

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

---

Appeal from Aiken County

R. Ferrell Cothran, Jr., Circuit Court Judge

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**RECEIVED**

MAR 24 2014

**S.C. Supreme Court**

TRAVONTE JAMAL WILLIAMS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-002033

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APPENDIX

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LARA M. CAUDY  
Appellate Defender

South Carolina Commission on Indigent  
Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589

ATTORNEY FOR PETITIONER

ALAN WILSON  
Attorney General

DANIEL GOURLEY  
Assistant Attorney General  
P. O. Box 11549  
Columbia, SC 29211

ATTORNEYS FOR RESPONDENT

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State of South Carolina	}	Court of General Sessions 2009-GS-02-1043 2010-GS-02-2016
County of Aiken	}	

State of South Carolina	}	Transcript of Record
Plaintiff	}	
vs.	}	
Travonte J. Williams	}	
Defendant	}	

May 31, 2011  
Aiken, South Carolina

**B E F O R E:**

The Honorable Doyet A. Early, III, Judge.

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

J. Strom Thurmond, Jr., Solicitor  
Attorney for the Plaintiff

Kelley P. Brown, Esq.  
Attorney for the Defendant

Lisa H. Davenport, RPR  
Official Court Reporter

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<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
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(None offered)

1 (Whereupon, on May 31, 2011 the following proceedings  
2 were held:)

3 TRAVONTE J. WILLIAMS, after being duly sworn,  
4 testified as follows:

5 MR. THURMOND: Thank you, Your Honor. May it please  
6 the Court. Your Honor, this is Mr. Travonte Williams. He  
7 is pleading guilty to a number of indictments this  
8 morning. It is indictment number 2009-GS-02-1038. That's  
9 an indictment for burglary in the first degree without  
10 recommendation; indictment number 2009-GS-02-1037, another  
11 indictment for burglary in the first degree without  
12 recommendation; indictment number 2009-GS-02-1025, an  
13 indictment for grand larceny without recommendation;  
14 indictment number 2009-GS-02-1045, an indictment for armed  
15 robbery without recommendation; indictment number  
16 2009-GS-02-1043. That's an indictment for murder.

17 Mr. Williams is going to be entering a plea to the  
18 lesser included offense of voluntary manslaughter on that  
19 charge without recommendation and indictment number  
20 2009-GS-02-2016, an indictment for arson in the second  
21 degree without recommendation.

22 THE COURT: Prior record?

23 MR. THURMOND: Judge, he has a 2007 magistrate court  
24 conviction for receiving stolen goods and a 2008  
25 magistrate court offense for simple possession of

1 marijuana.

2 THE COURT: All right. Mrs. Brown, hold on one  
3 second, please, ma'am.

4 All right. Mrs. Kelley Perkins Brown, you represent  
5 Mr. Williams on the six indictments that were called?

6 MRS. BROWN: Yes, Your Honor.

7 THE COURT: As to indictment 1043, that was an  
8 indictment for murder. The state is allowing him to plea  
9 to the lesser included offense of voluntary manslaughter.  
10 Is that your understanding?

11 MRS. BROWN: Yes, Your Honor.

12 THE COURT: Without recommendation?

13 MRS. BROWN: Yes, Your Honor.

14 THE COURT: Have you advised your client that that  
15 carries a minimum of two years up to 30 years, that it's  
16 classified as violent and most serious, and it is an  
17 85 percent no-parole sentence?

18 MRS. BROWN: Yes, Your Honor.

19 THE COURT: And as to indictment 1038 and 1037, those  
20 are both indictments for burglary in the first degree.  
21 Have you advised your client of those charges?

22 MRS. BROWN: Yes, Your Honor.

23 THE COURT: Have you advised him that that carries a  
24 minimum of 15 up to life classified as violent and most  
25 serious?

1 MRS. BROWN: Yes, Your Honor.

2 THE COURT: As to indictment 2016 -- that's the  
3 indictment for arson second degree -- have you advised  
4 your client that carries a minimum of five up to 25 years,  
5 classified as violent and serious?

6 MRS. BROWN: Yes, Your Honor.

7 THE COURT: And as to indictment 1025 -- that's the  
8 grand larceny charge -- have you advised your client that  
9 carries up to 10 years in the Department of Corrections?

10 MRS. BROWN: Yes, Your Honor.

11 THE COURT: On the voluntary manslaughter and the two  
12 burglary firsts as well as the armed robbery and the arson  
13 in the second degree, have you advised him that what the  
14 classification of serious means, i.e., that it constitutes  
15 a first strike and that if and when he is released from  
16 incarceration that if he becomes involved in criminal  
17 activity classified as most serious one more time or two  
18 serious with the most serious and the serious that any of  
19 those combinations could result in the possibility of life  
20 in prison without the possibility of parole?

21 MRS. BROWN: Yes, Your Honor.

22 THE COURT: Have you advised him that the  
23 classification of violent may have some effect on where  
24 he's housed and other restrictions in the Department of  
25 Corrections?

1 MRS. BROWN: Yes, Your Honor.

2 THE COURT: Have you further advised him that on the  
3 voluntary manslaughter, the two burglaries, the armed  
4 robbery, and the arson, they're all no-parole sentences  
5 and that he'll have to do 85 percent of whatever sentence  
6 he is given before he is eligible for release?

7 MRS. BROWN: Yes, Your Honor.

8 THE COURT: And that he is released into a community  
9 supervision program?

10 MRS. BROWN: Yes, Your Honor.

11 THE COURT: Have you advised him of his right to  
12 trial by jury?

13 MRS. BROWN: Yes, Your Honor.

14 THE COURT: How does he indicate to you he wishes the  
15 lead as to each indictment?

16 MRS. BROWN: Guilty, Your Honor.

17 THE COURT: Mrs. Kelley P. Brown, you've been on this  
18 case a while and I assume that you've had ample  
19 opportunity to review all of the files and evidence and  
20 information that's been provided to you and do you agree  
21 with your client's decision to enter a plea of guilty on  
22 all of these charges?

23 MRS. BROWN: I do, Your Honor.

24 THE COURT: Mr. Williams, good morning.

25 THE DEFENDANT: Good morning.

1 THE COURT: You stand before me on six indictments.

2 THE DEFENDANT: Yes, sir.

3 THE COURT: The first one is for an indictment for  
4 murder. That carries 30 years to life and you do it day  
5 for day. The state is allowing you to plead to the lesser  
6 included offense of voluntary manslaughter which carries a  
7 minimum of two years up to 30 years. Do you understand  
8 that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: On that particular charge it is  
11 classified as violent and most serious. Do you understand  
12 that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: You also are charged in two indictments  
15 with burglary in the first degree. That carries a minimum  
16 of 15 years in the Department of Corrections up to the  
17 balance of your life. Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Do you understand that the two burglary  
20 first degree indictments are also classified as violent  
21 and most serious?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: You further are indicted for armed  
24 robbery. That carries a minimum of 10 years to 30 years  
25 in the Department of Corrections. Do you understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: It is also classified as violent and most  
3 serious. Do you understand that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: You're further indicted for arson in the  
6 second degree. That carries a minimum of five to 25  
7 years. It is classified as violent and serious. Do you  
8 understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And lastly you're charged with stealing  
11 or grand larceny and that carries up to 10 years in the  
12 Department of Corrections. Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: As to the five indictments that are  
15 classified as violent, do you understand that by having  
16 that type of classification that could very well influence  
17 where you're housed in the Department of Corrections and  
18 have other restrictions on you as you do your  
19 incarceration?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do you understand what serious and most  
22 serious means?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Let me explain it to you. First of all,  
25 the most serious charges and the serious charges -- those

1 constitute a strike against you under our what we call  
2 enhancement laws which means that once you're released  
3 from incarceration that if you become involved in criminal  
4 activity that's classified as most serious in the future  
5 that would give you two strikes in the most serious or if  
6 you become involved in criminal activity that's classified  
7 as serious on two further occasions, that would give you  
8 three strikes in that way. If you obtain those either two  
9 strikes for most serious or three strikes for serious and  
10 a combination of most serious you would be subjecting  
11 yourself to going back to incarceration for the balance of  
12 your natural life without the possibility of parole. Do  
13 you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: All the charges except for the grand  
16 larceny -- these are what we call no-parole sentences; so  
17 whatever sentence I give you you will not be eligible for  
18 parole and you'll have to serve 85 percent under our  
19 current status of the law before you're eligible for  
20 release. Do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And then once you're released you'll be  
23 released into a community supervision program. Do you  
24 understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you have any questions you want to ask  
2 me or your lawyer about what you're charged with, the  
3 potential sentence, the classifications of violent,  
4 classifications of serious and or most serious, the fact  
5 that they are no-parole sentence and that you'll be  
6 released to a community supervision program? Anything you  
7 want to ask me about anything of that?

8 THE DEFENDANT: What's the community supervision  
9 program?

10 THE COURT: Well, it's sort of like probation, but  
11 it's handled in a little different way. You're out and  
12 you're under community supervision as opposed to it being  
13 called probation. It is supervised release while you're  
14 in the community.

15 Mrs. Bolton, is that a fair statement of what  
16 community supervision is? Mrs. Bolton is our probation  
17 officer.

18 MRS. BOLTON: Yes, sir, it is.

19 THE COURT: Anything else?

20 THE DEFENDANT: No, sir.

21 THE COURT: Now, understanding everything that you're  
22 charged with, understanding the potential sentences on  
23 each one of them -- You're looking at two life sentences,  
24 a 30-year sentence, 25-year sentence, another 30-year  
25 sentence, and a 10-year sentence. I have the discretion

1 to run them all together, run them stretched out, or any  
2 combination thereof. Do you understand that? When I say  
3 stretched out, that means you do one and then the next  
4 one. That is called consecutive.

5 THE DEFENDANT: Yes, sir, I understand.

6 THE COURT: Understanding all of that, how do you  
7 wish to plead as to these charges -- all six indictments?  
8 Do you plead guilty or not guilty?

9 THE DEFENDANT: Guilty.

10 THE COURT: Mr. Williams, when you enter a plea of  
11 guilty you'll be giving up certain of your constitutional  
12 rights. You have a constitutional right to remain silent,  
13 but if you plead guilty you'll have to admit to me your  
14 involvement in this murder of this individual -- the  
15 killing of this individual and everything that went along  
16 with it. Do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: You'll also give up your right to a trial  
19 -- trial by jury. Obviously, if you said, Judge, I want  
20 to plead not guilty and I want a trial, the state would  
21 provide to you the trial. During that trial you would  
22 have the right to confront and cross examine everybody who  
23 testified against you through your lawyers. You could  
24 cross examine all of the witnesses. You would also have  
25 the right to present your own case, present your own

1 defense. By doing that you could call anybody you wished  
2 to call to testify about any relevant testimony and  
3 produce relevant exhibits and you have the right to  
4 testify in your own defense.

