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Apr 08 2026

SC Court of Appeals

The Supreme Court of South Carolina

Patricia A. Howard
CLERK OF COURT

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CHIEF DEPUTY CLERK

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COLUMBIA, SOUTH CAROLINA
29211

TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

April 8, 2026

Mr. Jamel D. Williams, 348445
Lieber Correctional Institution
PO Box 205
Ridgeville, SC 29472

Dear Mr. Williams:

This responds to your letter received April 8, 2026, regarding your case that is pending at the court of appeals. Since you are represented by counsel in this matter(s), no action will be taken on your pro se filing. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 298 S.C. 306, 379 S.E.2d 907 (1989).

We are forwarding a copy of your letter to your counsel so they can be aware of your concerns.

Sincerely,

CHIEF DEPUTY CLERK

cc: Chelsey Faith Marto (with copy of correspondence)
Wanda H. Carter (with copy of correspondence)
Danielle Dixon
The Honorable Jenny Abbott Kitchings (with copy of correspondence)

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S.C. SUPREME COURT IN THE SUPREME COURT OF SOUTH CAROLINA

Jamel Williams, Petitioner,
v.
State of South Carolina,
Respondent.

Case No.:

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SC Court of Appeals

NOTICE REGARDING WAIVER OF IMMUNITY HEARING

Petitioner respectfully submits this notice to clarify the issue of waiver regarding the Pretrial Stand-Your-Ground immunity hearing.

The PCR court concluded that petitioner waived the immunity hearing based on trial counsel's decision not to request the hearing. However, the record does not reflect that petitioner personally and knowingly waived the right to a pretrial immunity hearing.

A Stand-Your-Ground immunity hearing is a statutory procedure that determines whether a defendant is immune from prosecution and should not be required to stand trial. The purpose of immunity is to prevent trial altogether, not merely to provide a defense at trial.

The record reflects that trial counsel declined to request the immunity hearing based on a ~~ground~~ general practice of avoiding giving the state "two bites at the apple" rather than based on a knowing and informed decision by petitioner. The record does not reflect that petitioner was advised that he had a right to a pretrial immunity hearing or that he knowingly and voluntarily

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that right.

Petitioner respectfully submits that the failure to request the immunity hearing should be analyzed as ineffective assistance of counsel under *Strickland v. Washington*, rather than as a valid waiver of a statutory right.

Petitioner further submits that the loss of the immunity hearing constitutes prejudice because ~~immunity is a right not to be subjected to trial,~~ not merely a defense presented to a jury at trial.

Respectfully submitted,

Jamel Williams, Pro Se

April 6, 2026

NOTICE - CLARIFICATION OF PREJUDICE AND WAIVER

Petitioner respectfully submits this Notice to address anticipated arguments regarding strategy, waiver, and prejudice related to the denial of a Pretrial Stand-Your-Ground immunity hearing.

The PCR Court concluded that trial counsel's decision not to request an immunity hearing was a matter of trial strategy and that Petitioner was not prejudiced because he was able to argue SELF-defense at trial. Petitioner respectfully submits that this analysis is inconsistent with the Purpose of immunity and the Standard set forth in *Strickland v. Washington*.

Strategic decision must be based on reasonable Professional Judgment ~~not a~~ and a correct understanding of the law. A decision base on a general practice of avoiding giving the State "two bites at the apple" rather than on the specific facts and legal interests of the defendant, does not constitute reasonable Professional Judgment under *Strickland*.

The PCR Court's Prejudice analysis improperly relied on the Jury's verdict. Immunity under South Carolina law is immunity from prosecution and trial, not merely a defense to be presented to a Jury. Therefore, the relevant prejudice is the loss of the pretrial immunity hearing itself, which is a separate legal proceeding designed

to prevent trial altogether.

The record does not reflect that Petitioner personally and knowingly waived the right to a pretrial immunity hearing. A waiver of a fundamental right must be knowing and voluntary and appear on the record.

This case therefore presents a question of law: whether the loss of a pretrial immunity hearing caused by counsel's failure to request the hearing constitutes prejudice under Strickland v. Washington.

Respectfully submitted,

Jamel Williams, Pro Se

April 6, 2026

SUPPLEMENTAL NOTICE - PRESERVATION OF IMMUNITY ISSUE

Petitioner respectfully submits this Supplemental Notice for the limited purpose of preserving issues related to the denial of a Pretrial Stand-Your-Ground immunity hearing.

Petitioner asserts that the denial of a pretrial immunity hearing constitutes the loss of a substantive statutory right - the right to be free from prosecution - rather than merely the loss of a trial defense.

Petitioner further asserts that this issue presents a question of law: whether the loss of a pretrial immunity hearing due to counsel's failure to request the hearing constitutes prejudice under *Strickland v. Washington*.

