal right From a silent record Boykin v Alabama, 395 U.S. 283, 89 S.Ct. 1709 ~~327~~. (1969) In state v Armstrong 263 S.C. 594, 211 S.E. 2d 889 (1975) this Court held that the essence of Boykin was to make the requirement of Rule 11 of the Federal rule of Criminal Procedure applicable to the State in state v Patterson 278 S.C. 319, 295 S.E. 2d 264 (1982) this Court held that for there to be a valid waiver under the due Process clause of the three Constitutional right listed in Boykin, the record must clearly establish it in Boykin supra the U.S. Supreme Court held that trial Court were mandated to use the utmost solicitude when canvassing a guilty Plea to insure that the Plea was given freely and voluntarily with a Full knowledge of the Circumstance surrounding the Plea and

Attendant waiver of right occurring with  
the guilty plea the record in this case  
indicates the trial court failed to do so

Respect Fully submitted.  
October 15, 2013

James C Williams  
James C Williams 282929

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