5 If you exercised your constitutional right to remain  
6 silent I would instruct the jury that they could not hold  
7 the fact that you did not testify against you in any  
8 manner whatsoever and I would further charge or instruct  
9 them at the conclusion of the case that they could not  
10 even consider the fact that you did not testify when they  
11 deliberated your guilt or innocence. You would be  
12 presumed innocent throughout the trial and the state of  
13 South Carolina would have the burden of proving you guilty  
14 as to each indictment beyond a reasonable doubt before a  
15 jury of 12 people and in order for that jury to convict  
16 you all 12 jurors would have to unanimously agree that you  
17 were, in fact, guilty as to each indictment. Even if you  
18 were convicted you would still have the right to an  
19 appeal.

20 Now, do you understand your rights to trial by jury?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Understanding those rights do you still  
23 wish to plead guilty or do you want me to set these cases  
24 for trial?

25 THE DEFENDANT: Plead guilty, sir.

1 THE COURT: Has anyone promised you anything, held  
2 out any hope of reward, or threatened you in any manner in  
3 order to make you plead guilty?

4 THE DEFENDANT: No, sir.

5 THE COURT: You've been represented throughout this  
6 matter by Mrs. Kelley Perkins Brown. Are you satisfied  
7 with her legal representation?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: In your opinion has she had enough time  
10 to spend with you, enough time to research the law, and  
11 enough time to investigate the facts so that she can  
12 properly represent and defend you here today?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Is there anything else you want her to do  
15 for you today before we move forward other than speak up  
16 on your behalf?

17 THE DEFENDANT: No, sir.

18 THE COURT: And I ask you once again are you totally  
19 and completely satisfied with her as your lawyer?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Are you today, sir, under the influence  
22 of any alcoholic beverages, drugs, or prescription  
23 medication?

24 THE DEFENDANT: No, sir.

25 THE COURT: Mr. Williams, are you today aware of any

1 mental, nervous or emotional conditions which would keep  
2 you from understanding the proceedings?

3 THE DEFENDANT: No, sir.

4 THE COURT: Have you understood all of my questions?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Mr. Williams, are you pleading guilty of  
7 your own free will as to all six of these indictments?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: Mr. Williams, did you here in Aiken  
10 County on or about December 20 of 2008 participate in the  
11 assault and choking of one George William Woltz, Jr., when  
12 you struck him in the head causing blunt trauma and  
13 causing his death and at the same time with others on that  
14 same date entered the dwelling at [REDACTED]  
15 belonging to one Robert Allen Stanton -- that dwelling  
16 with the intent to commit a crime therein in the night  
17 time as well as entering the dwelling of Tony Lee  
18 S-T-I-L-P at [REDACTED] in Aiken without  
19 permission and with the intent to commit a crime therein  
20 entering a dwelling within the night time and on that same  
21 date did take from Mr. George William Woltz, Jr., by  
22 force, threats, or intimidation certain goods and money  
23 using a baseball bat to do so with intent to deprive him  
24 of the money being some \$240 in cash and on that same date  
25 December 20, 2008 did participate in setting fire to

1 [REDACTED] being a dwelling house and did on that  
2 same date December 20, 2008 steal from Robert Allen  
3 Stanton a 2009 four-door white Mercedes Benz having a  
4 value of \$5,000 or more.

5 Sir, are you pleading guilty to all of these charges  
6 as outlined in the six indictments?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Are you pleading guilty because you  
9 participated in the spree surrounding the death -- the  
10 crime spree surrounding the death of George William Woltz,  
11 Jr., the breaking in of the two houses, the stealing of  
12 the car, the setting of the fire of the dwelling of  
13 Mr. Woltz, and taking monies from him?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Pleading guilty because you are guilty?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Pleading guilty because you broke the law  
18 as outlined in these indictments?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: All right, sir. I find your decision to  
21 plead guilty to all six indictments to be freely,  
22 voluntarily, and intelligently made. You've had the  
23 representation of an excellent counsel Mrs. Kelley Perkins  
24 Brown with whom you tell me you're satisfied and I will  
25 accept your plea. If you disagree with these proceedings

1 or my sentence you have 10 days from today's date to file  
2 a notice of intent to appeal. Do you understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Mr. Solicitor?

5 MR. THURMOND: Thank you, Your Honor. May it please  
6 the court. Judge, there are a couple of folks I want to  
7 introduce or reintroduce to the court. Of course, we have  
8 Mr. Ed Woltz here on the far left. He is the brother of  
9 the deceased Mr. Bill Woltz. Judge, when we have called  
10 Ed Woltz, he's returned our calls. When we needed to meet  
11 with him, he's met with us. He runs Sutton Marine in  
12 Aiken, our local boating store. His wife is Dr. Holly  
13 Woltz.

14 THE COURT: He runs what?

15 MR. THURMOND: Sutton Marine.

16 THE COURT: I have stopped and spoken with him  
17 before. I tried to buy that big boat back in the back.

18 MR. THURMOND: His wife is Dr. Holly Woltz who is a  
19 local veterinarian. They are well respected and valued  
20 and prominent members of our community and we have been at  
21 this now with Mr. Woltz for about the last two and a half  
22 years and he has been patient. He has been gracious  
23 towards our staff and has done everything that we've asked  
24 of him during some particularly horrible circumstances.

25 Judge, also in the courtroom we have Mr. Steve

1 Kodman, Mr. Tom Gilardi along with David Miller who is not  
2 in the courtroom who have worked on this case with me for  
3 about a last two and a half years and we then have  
4 Mr. James Criscillis with the Sheriff's Office who is in  
5 the black shirt on the second row. Judge, Mr. Criscillis  
6 back in September, I believe, of 2008 was promoted to the  
7 position of investigator. This was his first case as the  
8 lead investigator and he really did a fine job in  
9 coordinating certainly the assets and resources from the  
10 Sheriff's Office, from the Aiken Department of Public  
11 Safety, from the State Law Enforcement Division and from  
12 the Anderson Police Department.

13 He was involved in identifying and interviewing  
14 numerous witnesses, was also involved in coordinating the  
15 forensic response to [REDACTED] -- that was the  
16 burned home of Mr. Woltz -- [REDACTED] which  
17 is the residence of Dr. and Mrs. Stanton, [REDACTED]  
18 [REDACTED] which is the residence of Ms. Stilp, Mr. Woltz' blue  
19 Toyota Camry, Dr. Stanton's Mercedes that was recovered up  
20 in Anderson, David Bailey's car -- He is an individual in  
21 Anderson who gave Alston and Williams a ride down on the  
22 morning of the murder -- James Alston's residence in  
23 Anderson, Mr. Travonte Williams' residence in Anderson,  
24 and Mr. David Bailey's residence in Anderson; so for his  
25 first major trial, it was a whopper. I just wanted to

1 publicly commend Investigator Criscillis for his work on  
2 this case and the work he's continued on it for the last  
3 couple of years.

4 Judge, on or about December 20 of 2008 at about 10:35  
5 in the evening at [REDACTED] -- that's -- one  
6 would think it was in the city, but it is actually in what  
7 we call a doughnut hole in county. It's located right  
8 across from the Palmetto Golf Course up Whiskey Road. The  
9 Aiken County Department of Public Safety responded to a  
10 fire and found an unknown male who would later be  
11 identified as George Williams Woltz, Jr. He was found  
12 deceased with his hands and feet bound and he was located  
13 in an interior closet by Aiken County Department of Public  
14 Safety firefighters who extinguished the fire at that  
15 residence.

16 He was autopsied the following morning at 9 o'clock  
17 in the morning December 21 of 2008 at Newberry Pathology  
18 Associates. He was 61 years old at his death. The cause  
19 of death was determined to be asphyxiation as a result of  
20 smothering as a result of a blanket tied over his head  
21 with a contributory factor being blunt force trauma to his  
22 head.

23 At about 1 o'clock on the morning of December 21,  
24 2008 Investigator Criscillis and other members of the  
25 Aiken County Sheriff's Office responded, immediately began

1 collecting evidence, immediately began interviewing  
2 witness. They found some folks who were next door. Those  
3 were a Mr. Wade Watson, Mr. Rusty Chalker, and Mr. Patrick  
4 Watson. Wade Watson was a residence of [REDACTED]  
5 [REDACTED], lived across the street, I believe. He stated his  
6 dog alerted him when he started barking by the front  
7 window. Wade Watson said he went to look and observed  
8 bright headlights from what appeared to be a 2009  
9 Mercedes. Mr. Watson was in the automotive field and that  
10 identification of that vehicle would ultimately become a  
11 critically important aspect of the case.

12 Mr. Watson would further report that he observed two  
13 black males carrying items between the house at [REDACTED]  
14 [REDACTED] -- Dr. Woltz's blue Toyota and a 2009  
15 Mercedes. Mr. Watson would later state he observed  
16 Mr. Woltz's roommate standing near the Toyota with the two  
17 subjects. The roommate would later be identified as Keith  
18 Fitzgerald who was a distant relative of Mr. Woltz. At  
19 6:30 that morning the Sheriff's Office had made contact  
20 with Mr. Ed Woltz -- had notified him that his brother was  
21 deceased and obtained some additional information from  
22 him. That's where they learned the name of this roommate  
23 was Keith Fitzgerald who law enforcement began looking for  
24 at that point.

25 Also, the forensics unit with the Sheriff's Office

1 responded -- specifically Lieutenant Clay Adams who is an  
2 arson investigator among other things and he identified  
3 two separate points of origin from the fire at [REDACTED]  
4 [REDACTED] and determined it was an arson, determined that  
5 it was purposefully set, and also found a gallon of  
6 mineral spirits in the living room floor near the dining  
7 room. Judge, for the last couple of years we have sent  
8 numerous, numerous items to SLED. Among them were some  
9 fire debris that tested positive for the class of  
10 accelerants and medium petroleum distillate and mineral  
11 spirits is within that class. Additionally, the Sheriff's  
12 Office was able to retrieve a fingerprint from the can of  
13 mineral spirits that would match that of Mr. Keith  
14 Fitzgerald.