The PCR court concluded that Petitioner was not prejudiced because the jury rejected self-defense at trial. However, immunity is designed to prevent trial altogether. Therefore, the relevant prejudice is the loss of the immunity hearing itself, not the outcome of the trial.

Petitioner respectfully requests that this Court consider this issue as a question of law in determining whether certiorari should be granted.

Respectfully submitted,

Jamel Williams, pro se

April 6, 2026

QUESTIONS PRESENTED

1. Whether trial counsel was constitutionally ineffective for failing to request a pretrial Stand Your Ground immunity hearing based on a general strategy of avoiding giving the state "two bites at the apple", rather than based on the petitioner's informed legal interests?

2. Whether the loss of a pretrial immunity hearing constitutes prejudice and Strickland v. Washington where immunity is a right not to be subjected to trial?

3. Whether a PCR Court may rely on a jury's guilty verdict by the loss of a pretrial immunity hearing?

4. Whether a defendant can be deemed to have waived a pretrial immunity hearing where the record does not reflect a knowing and voluntary waiver by the defendant?

~~Whether a defendant can be deemed to have waived a pretrial immunity hearing where the record does not reflect a knowing and voluntary waiver by the defendant?~~

~~Whether a defendant can be deemed to have waived a pretrial immunity hearing where the record does not reflect a knowing and voluntary waiver by the defendant?~~

~~Whether a defendant can be deemed to have waived a pretrial immunity hearing where the record does not reflect a knowing and voluntary waiver by the defendant?~~

5. Does the availability of self-defense at trial eliminate prejudice from the loss of a pretrial immunity hearing designed to prevent trial altogether?

6. The issue is not whether petitioner was guilty, but whether he was ever legally entitled to a pretrial immunity determination before subjected to trial at all.

Respectfully Submitted,

Jamel Williams, Pro Se

April 6, 2026

STATEMENT OF CONTROLLING LAW

Petitioner respectfully submits the following controlling legal authorities relevant to the issues presented:

Strickland v. Washington, 466 U.S. 668 (1984)
 LaFler v. Cooper, 566 U.S. 156 (2012)
 Kimmelman v. Morrison, 477 U.S. 365 (1986)
 State v. Duncan, 392 S.C. 404, 709 S.E.2d 662 (2011)
 State v. Glean, 429 S.C. 108, 837 S.E.2d 29 (2019)
 State v. Curry, 406 S.C. 364, 752 S.E.2d 263 (2013)

These authorities establish that the loss of a pretrial immunity hearing due to counsel failure to request the hearing may constitute ineffective ~~assistance~~ assistance of counsel and prejudice where the defendant is deprived of a legal proceeding designed to prevent trial altogether.

Respectfully Submitted,

Jamel Williams, Pro Se

April 6, 2026

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Clerk of the Supreme Court of South Carolina
P.O. Box 11380
Columbia, SC 29211

APR 08 2026

S.C. SUPREME COURT

Re: Jamel Williams v. State of South Carolina Pro Se
Supplemental Filing - Preservation of Immunity Issue
and Strickland Prejudice

Dear Clerk:

Please file the enclosed Notice Regarding Waiver of Immunity Hearing, Notice - Clarification of Prejudice and Waiver, Supplemental Notice - Preservation of Immunity Issue, Questions Presented, Statement of Controlling Law, and Certificate of Service in the above-referenced case.

These filings are submitted for the limited purpose of preserving constitutional and statutory issues and clarifying that the denial of a pretrial Stand-Your-Ground immunity hearing was not knowingly waived and constitutes ineffective assistance of counsel and prejudice under Strickland v. Washington.

These filings are not intended to amend the Petition, but only to preserve and clarify issues already raised in Petitioner's pro se response.

Respectfully Submitted,
Jamel Williams Pro Se
April 6, 2026

Jamel Williams, 348445 ABL9
Lieber Corr. Inst.
P.O. Box 205
Ridgeville SC 29472

~~The Supreme Court of South Carolina~~

Patricia A. Howard, Clerk of Court

P.O. Box 11330

Columbia, SC 29211

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SC Court of Appeals

CERTIFICATE OF SERVICE

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S.C. SUPREME COURT

I hereby certify that I have served a copy of the cover letter, Notice Regarding Waiver of Imminence Hearing, Notice - Clarification of Prejudice and Waiver, Supplemental Notice - Preservation of Imminence Issue, Questions Presented, Statement of Controlling Law, and Certificate of Service by placing the same, in the institutional mail, properly addressed to:

The Supreme Court of South Carolina
Patricia A. Howard, Clerk of Court
P.O. Box 11336
Columbia SC 29211

This ~~4th~~⁶ day of April, 2026

James Williams, Pro Se