15 We're now mid-morning of December 21, 2008 after the  
16 forensics unit has recovered the fire debris and at this  
17 point the Aiken County Department of Public Safety has  
18 been notified of two burglaries that occurred within the  
19 city of Aiken at [REDACTED] which is the  
20 residence of Ms. Toni Stilp and at [REDACTED]  
21 which is the residence of Dr. Stanton. Both burglaries  
22 occurred at night. Both were forced entry to windows.  
23 Both had property stolen -- specifically from Ms. Stilp's  
24 residence a flashlight that would later be recovered from  
25 the Mercedes that was stolen next door from the Stantons.

1           The Stanton residence had several items taken from  
2 it: Some electronic equipment, a camera, laptop computer,  
3 a small television, a bottle of champagne, and at this  
4 point now the city police department and the Sheriff's  
5 Office is linking these two crimes together particularly  
6 because of the statement that Mr. Watson had made hours  
7 earlier -- "I know it was a 2009 white Mercedes."

8           Being a small town another investigator with the  
9 Aiken Department of Public Safety knew that the Stantons  
10 lived out of town for the most part and knew that  
11 Dr. Stanton had a white Mercedes and the white Mercedes  
12 was gone; so he called Dr. Stanton that morning and was  
13 advised that the car was supposed to there be there; so  
14 now everybody is looking for this white Mercedes.

15           Judge, this Mercedes was about a \$60,000 vehicle and  
16 was equipped with some technology in it called the LoJack  
17 System. At about 9 o'clock that morning on the 21st the  
18 LoJack system was activated. In other words, the Aiken  
19 Department of Public Safety contacted LoJack and said this  
20 car has been stolen and that LoJack has a honing beacon  
21 that if there is a companion electronics that are set up  
22 to detect it the exact GPS location of that Mercedes could  
23 be found, and by a stroke of luck there were two police  
24 cruisers that the Anderson Police Department had that were  
25 equipped with the receiving equipment for a LoJack

1 sounding beacon and within literally minutes of the system  
2 being activated the Mercedes was found in Anderson and  
3 Mr. Keith Fitzgerald was found asleep behind the wheel.  
4 He was taken into custody at that point.

5 Now, we have the investigators from the Aiken  
6 Sheriff's Office responding up to Anderson to continue an  
7 investigation up there. They took possession and custody  
8 of the Mercedes. They brought it back here.  
9 Mr. Fitzgerald's clothing was taken into custody and his  
10 clothing would later prove to be a critical link in the  
11 case. Within a day after that Mr. James Alston was taken  
12 into custody. The boots from his residence would turn out  
13 to be really a critical piece of evidence and information  
14 in the case and they -- through the Sheriff's Office  
15 Interviews up in Anderson they were able to identify an  
16 individual by the name of David Bailey. They interviewed  
17 him and he told investigators that he drove Mr. Travonte  
18 Williams and Mr. James Fitzgerald from Anderson -- they  
19 had all worked at the Denny's I think up there together  
20 and knew each other -- to Aiken on the early morning hours  
21 or late at night on the 20th.

22 Mr. Bailey was ultimately found not to be involved in  
23 any aspect of the crime and his sole roll in this matter  
24 was to unwittingly drive these folks from Anderson to  
25 Aiken; so now the sheriff's office had the name of

1 Travonte Williams. He was arrested and taken into custody  
2 on the 24th of December 2008 -- excuse me; warrants were  
3 obtained and on the 29th of 2008 he was arrested. He was  
4 mirandized and within nine days of the crime and five days  
5 of the arrest Travonte Williams gives law enforcement a  
6 pretty detailed statement confession, if you will, that  
7 became kind of a road map for us the last couple of years  
8 to chase forensics.

9       There is so much material in the back of that  
10 Mercedes. There was materials taken from the two  
11 burglaries that were in the Mercedes. There were  
12 materials taken from the [REDACTED] in the Mercedes.  
13 There were things taken from the Toyota and put in the  
14 Mercedes that without that road map we kind of could have  
15 spent a couple of more years just randomly testing items  
16 for DNA, but Mr. Williams did confess and cooperate within  
17 nine days of the offense and it is for that reason here at  
18 this plea today that we're reducing the offense of murder  
19 to voluntary manslaughter and allowing him to plead  
20 straight-up without recommendation to that offense.

21       So, Judge, the statement that Mr. Travonte Williams  
22 gives to law enforcement on December 29 of 2008 -- and it  
23 was video and audio-taped and, of course, Mrs. Brown and  
24 Mr. Williams have had access to that for the last couple  
25 years, but Williams said that Mr. David Bailey left

1 Fitzgerald's house between 12:30 and 12:45 on the day of  
2 the murder and that Fitzgerald then told him --  
3 Williams -- to come in his room and hang out with Alston  
4 and Fitzgerald. Williams said it was at that point when  
5 Fitzgerald told him about robbing Woltz.

6 Williams stated that Fitzgerald and Alston told him  
7 they were going to rob Woltz by knocking him out and  
8 taking his money from his pockets. Williams stated that  
9 Fitzgerald said he needed money for his parole and that  
10 Alston just said that he just needed the money. Williams  
11 said he stayed because he had needed the money to help his  
12 mother pay her bills.

13 According to Mr. Williams when Woltz came home  
14 between 2:30 and 2:45 PM -- that's on the afternoon of the  
15 20th -- he went into the bathroom. Fitzgerald told  
16 Williams in his bedroom, This is about to go down. Woltz  
17 came out of the bathroom and Fitzgerald knocked Woltz to  
18 the ground by punching him in the face. Williams said  
19 that Fitzgerald was wearing gloves.

20 Alston then took a wooden baseball bat and struck  
21 Woltz in the back of the head five or six times. Williams  
22 stated that Fitzgerald then told him to tie Woltz's feet  
23 with neck ties; so Mr. Williams is tying up the victim who  
24 has been rendered unconscious with the victim's own neck  
25 ties and Mr. Williams would further state that Fitzgerald

1 would ultimately smother Mr. Woltz and Williams then  
2 admitted to -- admitted that he participated in assisting  
3 Fitzgerald and Alston drag Mr. Woltz into the closet.

4 Williams received \$40 from the pocket of Mr. Woltz  
5 and would relate that Fitzgerald and Alston took the money  
6 from the pocket and they thought he had a total of about  
7 \$140. He was supposed to have approximately \$200 on him.  
8 Williams then said after Fitzgerald directed him to pour  
9 out several bottles of liquor on the floor stating it  
10 would help the house go up faster; so then Mr. Williams is  
11 stating, of course, it was at Fitzgerald's direction but  
12 he -- Williams -- is pouring accelerants throughout the  
13 house after the assault, robbery, and murder of Mr. Woltz.

14 The house was not set on fire at this time. At this  
15 point the three of them leave -- Williams, Fitzgerald, and  
16 Alston and have left Mr. Woltz deceased in a closet and  
17 they go to Checkers. This is corroborated by a Checkers  
18 receipt that the sheriff's office found in the front yard  
19 of the house after it had been mostly burned which would  
20 reveal at 5:56 PM there were two double-bacon  
21 cheeseburgers and a chicken strips meal ordered from the  
22 Checkers on Whiskey Road corroborating the statement that  
23 Mr. Williams would give us.

24 Mr. Williams would further state that after they ate  
25 they then went to the Aiken Mall and then went back to the

1 residence. They went to these other two locations on  
2 Williamsburg Street, broke into them, took the  
3 electronics, the flashlight, and other items that I  
4 previously mentioned. Mr. Williams would tell us that it  
5 was dark which was one of the elements of burglary in the  
6 first degree and that he participated -- that he,  
7 Williams, went in as did Alston and Fitzgerald.

8 Fitzgerald was a little older than the other two --  
9 that Alston and Williams made entry to both of these  
10 residences and I know on one of the houses would open the  
11 front door and allow Fitzgerald to come in the front door.  
12 So, they then take the Toyota and the Mercedes that they  
13 took from [REDACTED]. They then go back to the  
14 Woltz residence and at this point are loading things out  
15 of the [REDACTED] address into the Mercedes. They're  
16 loading items from Mr. Woltz's Toyota that they took from  
17 the two residences out of it and into the Mercedes.

18 Williams stated that Fitzgerald had told him earlier  
19 what they would use to burn down the house. Fitzgerald  
20 was the last one out. Mr. Williams and Mr. Alston were  
21 already in the car. Mr. Fitzgerald lit the match that set  
22 the home on fire.

23 Judge, some of the forensics that we have received  
24 from SLED corroborate Mr. Williams' story. Mr. Williams  
25 was the front passenger seat of the Mercedes. The only

1 real DNA that we have linking this case to him is a glove  
2 that was recovered from the front map pocket in the front  
3 seat, a fabric sample, the right thumb palm side for  
4 ownership, and that came back with Mr. Williams' DNA on  
5 it.

6 Judge, we obtained DNA from really some six  
7 individuals, ultimately. Mr. Williams did voluntarily  
8 give us his DNA. We didn't have to have a Schmerber  
9 hearing and demand it. So, we had the three defendants,  
10 the victim Mr. Woltz, and Dr. And Mrs. Stanton. Because  
11 it was their Mercedes, we had to exclude them from  
12 everything that we're going to test; so for the last  
13 couple of years every time we would want an item tested by  
14 SLED it would have to be tested by a factor of six -- the  
15 three defendants, the victim, and then Dr. And  
16 Mrs. Stanton.

17 Perhaps the most critical link in the case was some  
18 DNA that we received back on March 9 of this year. The  
19 camouflage pants that Mr. Fitzgerald was wearing at the  
20 time of his arrest in Anderson ultimately had Mr. Woltz's  
21 blood on them and the shoes that were recovered from  
22 Mr. Alston's apartment had Mr. Alston's DNA on the inside  
23 of them and Mr. Woltz's blood on the outside of them; so  
24 we were able to show ownership of those shoes and that  
25 those shoes had the victim's blood on it, and, Judge, at

1 that point things steamrolled pretty quickly.

2 March 9 of 2011 we got this really incriminating DNA  
3 report back linking really inextricably both Fitzgerald  
4 and Alston to the murder of Mr. Woltz. March 17, a week  
5 later, James Alston gives us a videotaped statement --  
6 March 17 of 2011 -- and he admits to his complicity in  
7 everything. He just tells us, I never struck Mr. Woltz.  
8 I never struck Bill Woltz. Travonte Williams was the one  
9 who struck Bill Woltz with the baseball bat.

10 After we got the video statement from James Alston  
11 pursuant to Rule Five we gave Mrs. Brown a copy and we  
12 gave Miss Alves -- Mr. Fitzgerald's lawyer -- a copy and  
13 then Mr. Fitzgerald wanted to give us a videotape  
14 statement. So, March 31 of 2011 Fitzgerald gives us a  
15 videotaped statement where he says that Mr. Williams and  
16 Mr. Alston struck Mr. Woltz with the bat and that he --  
17 Fitzgerald -- is the one who ultimately killed Mr. Woltz.  
18 The following day Keith Fitzgerald pleads guilty.  
19 April 21 of 2011 some three weeks later James Alston  
20 pleads guilty; so it was the really critical March 9 SLED  
21 report that has ultimately resolved with the guilty pleas  
22 now today of all three of these defendants.

23 Judge, that is the state's case and at the  
24 appropriate time if you'd like to hear from him -- I know  
25 every time we call Ed Woltz to court, we kind of reopen

1 these wounds, but he made a brief statement at the guilty  
2 plea of Mr. Fitzgerald and Mr. Alston and he may want to  
3 say something today.

4 THE COURT: Mrs. Brown?

5 MRS. BROWN: Thank you, Your Honor. May it please  
6 the court. Your Honor, Travonte Williams stands before  
7 you today 24 years old. He was 22 at the time when this  
8 incident occurred and as the Solicitor stated his  
9 involvement with these other individuals and his  
10 involvement with Aiken was really limited to his  
11 involvement with James Alston who worked with him at some  
12 point at the Denny's in Anderson. He did not know Keith  
13 Fitzgerald. He did not know Mr. Woltz. He had no  
14 connections here.

15 His friend James had asked him to come with him to  
16 Aiken. He had been a roommate at some point in time.  
17 There had been either an ongoing or on-again off-again --  
18 I'm not sure exactly the status of the relationship  
19 between Mr. Alston and Mr. Fitzgerald at the time when  
20 this happened, but those two individuals had had a  
21 relationship. Mr. Alston tells Mr. Williams that he needs  
22 to come to Aiken to retrieve some items from this place  
23 where he used to live; so they -- Mr. Bailey agrees to  
24 give them a ride and that is how Mr. Williams came to be  
25 in Aiken, spent the night, and as the solicitor stated at

1 some point in time was told of these plans cooked up by  
2 Mr. Fitzgerald and Mr. Alston and tragically he agreed and  
3 participated.

4 I could stand here and tell the court and reiterate  
5 how minimal in the scheme of things his participation was,  
6 how minimal in the scheme of things his involvement was.  
7 It does not change the fact and he knows that it does not  
8 change the fact that he did participate -- that his  
9 involvement with these other two individuals and the  
10 choices that he made -- no matter why, he did make those  
11 choices and he is now before the court accepting  
12 responsibility for those choices.

13 When he was arrested as the solicitor stated he gave  
14 a full statement. He says that is what happened. He has  
15 met with law enforcement and or representatives from the  
16 solicitor's office on several occasions since that initial  
17 statement that he made. He and I met with representatives  
18 from the solicitor's office and from law enforcement as  
19 they were preparing to take the other two individuals to  
20 trial. Mr. Williams from the beginning has been  
21 cooperative, has said what happened, has never intended to  
22 do anything other than what he does here today and take  
23 responsibility for his actions.

24 Your Honor, the forensics in this case as  
25 Mr. Thurmond has stated --- Mr. Williams did give them a

1 road map for what to test. Policies being what they are  
2 unlike what we see on television our SLED does not just  
3 take everything and test everything that law enforcement  
4 provides to them. They have to specify exactly what they  
5 want. I believe the current policy is five items at a  
6 time. They return and they go back.

7 I know that based on statements made by Mr. Williams  
8 in the most recent interview that he gave as they were  
9 preparing for trial I believe led them to testing the  
10 final items which we believe did lead to the other  
11 individuals involved coming forward pleading guilty  
12 sparing everyone the trial that would have taken place and  
13 everything that would have been involved with that.

14 Mr. Williams is a 2005 graduate of Honea Path  
15 Westside High School in the Anderson area. His mother and  
16 father are both present in the courtroom today. They may  
17 wish to address the court. I can tell you this has been a  
18 heartbreaking process for them because Travonte wasn't  
19 raised this way. I don't know that any parent is going to  
20 come forward and say that a child was raised to do these  
21 things. I think in some instances we see indications  
22 earlier on that a child might lead to this path.

23 Travonte was not that kid. It appears that Travonte  
24 hit that path in the road with certain individuals that  
25 everyone hopes they never get involved with and made

1 tragic choices because of it. He understands that he  
2 could have chosen to do different, to be different, but it  
3 has been his hope that perhaps he can gain some sense of  
4 redemption, can make up for in some small way his actions  
5 and his choices by having provided the information that he  
6 has provided. By, I believe, being critical -- his  
7 involvement and his participation and his willingness to  
8 continue to cooperate and his willingness to come forward  
9 and testify against the co-defendants I believe were  
10 critical in this case not having to go to trial.

11 Your Honor, we would ask the court at this time to  
12 hear from his parents if they want to say anything.

13 THE COURT: Come forward, please. Come stand right  
14 between these two officers. Give me your name for the  
15 record, please.

16 MR. JEROME WILLIAMS: My name is Jerome Williams.

17 THE COURT: Mr. Williams, I'll be more than happy to  
18 hear from you.

19 MR. JEROME WILLIAMS: My son wasn't raised like this.  
20 He got with the wrong group of people.

21 THE COURT: I see them so many times with the wrong  
22 group of people, but what resulted in this is just  
23 horrible.

24 MR. JEROME WILLIAMS: I understand that and he do,  
25 too, now. He should have made that choice to leave the

1 house the day the stuff happened. I wish he had've. I  
2 wouldn't be down here right now listening to this here  
3 charges that they brought against him. Like I said, he  
4 was raised better than that. He knows that.

5 THE COURT: Thank you.

6 Mother, you want to say anything? Ma'am? Yes,  
7 ma'am, your name?

8 MS. CATHERINE S. JACKSON: My name is Catherine Sams  
9 Jackson. First I'd like to say give the honor to you,  
10 Judge, and my Heavenly Father. Like I said, my son's  
11 father said, my son was not raised this way. My son was  
12 raised up in church ever since from a little knee-high  
13 baby until now and 'til he got instilled in the wrong way.  
14 I would like to say I'm sorry for whichever came to  
15 anybody or whatever to this family that I don't know  
16 because my son didn't know nothing about coming this way.  
17 All he know was about Anderson.

18 I'm not basically from here. I'm basically from  
19 Gary, Indiana where I am originally from and my son -- he  
20 knows the way. He knows the paths. My son had God in his  
21 life. He knows the right, the wrong, the indifferent,  
22 whatever. He totally knows and, like I said, that's my  
23 pastor back there just with us, too. They're from the  
24 church that we go to and we basically are from New Phase  
25 Ministry from Anderson, South Carolina and I just want to

1 thank you for whatever, how it go to.

2 I know when you do the crime, you have to pay the  
3 time and I know that's true and I just say when you send  
4 him or wherever you send him, please send him to a place  
5 no where around those two guys whichever way it have to  
6 go. I just thank you, Judge.

7 THE COURT: Mr. Williams, anything you want to tell  
8 me?

9 THE DEFENDANT: (Shakes head.)

10 THE COURT: Sir?

11 MR. ED WOLTZ: Your Honor, I have certainly come to  
12 know more about the legal system than I ever wanted to.

13 THE COURT: I'm so sorry that you had the learn about  
14 it in this manner.

15 MR. ED WOLTZ: I am, too.

16 THE COURT: It is an awful situation.

17 MR. ED WOLTZ: My brother was a very simple person.  
18 He was kind of like Forrest Gump. He never had the mental  
19 capability to understand a lot. He stayed with my parents  
20 until they died and then I took care of him. I'm sure he  
21 didn't have the mental capability to understand what was  
22 happening to him or the physical ability to fight it off.

23 THE COURT: That's what makes it even doubly  
24 tragic -- to take advantage of a handicapped person.

25 MR. ED WOLTZ: I'm sure that had they asked for the

1 money he would have just given it to them, plain and  
2 simple. This gentleman here is saying, well, I did a good  
3 thing. I told the police. If he wanted to do a good  
4 thing he should have stopped it. He should have never  
5 been there.

6 THE COURT: He should have acted like his parents  
7 raised him.

8 MR. ED WOLTZ: Yes, sir. I agree. They destroyed a  
9 lot of family heirlooms that we'll never get to back.  
10 They robbed him. We'll never see him again. They have  
11 taken my daughter's only uncle. I have no family left.  
12 My brother was it.

13 I don't see where anything good has come of this --  
14 even his supposedly helping. Helping would have been to  
15 stop it and not do it. I have relived this a lot of time.  
16 I don't want to ever have to relive again. I don't want  
17 my daughter to have to relive it. Thank you.

18 THE COURT: Mr. Thurmond, anything else?

19 MR. THURMOND: No, sir.

20 MRS. BROWN: Your Honor?

21 THE COURT: Yes, ma'am?

22 MRS. BROWN: If we could make just one final request  
23 we would ask if the court -- we understand that the court  
24 cannot order specifically where he be housed within the  
25 Department of Corrections. We would ask if the sentence

1 sheet could indicate the desire that he not be housed with  
2 either James Alston or Keith Fitzgerald. He is concerned  
3 for his safety given the cooperation that he has given the  
4 state.

5 THE COURT: What is their names?

6 MRS. BROWN: James Alston, A-L-S-T-O-N, and the other  
7 is Keith Fitzgerald.

8 THE COURT: Anything you want to say, Mr. Williams?  
9 I asked you that before. Well, this is about as tragic a  
10 situation as you'd want to hear in the courtroom. I  
11 commend, obviously, the law enforcement for their  
12 excellent investigation. I commend the solicitor's office  
13 for putting it all together. My sympathy goes out to the  
14 victim and his family.

15 My sympathy goes out to your mom and dad. I can look  
16 at them standing up here. They sure didn't sugarcoat  
17 anything. They didn't raise you like this. All you had  
18 to do is stop these guys. You didn't. You got to be  
19 punished.

20 As to indictment 09-GS-02-143, the indictment for  
21 voluntary manslaughter, the sentence of the court is that  
22 you be committed to the State Department of Corrections  
23 for a period of 25 years. As to indictment  
24 2009-GS-02-1037, an indictment for burglary first degree,  
25 the sentence of the court is that you be committed to the

1 State Department of Corrections for a period of 15 years.  
2 That sentence will run consecutive to 09-GS-02-1043; so  
3 you do your 25 and then you'll do your 15. As to  
4 indictment 1038 -- that's the burglary first -- that's  
5 also a 15-year sentence. It will run concurrent to  
6 09-GS-02-1037. Indictment for armed robbery is a 15-year  
7 sentence also running concurrent. The indictment for  
8 arson second degree, that's a 15-year sentence concurrent  
9 and the indictment for grand larceny is a 10-year sentence  
10 concurrent.

11 In other words, the grand larceny, the arson, armed  
12 robbery, and the second burglary, they will all run  
13 concurrent to 09-GS-02-1037 which runs consecutive to  
14 09-GS-02-1043. Good luck to you. You'll be given credit  
15 for time served and recommendation that you not be housed  
16 with Alston or Fitzgerald. Good luck.

17 (End of Transcript of Record.)

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CERTIFICATE OF REPORTER


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State of South Carolina        )  
  )  
County of Aiken                 )

I, Lisa H. Davenport, 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  
evidence introduced in the trial of the captioned case,  
relative to appeal, in the Court of General Sessions for  
Aiken County, South Carolina, on the 31st day of May,  
2011.

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

July 24, 2012

  
\_\_\_\_\_  
Lisa H. Davenport, Court Reporter

M005058  
10-GS-02-2016

2012 CR-02-01247  
09-08-10-1043  
10-GS-02-2016  
Filed 21 May 2012  
[Signature]  
CCCP & GS Aiken County  
Deputy Clerk Am Time 8:30  
Trial Judge Douglas Early III  
Trial Atty: Kelly Perkins Smith  
Court Reporter Lisa Overholt  
Sec: PCR Petitioner Solicitor  
General Sessions Atty. Gen.  
Appointed Atty.

FORM 5

STATE OF SOUTH CAROLINA )  
 )  
County of Aiken )  
 )  
Travante Jamal Williams, #346297 )  
Full name and prison number (if any) of Applicant )  
 )  
v. )  
 )  
State of South Carolina )  
 )  
 )  
 )  
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IN THE COURT OF COMMON PLEAS

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 Perry Correctional Institution, 430 Oaklawn Rd., Pelzer S.C. 29669
2. Name and location of Court which imposed sentence Court of General Sessions for Aiken County
3. Name(s) of co-defendant(s) (if any) Keith Fitzgerald, James Atston, David Bailey
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
  - (a) Murder 2009-GS-020-1043
  - (b) Arson-Second Degree 2010-GS-020-2016

(c) \_\_\_\_\_

5. The date upon which sentence was imposed and the terms of the sentence:

(a) May 31, 2011 25 years

(b) May 31, 2011 15 years

(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?

N/A

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) My Attorney did not advise me of my right to appeal

(b) \_\_\_\_\_

(c) \_\_\_\_\_

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) See Attachment

(b) " "

(c) " "

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

(a) See Attachment

(b) " "

(c) " "

12. Prior to this application have you filed with respect to this conviction:

(a) any petition in a State Court under South Carolina Law? N/A

(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? N/A

(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? N/A

(d) any other petitions, motions or applications in this or any other Court? N/A

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. \_\_\_\_\_

(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?

N/A

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) This is the first application that has been filed
- (b) to challenge this conviction and sentence
- (c) \_\_\_\_\_

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? X \_\_\_\_\_
- (b) your trial, if any? \_\_\_\_\_
- (c) your sentencing? \_\_\_\_\_
- (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. \_\_\_\_\_
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
- (b) the proceedings at which each such attorney represented you:
  - i. plea \_\_\_\_\_
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_

19. State clearly the relief you seek in filing this application:

Vacate Judgment

20. Are you now under sentence from any other court that you have not challenged?

N/A

STATE OF SOUTH CAROLINA )  
County of Aiken )

VERIFICATION

I, Travonte Jamal 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.

Travonte Jamal Williams

SWORN to and subscribed before me this 1st day of May, 2012.

Steven F. Melanby (S.S.)  
Notary Public

My Commission Expires: November 7, 2016

**APPLICATION TO PROCEED WITHOUT PAYMENT  
OF COSTS AND AFFIDAVIT  
IN SUPPORT THEREOF**

I, Travonte Jamal 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 therefor.

Travonte Jamal Williams  
Applicant

SWORN or affirmed to and subscribed before me this

1st day of May, 2012.

Steven T. Milandey  
Notary Public

My Commission Expires: August 7, 2016

Travonte Williams

Aiken County Plaintiff

vs.

State of South Carolina

Clerk of

Court

P.C.R

Liz Godard

I, Travonte Williams, certify that the original copy of the PCR Application was been forwarded to the clerk of Court for Aiken County, by way of United States Mail through the Perry Correctional Institution's Mailroom.

Travonte Williams  
Travonte Williams

SWORN TO and SUBSCRIBED before me  
this 3rd day of April, 2012

Steven S. Muncy  
Notary Public

My Commission Expires: January 7, 2016

## POST-CONVICTION RELIEF ISSUES

- 10) A) Involuntary Guilty Plea
- 11) A) Plea was given under duress

### DISCUSSION

While plea agreements are matters of criminal jurisprudence, most courts have held they rest on contractual principles. Yet the analysis of the plea agreement must be conducted at a more stringent level than in a commercial contract because the rights involved are generally fundamental and constitutionally based. Reed v. Beck, 511 S.E.2d 346 (1999).

Moreover, under the separation of powers doctrine, which is the basis for our form of government, the Executive Branch is vested with the power to decide when and how to prosecute a case, therefore the government is held to a greater degree of responsibility than the defendant.

Here, Applicant contends he pled under duress due to the fact he was told that if he did not plead guilty he would go to trial and receive a life sentence, when in fact no one knows how the jury would have viewed the evidence of this case unless the trial was based on a sham.

Duress is defined as a condition of the mind produced by improper external pressure or influence that practically destroys the free agency of a party and causes him to do an act or form a contract not of his own volition. Whether or not duress exists in a particular case is a question of fact to be determined according to the circumstances of each case. Haller v. Haller, 612 S.E.2d 469 (2005).

Thus, in acknowledging the fact that where a contract is entered into under duress is void once duress has been proven to a court with competent jurisdiction.

- 10) B) Ineffective Assistance of Counsel  
 11) B) Counsel fail to object to improperly returned indictments

### DISCUSSION

In understanding this issue one must focus their attention on the language of the procedures in which indictments are obtained. Rule 3(c) (1-2), S.C.R. Crim.P. which is as follows:

(c) Action on Warrant: Within ninety (90) days after receipt of an arrest warrant from the Clerk of Court, the Solicitor shall take action on the warrant by (1) preparing an indictment for presentment to the grand jury, which indictment shall be filed with the Clerk of Court, assigned a criminal case number, and presented to the grand jury; (2) formally dismissing the warrant, noting on the face of the warrant the action taken...

After acknowledging the language of the procedures in which a case is assigned a criminal number through the grand jury procedures, we are able to approach this matter with a clear perception that an accused person cannot plead guilty on indictments that has not gone through the proper procedures to be returned.

Applicant's plea attorney knew that these indictments had been through show procedures, but failed to object just to help the state obtain this conviction. One may say this does not prejudice accused. However, by the attorney motioning/objecting to this indictments because of the state not following procedures would have caused a dismissal of the indictments. Thus, this conduct manifest a criminal conspiracy to obtain a conviction.

- 10) C) Lack of Jurisdiction/Fraud on the Court  
 11) C) Indictments were returned by grand juries not legally convened

### DISCUSSION

South Carolina Constitution requires a person to be indicted by a grand jury before standing trial/plea for a crime charged. State v. Owens, 552 S.E.2d 745 (2002). It has been well-established that a defendant has a constitutional right to demand that his case be considered by a grand jury which is properly established and constituted under the laws of this state. Evans v. State, 411 S.E.2d 510 (2005).

Additionally, S.C. Supreme Court has held that an indictment is a notice document and it is also the charging document of the state. State v. Tumbleston, 454 S.E.2d 949 (2007). Therefore, if in fact these indictments were returned by illegally convened grand juries, there has never been a crime charged by the state which fail to confer jurisdiction upon the trial court to accept this plea.

In acknowledging the fact that South Carolina afforded its citizens the process of being held to answer for a criminal offense upon the presentation of an indictment by a legally convened grand jury pursuant to Art. I, §11 of S.C. Constitution, we are forced to look unto the laws that governs such procedure to manifest an understanding of the issue at hand.

S.C. Code Ann. § 14-7-170, mandates as follows:

... the grand jury as drawn in accordance with law for service upon the Court of General Sessions in each of the counties shall constitute the grand jury for the county Court and shall meet with the county Court at each of its terms. ...

S.C. Code Ann. § 14-9-210, mandates in relevant part:

... the County Solicitor shall prepare and, through the presiding judge of the Court of General Sessions, submit to the grand jury, while in attendance upon the Court of General Sessions, bills of indictments in all cases pending in the County Court, when such cases have not been previously acted on by the grand jury...

In keeping with the law and reviewing the Court Term Calendars for the months of June of 2009 and December 2010 for Aiken County, we find that in June on the date of the 11<sup>th</sup> the Court of Common Pleas was in sessions and on December 9 the Court of Common Pleas was in sessions. Thus, as indicated on Applicant's indictments that the indictment for Murder was signed True Bill by the grand jury foreman on June 11, 2009 and filed with the clerk of Court was not returned by the mandates of § 14-9-210, in the Court of General Session and on the indictment for Arson which was returned on and signed on December 9, 2010 by the grand jury foreman was also not returned while in attendance on the Court of General Sessions. Therefore these indictments operate as a fraud and does not confer jurisdiction upon the trial Court. Instead, the Circuit Court has general jurisdiction over all criminal and civil cases that can not be trial in the jurisdiction of the magistrate Court. See S.C. Const. Art. V, § 11. However, this jurisdiction can only be exercised in criminal cases through the process of a presentment to the grand jury or a valid waiver thereof through the means of a legally convened grand jury. State v. McClure, 289 S.E.2d 158 (1982), also S.C. Code Ann. § 17-19-10.

Furthermore, it has been held that if an Applicant's conviction is not based on lawfully sworn-to-indictments, which is tantamount to Aggravated Kidnapping; it is a bar to all prosecution, in accordance to the Constitution of the United States. Hamilton v. McCotter, 772 S.2d 171 (1985).

# AFFIDAVIT TO SET ASIDE JUDGMENT

South Carolina State)  
Aiken County ) Scilicet )

Case No 2009-GS-03-01040  
2009-GS-03-01043

"No more than (affidavits) is necessary  
to make the prime facie case" United States  
v. Kis, 458 F.2d 586 (7th Cir. 1981)

That I, Travonke Jamal Williams, herein "Affiant," a living breathing man, being first duty sworn, depose, say and declare by my signature that the following facts are true and correct to the best of My knowledge and belief.

That, the Affiant is a flesh and blood man.

That, the Affiant's rights "existed by the law of the land long antecedent to the organization of the State." (Hale v. Henkel, 201 U.S. 43).

That, the Affiant's rights exist even in light of the U.S. Bankruptcy aka

The National Emergency and that includes the rights of redemption

That, on the day Affiant's indictment was returned by the grand jury it was not a Court of General Sessions Court Term.

That, the convening of this grand jury in a term of court other than by law constitutes fraud.

That, the Affiant has been kidnapped by the "State of South Carolina" by the use of fraudulent documents purporting to be indictments.

That, the judgment that Affiant is being held on is void.

That, Affiant is entitled to release of physical confinement as a right by law.

That, a true and correct copy of this affidavit has been served on Alan Wilson, Attorney General for South Carolina at P.O. Box 11549, Columbia South Carolina on May 7, 2012, by way of United States mail through the Perry Correctional Institutions mailroom.

That, the original copy of this affidavit has been forward to the Clerk of Court for Aiken County Liz Gabriel on May 7, 2012, by way of United States mail through the Perry Correctional Institutions mailroom.

That, this affidavit if not rebutted point for point by Alan Wilson who represent the State of South Carolina at anytime within ten (10) days from the date stamp of the PCI mailroom shall constitute the facts presented to stand as truth in the public record... as truth

Further Affiant Saith Not  
Done this 18 - day of April 2012 A.D.

Without Prejudice  
Travante Jahal Williams  
Affiant  
430 Oaklawn Rd  
Pelzer, South Carolina  
29669

AC KNOWLEDGEMENT

SWORN TO and SUBSCRIBED

this 18th day of April 2012

Theresa M. M... ..  
Notary Public for South Carolina

My Commission Expires November 7, 2016

STATE OF SOUTH CAROLINA )  
COUNTY OF AIKEN ) IN THE COURT OF COMMON PLEAS  
FOR THE SECOND JUDICIAL CIRCUIT

Travonte Jamal Williams, #346287, )  
) 2012-CP-02-01247

Applicant, )

**RETURN**

v. )

State of South Carolina, )

Respondent. )  
\_\_\_\_\_ )

The Respondent, making its Return to the application for post-conviction relief filed May 21, 2012, would respectfully show this Court:

I

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Aiken County Clerk of Court. The Applicant was indicted during the June 2009 term of the Aiken County Grand Jury for murder (2009-GS-02-1043), burglary – first degree (2010-GS-02-1037, -1038), grand larceny (2010-GS-02-1025), and armed robbery (2009-GS-02-1045). The Applicant was subsequently indicted during the December 2010 term of the Aiken County Grand Jury for arson – second degree (2010-GS-02-2016). The Applicant was represented by Kelley Perkins Brown, Esquire. On May 31, 2011, the Applicant pled guilty to voluntary manslaughter and all other charges as indicted. The Applicant was sentenced by the Honorable Doyet A. Early, III, to a period of twenty-five years imprisonment for manslaughter, ten years imprisonment for grand larceny, and fifteen years imprisonment for each additional offense. The sentence for manslaughter was to run consecutive to the other sentences, which were to run concurrent to each other. The Applicant did not appeal his conviction or sentence.

Attached herewith and incorporated herein are the records of the Aiken County Clerk of Court regarding the subject conviction and the Applicant's records from the South Carolina Department of Corrections; Applicant's guilty plea transcript has been ordered and will be forwarded upon receipt. The Respondent reserves the right to amend this Return upon receipt of any relevant materials.

## II.

In his current Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Involuntary Guilty Plea
  - a. Plea was given under duress
2. Ineffective Assistance of Counsel
  - a. Counsel failed to object to indictments
3. Subject Matter Jurisdiction
  - a. "Indictments were returned by grand juries not legally convened"

Any claims not specifically enumerated in the PCR application or amendments will be opposed by the State at an evidentiary hearing, and the State will seek summary dismissal of vague or general claims at an evidentiary hearing. S.C. Code §17-27-50. All amendments should be made well in advance of an evidentiary hearing by counsel of record. Rule 11, SCRCPP.

## III.

Respondent submits that the Applicant's allegation that his guilty plea was involuntary is without merit. In post-conviction relief cases, a defendant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (1999). A defendant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and

would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 546 S.E.2d 417 (2001). A defendant alleging that his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985). A guilty plea is a solemn, judicial admission of the truth of the charges against the defendant. Statements made during the plea should be considered conclusive unless the defendant presents reasons why he should be allowed to depart from the truth of those statements. Crawford v. U.S., 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976).

Respondent submits that the record fully supports the knowing and voluntary nature of the Applicant's plea. However, allegations regarding ineffective assistance of counsel and the voluntariness of the plea may raise a question of fact which is not conclusively refuted by the record. Accordingly, Respondent requests an evidentiary hearing on this allegation. Sharper v. State, 305 S.E.2d 247.

#### IV.

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable

professional judgment. Strickland, 466 U.S. 668. The Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

The reviewing court applies a two-pronged test in evaluating allegations of ineffective assistance of plea counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, the court measures an attorney's performance by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. Second, counsel's deficient performance must have 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. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985).

The Respondent submits that the Applicant cannot satisfy either requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, the Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

#### IV.

The Respondent interprets "Subject Matter Jurisdiction," to mean that the Applicant is challenging that subject matter jurisdiction of the circuit court. The Respondent submits that the Applicant's claim that the circuit court lacked subject matter jurisdiction is meritless. A circuit court has subject matter jurisdiction to convict a defendant of an offense if there is an indictment that sufficiently states the offense, the defendant waives presentment, or the offense is a lesser-

included offense of the crime charged in the indictment. State v. Wilkes, 353 S.C. 462, 464-465, 578 S.E.2d 717, 719 (2003), *citing* Brown v. State, 343 S.C. 342, 540 S.E.2d 846 (2001). In this case, the Applicant was indicted by the Aiken County Grand Jury. The indictments were true-billed and signed by the foreman of the grand jury. The said indictments contain all the necessary elements of each offense, and further cite the applicable statute. A presumption of regularity attaches to all proceedings in the courts of this State, and it is incumbent upon one who challenges a proceeding to prove his claims. *See, e.g.,* Tate v. State, 345 S.C. 577, 549 S.E.2d 601 (2001); Pringle v. State, 287 S.C. 409, 339 S.E.2d 127 (1986). The Applicant here cannot show any irregularity, because the indictments in question are sufficient on their face.

An Applicant may still challenge the subject matter jurisdiction of the trial court, and such a claim is one that may be raised at any time. *See* Brown v. State, 343 S.C. 342, 540 S.E.2d 846 (2001), overruled in part by Gentry, 610 S.E.2d 494. However, “[c]ircuit courts obviously have subject matter jurisdiction to try criminal matters.” Gentry, 610 S.E.2d 494; *See also* S.C. Const. Art. V, § 7. Thus, the Applicant must present evidence that his case is of some class over which the circuit court does not have the authority to preside. The Applicant’s conviction involved a criminal charge in General Sessions Court. Thus, the circuit court had subject matter jurisdiction. Therefore, the Respondent would move for summary judgment on this allegation pursuant to S.C. Code Ann. § 17-27-70 (2003), because there is no issue of material fact relating to this allegation and it should be dismissed as a matter of law.

#### V.

The State therefore requests that this Court convene an evidentiary hearing solely on the issues of the guilty plea and ineffective assistance of counsel. As to all other allegations, the State moves for summary dismissal pursuant to S.C. Code Ann. §17-27-70 on the basis that there

is no genuine issue of material fact which would necessitate an evidentiary hearing and that those allegations should be dismissed as a matter of law.

## VI.

Each and every allegation contained within the application not hereinbefore expressly admitted, qualified or explained is hereby denied.

## VII.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held.

Respectfully submitted,

ALAN WILSON  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

SALLEY W. ELLIOTT  
Senior Assistant Deputy Attorney General

MEGAN E. HARRIGAN  
Assistant Attorney General

By: Megan E. Harrigan  
ATTORNEYS FOR RESPONDENT

Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211

August 6, 2012

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF AIKEN )  
 )  
 )  
 )  
 TRAVONTE JAMAL WILLIAMS, 346287, )  
 )  
 Applicant, )  
 )  
 vs )  
 )  
 STATE OF SOUTH CAROLINA, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS

2012-CP-02-1247

AFFIDAVIT 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** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

**Sonja Renee Tate, Esquire**  
**Fulcher Hagler, LLP**  
**Post Office Box 1477**  
**Augusta, GA 30903**

DATED this 9<sup>th</sup> day of August, 2012.

*Lauren Meara*  
 Lauren Meara, Legal Assistant  
 For Respondent

1	State of South Carolina	)	In the Court
2	County of Aiken	)	Of Common Pleas
3			
4			Docket No: 2012-CP-02-1247
5			
6	Travonte Jamal Williams,	)	
7	Applicant,	)	
8	vs.	)	Transcript of Record
9		)	
10	<u>State of South Carolina,</u>	)	
	<u>Respondent.</u>	)	
11			
12			July 12, 2013
13			Aiken, South Carolina
14			
15			<u>B E F O R E:</u>
16			The Honorable R. Ferrell Cothran, Jr., Judge.
17			
18			<u>A P P E A R A N C E S:</u>
19			Sonja R. Tate, Esquire
20			Attorney for the Applicant
21			Daniel Gourley, Assistant Attorney General
22			Attorney for the Respondent.
23			
24			Brenda J. Sigwald, Circuit Court Reporter
25			For the Honorable R. Knox McMahon
			P.O. Box 206, Jackson, South Carolina 29831

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I N D E X

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Travonte Jamal Williams

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E X H I B I T S

NO.

DESCRIPTION

PAGE

(There were no exhibits  
entered during this hearing.)

1           **MR. GOURLEY:** May it please the Court. Your Honor,  
2 the next case in Travonte Williams versus State of South  
3 Carolina, Docket No. 2012-CP-02-1247. The applicant is  
4 presently confined at the South Carolina Department of  
5 Corrections pursuant to orders of commitment of the Aiken  
6 County Clerk of Court. The applicant was true-bill  
7 indicted at the June 2009 term of Aiken County Grand Jury  
8 for two counts of burglary in the first-degree, grand  
9 larceny, armed robbery, and murder. During the December  
10 2010 term, applicant was indicted for arson, second degree.  
11           He was represented by Kelly Perkins Brown, Esquire.  
12 On May 31st, 2011 the applicant pled guilty to voluntary  
13 manslaughter and to all other charges as indicted. The  
14 Honorable Doyet A. Early sentenced the applicant to a  
15 period of 25 years imprisonment for manslaughter, 15 years  
16 for 1 count of armed robbery, 15 years for one count of  
17 armed robbery to run consecutive to the voluntary  
18 manslaughter. Judge Early further sentenced the applicant  
19 to 15 years for the second armed robbery charge, arson in  
20 the second degree and 10 years for grand larceny with each  
21 of the three sentences to, run concurrent with the 15-year  
22 sentence for burglary in the first degree.  
23           Applicant did not appeal the sentence on  
24 conviction. He filed a timely application for post  
25 conviction relief on May 21st, 2012 only on the indictment

**Travonte Jamal Williams - Direct Examination by Ms. Tate**

1 for murder and the arson charge. Applicant alleges that  
2 he's being held in custody unlawfully based on involuntary  
3 guilty plea, ineffective assistance of counsel and subject  
4 matter jurisdiction.

5 The State made its return on August 9, 2012. He's  
6 represented here today by Sonja R. Tate, Esquire.

7 **THE COURT:** Okay.

8 **MS. TATE:** Good Morning, Judge. We're ready to  
9 proceed.

10 We would call Travonte Williams to the stand.

11 **THE COURT:** Okay.

12 **TRAVONTE WILLIAMS,**  
13 having been duly sworn, testified as follows:

14 **THE CLERK:** Please have a seat in the witness box  
15 and state you full name for the Court.

**DIRECT EXAMINATION**

17 BY MS. TATE:

18 Q State your full name for the Court, please.

19 A Travonte Jamal Williams.

20 Q All right. You're going to have to speak up a  
21 little bit so that everybody can hear you.

22 A Travonte Jamal William.

23 Q Okay. Thank you. Mr. Williams, as the assistant  
24 attorney general said, you ended up pleading guilty; is  
25 that right?

## Travonte Jamal Williams - Direct Examination by Ms. Tate

1 A Yes, ma'am.

2 Q Prior to pleading guilty you had actually two  
3 public defenders appointed to you; is that right?

4 A Yes, ma'am.

5 Q All right. Tell me who those were.

6 A Ms. Ashley McNorrill and Ms. Kelley Perkins Brown.

7 Q And how did it come about that you had two  
8 appointed to you?

9 A Well, Ms. Brown had maternity leave and she had Ms.  
10 McNorrill already with her and they was going over my case  
11 together. So that's how it happened.

12 Q And then when Ms. Brown came back, she resumed her  
13 representation?

14 A Yes, ma'am.

15 Q All right. Now, prior to pleading guilty, did  
16 Ms. Brown review or did she provide your discovery to you?

17 A She did.

18 Q Did she review it with you?

19 A No, ma'am.

20 Q Did you review it?

21 A I did. I did my own little review from what I was  
22 capable of doing without knowing the law.

23 Q And did you make any attempts to contact Ms. Brown  
24 regarding things that you have found in your discovery?

25 A I called her maybe two or three times to let her

**Travonte Jamal Williams - Direct Examination by Ms. Tate**

1 know that I needed to speak to her in regards of motions  
2 that was regarding us.

3 Q Right. Did you -- you have raised in your  
4 application an issue regarding the indictment.

5 A Yes, ma'am.

6 Q Did you bring that to Ms. Brown's attention?

7 A No, I didn't have an understanding of it then until  
8 I got to Perry Correctional Institution and looked at the  
9 law books and understood what was really going on.

10 Q So you never discussed the grand jury term with  
11 regards to the indictment with Ms. Brown?

12 A No, ma'am.

13 Q Now, when Ms. Brown returned you did eventually  
14 start having discussions with her about entering the guilty  
15 plea?

16 A Yes, ma'am.

17 Q All right. And what -- how many times do you think  
18 you talked to her about entering the guilty plea.

19 A I don't remember the exact number, but I would say  
20 about four or five times.

21 Q And was the -- was it your understanding that the  
22 solicitor was offering a specific recommendation?

23 A From my recollection, it's like when we talked, she  
24 was like, I will talk to the solicitor about agreeing on a  
25 plea, if you feel comfortable.

## Travonte Jamal Williams - Direct Examination by Ms. Tate

1 Q And what did Ms. Brown tell you that the solicitor  
2 was offering to recommend?

3 A Thirty, at first. Then she came back and she said  
4 he had to talk to the victim's family to see how they feel  
5 about entering the guilty plea.

6 Q But you understood that the solicitor was offering  
7 to recommend thirty years?

8 A Uh-huh.

9 Q Is that a yes?

10 A Yes, ma'am.

11 Q And what was your response to that?

12 A I needed to talk to my mother first to see how she  
13 felt about the situation and then after I talked to her,  
14 she was like, If you think you need to take it, go ahead  
15 and take it. But I didn't want to take it.

16 Q You did not want to take thirty years?

17 A No, ma'am.

18 Q Okay. And is that what you communicated with  
19 Ms. Brown?

20 A Yes, ma'am.

21 Q All right. So when you walked into the courtroom  
22 the day that you pled guilty, you understood that you had  
23 turned down the solicitor's offer to recommend thirty  
24 years.

25 A Yes, ma'am.

## Travonte Jamal Williams - Direct Examination by Ms. Tate

1 Q Okay. Did Ms. Brown explain to you that you could,  
2 in fact, get more than thirty years?

3 A She did.

4 Q Okay. Did she explain to you that the plea that  
5 you were about to enter was what we call a non-negotiated  
6 plea?

7 A No.

8 Q Did she discuss the fact that it was a  
9 non-negotiated plea?

10 A No.

11 Q But you understood that you and the solicitor had  
12 not come to an agreement?

13 A Yes, ma'am.

14 Q Okay. So when you walked into the courtroom, do  
15 you think there was a chance you could get more than thirty  
16 years?

17 A Yes, ma'am.

18 Q And why did you plead guilty?

19 A I didn't have an understanding of what we went  
20 over, so as we was talking, everything that he was  
21 explaining to me, I didn't have an understanding of and I  
22 didn't really have too much of an understanding of what was  
23 going on at that point in time.

24 Q Well, you heard the judge ask you if you were  
25 satisfied with your counsel?

## Travonte Jamal Williams - Direct Examination by Ms. Tate

1 A Yes, ma'am.

2 Q And you said yes, didn't you?

3 A Yes, ma'am.

4 Q Okay. Why did you say that?

5 A At that point in time, I had two different public  
6 defenders and I didn't know how that would affect the  
7 outcome. And like I said, I didn't really have an  
8 understanding of what was really going on.

9 Q You heard the judge tell you that it was a  
10 non-negotiated plea, didn't you?

11 A Yes, ma'am.

12 Q And he asked you if you understood that?

13 A Yes, ma'am.

14 Q And you said yes, didn't you?

15 A Yes, ma'am.

16 Q Why did you say that?

17 A Everything was going so fast -- everything wasn't  
18 registering.

19 Q Did you understand that it was a non-negotiated  
20 plea?

21 A When he asked me --

22 Q At the time that you entered your plea, did you  
23 understand that it was a non-negotiated plea?

24 A No, ma'am.

25 Q But you understood when you walked in there that

## Travonte Jamal Williams - Direct Examination by Ms. Tate

1 there wasn't a specific number. You didn't walk in there  
2 knowing how many years you were going to get, did you?

3 A No, ma'am, I did not know.

4 Q Did you think thirty was the most you could get?

5 A At that point in time, yeah. I did.

6 Q So when the judge asked you if you understood,  
7 why -- that you understood it was a non-negotiated plea,  
8 why did you tell him yes?

9 A I didn't -- it wasn't fully recommended and I  
10 didn't fully understand it.

11 Q If you had understood that you could get more than  
12 thirty years, would you have pled guilty?

13 A No, ma'am.

14 Q And did you believe thirty years was the most you  
15 could get because the solicitor had previously recommended  
16 that?

17 A Yes, ma'am.

18 Q Now, did Ms. Brown explain to you before you went  
19 in the plea hearing that you would have a right to appeal?

20 A No, ma'am.

21 Q Did the judge explain to you that you had the right  
22 to appeal?

23 A Yes, ma'am, he did.

24 Q Did you file an appeal?

25 A No, ma'am.

## Travonte Jamal Williams - Direct Examination by Ms. Tate

1 Q Okay. Why didn't you file an appeal?

2 A I didn't have access to the appeal things.

3 MR. GOURLEY: Your Honor, I object. This isn't --  
4 this wasn't alleged in the application. The State has no  
5 notice of this allegation.

6 MS. TATE: Actually, Your Honor, in his  
7 application, Mr. Williams specifically said that his  
8 attorney did not advise him he had a right to appeal.

9 MR. GOURLEY: Your Honor, if it says that in this  
10 application, I haven't seen it.

11 THE COURT: It's number 9 on page 2.

12 MS. TATE: Maybe I have that incorrect.

13 THE WITNESS: I have the original if you want to  
14 look at the original.

15 MS. TATE: Yes, it's on page 2, number 9.

16 MR. GOURLEY: Was there an amendment to the  
17 application.

18 MS. TATE: No.

19 MR. GOURLEY: Your Honor, that's just -- Your  
20 Honor, this is just asking a question. This isn't an  
21 allegation. Number 10 on page three, states precisely the  
22 grounds on what your allegations that you are being held  
23 unlawfully. He says see attachment and in his attachment,  
24 he doesn't allege anything regarding a belated appeal.  
25 Question 9 is just merely asking why didn't you file an

**Travonte Jamal Williams - Direct Examination by Ms. Tate**

1 appeal. It's not anything to do with the allegations that  
2 are being raised here today.

3 **MS. TATE:** Your Honor, we contend that goes to the  
4 ineffective assistance of counsel claim which is raised in  
5 the allegation and the facts that he's alleging. His  
6 allegation is he was not advised of his appeal, clearly  
7 stated in the application.

8 **MR. GOURLEY:** Your Honor, he did a fairly lengthy  
9 attachment to his application and at no point in time does  
10 he say my counsel failed to file an appeal.

11 **THE COURT:** I'll read as far -- I'll allow the  
12 question and when I read his application I will deal with  
13 that matter. I don't think he specifically had that out in  
14 his application, but if he did, I will -- okay.

15 **MR. GOURLEY:** Thank you, Your Honor.

16 **MS. TATE:** Thank you.

17 **BY MS. TATE:**

18 Q And I'm sorry for repeating myself. Did Ms. Brown  
19 explain to you your right to appeal completely?

20 A No, ma'am.

21 Q The judge did explain to you your right to appeal,  
22 didn't he?

23 A Yes, ma'am.

24 Q So why didn't you file an appeal?

25 A Like I said, I didn't have the knowledge to really

## Travonte Jamal Williams - Direct Examination by Ms. Tate

1 understand what was really going on.

2 Q Did you contact Ms. Brown after you pled guilty and  
3 tell her that you wanted the file a guilty plea?

4 A No, ma'am, I did not.

5 Q Did you talk to Ms. Brown at all after the guilty  
6 plea?

7 A No, ma'am, I did not.

8 Q Did you ask -- in any way ask to see Ms. Brown  
9 after your guilty plea?

10 A No, ma'am.

11 Q And you had codefendants in your charge, didn't  
12 you?

13 A I did.

14 Q And is it your understanding that you actually got  
15 longer -- a longer sentence than your codefendants?

16 A Yes, ma'am, I did.

17 Q Did you have any discussion with Ms. Brown prior to  
18 your plea about your codefendants?

19 A Nothing besides the conflict of interest.

20 Q Now, what do you mean by the conflict of interest?

21 A How was he able -- how was everybody able to get a  
22 lawyer out of the same -- the same public defender's  
23 office.

24 MR. GOURLEY: And again, Your Honor, we would just  
25 object. That's not in his application.

## Travonte Jamal Williams - Cross-Examination by Mr. Gourley

1 MS. TATE: I actually don't intend to go into that,  
2 Your Honor.

3 MR. GOURLEY: Just for the record, Your Honor.

4 THE COURT: I'll sustain your objection.

5 MR. GOURLEY: Thank you.

6 BY MS. TATE:

7 Q At your guilty plea hearing, the solicitor actually  
8 told the Court that your cooperation, your assistance had  
9 helped them convict your codefendants, correct?

10 A Yes, ma'am.

11 Q Did Ms. Brown make any presentation to the Court  
12 regarding mitigation or anything in that nature regarding  
13 your sentence?

14 A No, ma'am.

15 Q Is there anything else that you think Ms. Brown did  
16 or didn't do that was ineffective?

17 A I think we've basically covered everything.

18 Q Answer any questions the assistant attorney general  
19 has.

20 **CROSS-EXAMINATION**

21 BY MR. GOURLEY:

22 Q Mr. Williams?

23 A Yes, sir.

24 Q How many times did you meet with your attorney  
25 prior to your plea?

## Travonte Jamal Williams - Cross-Examination by Mr. Gourley

1 A Like I told her, I don't really know the real  
2 amount. Like I say, I'd say four or five.

3 Q Okay. That's fine. And you cooperated with the  
4 police in this investigation, correct?

5 A Yes, sir.

6 Q And you told them your involvement in this?

7 A Yes, sir.

8 Q And you were indicted for murder and two burglaries  
9 in the first-degree, correct?

10 A Huh?

11 Q And you knew that you were facing up to two life  
12 sentences?

13 A No, I did not know that.

14 Q You didn't -- the judge didn't advise you that you  
15 were facing up to two life sentences?

16 A No, I did not know that.

17 Q I didn't. The judge didn't advise you that you  
18 were facing up to two life sentences?

19 A When I got to the plea agreement, that's when I  
20 understood that. But if you mean prior to that, I did not  
21 understand that.

22 Q Okay, but -- but you told the judge that you  
23 understood that you were facing two life sentences, a  
24 thirty year sentence, a twenty-five year sentence and  
25 another thirty year sentence and a ten year sentence and

## Travonte Jamal Williams - Cross-Examination by Mr. Gourley

1 that all these could run consecutive?

2 A That's when I got to the plea agreement, but before  
3 that I did not have an understanding.

4 Q But you told the judge at this point in this plea  
5 agreement that you understood, correct?

6 A This is correct, sir.

7 Q Okay. And the judge asked you if you didn't  
8 understand any of his questions, correct?

9 A He did, indeed.

10 Q And you didn't speak up at that point in time and  
11 say, Judge, I was never told that I was going to be facing  
12 this much time, correct?

13 A You are.

14 Q So back to my original question, Mr. Williams, you  
15 were aware at your guilty plea hearing that you were facing  
16 up to two life sentences?

17 A The way he put it, yeah, I was.

18 Q And you knew that could get life without parole,  
19 correct?

20 A Yes, sir.

21 Q So you avoid possibility of getting life without  
22 parole; and you admitted to these crimes?

23 A When I was at the plea agreement, yes.

24 Q You told Judge Early that you were guilty of all  
25 the crimes listed in that, that you were charged with?

## Travonte Jamal Williams - Cross-Examination by Mr. Gourley

1 A Yes, sir.

2 Q You want a trial on this case?

3 A Did want -- back when we started, I did.

4 Q Here today?

5 A Yes, I did because I have a better understanding of  
6 the law than I had.

7 **MR. GOURLEY:** Beg the Court's indulgence, Your  
8 Honor.

9 BY MR. GOURLEY:

10 Q And Mr. Williams, just so I can understand your  
11 testimony correctly, Ms. Brown advised you of a potential  
12 thirty-year plea deal?

13 A She did.

14 Q And you said you did not want the thirty-year plea  
15 deal or you did want the thirty-year plea deal?

16 A I did not.

17 Q You did not want the thirty-year plea deal?

18 A No, sir.

19 Q So why did you plead guilty then?

20 A The way she put it, she said that I could receive a  
21 life sentence.

22 Q Right; which is true.

23 A And I was like -- I didn't want the life sentence  
24 so I would like to go ahead and plea.

25 Q Okay.

## Travonte Jamal Williams - Cross-Examination by Mr. Gourley

1 A And the way we discussed situations, she was like,  
2 Well let me see what I can talk to the solicitor to see if  
3 I can get something lower.

4 Q Right.

5 A So by assumptions when we went to go plea, I  
6 thought she had worked it out with the solicitor already.

7 Q Okay.

8 A So that's why I had went and pled.

9 Q Okay. And during that guilty plea, when Judge  
10 Early advised you of what you were potentially facing, you  
11 said you understood the charges. And you didn't speak up  
12 at that point and say this isn't what I want?

13 A No, sir.

14 Q So you did want it? You did want to plea guilty?

15 A No, I didn't.

16 Q You didn't?

17 A But I pled guilty because of what we had worked out  
18 for the solicitor -- what I thought she had worked out with  
19 the solicitor.

20 Q And you also testified that you didn't under --  
21 that y'all had no discussions about how it was not a  
22 negotiated sentence; correct? There was no --

23 A I didn't understand what -- can you rephrase the  
24 question for me? I'm sorry.

25 Q You didn't -- you never discussed the fact that

## Kelley P. Brown - Direct Examination by Mr. Gourley

1 this was a non-negotiated sentence?

2 A No, we did not.

3 Q Okay. In regards to the appeal and subject to my  
4 prior objection, did you ever explain to Ms. Brown that you  
5 wanted an appeal in this case?

6 A No, I did not.

7 MR. GOURLEY: No further questions, Your Honor.

8 MS. TATE: Nothing further from this witness, Your  
9 Honor.

10 THE COURT: You can step down.

11 MS. TATE: The applicant has no further witnesses,  
12 Your Honor.

13 MR. GOURLEY: Your Honor, the State would call  
14 Ms. Brown to the stand, please.

15 THE COURT: Okay.

16 KELLEY P. BROWN,  
17 having been duly sworn, testified as follows:

18 THE CLERK: Have a seat in the witness box and  
19 state your name for the Court.

20 THE WITNESS: My name is Kelly Perkins Brown.

21 MR. GOURLEY: Thank you, Ms. Brown.

22 DIRECT EXAMINATION

23 BY MR. GOURLEY:

24 Q How long have you been practicing criminal law?

25 A I believe it was fifteen years in April.

## Kelley P. Brown - Direct Examination by Mr. Gourley

1 Q Were you appointed or retained in this case?

2 A I was appointed.

3 Q Do you recall when?

4 A I do not recall when. This was not -- I can look.  
5 This was not originally my case. It had been assigned to  
6 attorney Ashley McNorrill in our office:

7 Q Okay.

8 A When she left our office, I was appointed to  
9 represent Mr. Williams and that was -- that change of  
10 attorney notification letter was done on November 4th of  
11 2009.

12 Q Okay. And how many times did you meet with the  
13 applicant prior to his guilty plea? If you can give a  
14 rough estimate, that will be fine.

15 A I think that Mr. Williams' recollection was  
16 probably correct.

17 Q And did you feel --

18 A We had -- we had other conversations, you know, on  
19 the telephone and I think that my investigator or others  
20 from my office met with him as well. But as far as  
21 face-to-face meetings, probably five, six.

22 Q Okay. And did you receive discovery in this case?

23 A I did.

24 Q And did you review it with the applicant?

25 A I provided him with a copy of it. I know that we

## Kelley P. Brown - Direct Examination by Mr. Gourley

1 discussed points of it along the way. Did I sit down at  
2 the jail with him and go over page by page, no I did not.

3 Q Did he bring any questions to you in regard to  
4 discovery?

5 A Probably.

6 Q Did you answer those to the best of your ability?

7 A If he would have brought them, I would have  
8 answered them.

9 Q Did you see any potential defects with the  
10 indictments?

11 A No.

12 Q Okay. So you felt you had no basis for an  
13 objection regarding the indictments?

14 A That's correct.

15 Q Did the applicant ever give you any witnesses or  
16 leads to investigate?

17 A No. The applicant was extraordinarily cooperative  
18 with law enforcement from the beginning. As I spelled out  
19 and was reviewing the transcript sitting back there, that  
20 was the heart of the mitigation for Mr. Williams. He was  
21 very cooperative. He gave complete, we felt, accurate  
22 statements to law enforcement. By the time I came into the  
23 process to represent Mr. Williams, so much of that had  
24 already happened.

25 Q Right.

## Kelley P. Brown - Direct Examination by Mr. Gourley

1 A And much of his cooperation and interviews with law  
2 enforcement happened before any attorney was appointed at  
3 all.

4 Q Right. So could you characterize the State's  
5 evidence in this case as overwhelming?

6 A I would characterize the evidence as very strong.

7 Q Okay.

8 A Primarily, given his own statements to law  
9 enforcement.

10 Q Right. Did you review the possible punishments he  
11 was facing if he were to receive a trial?

12 A Yes.

13 Q And he understood that he was facing two life  
14 sentences and the other amounts of charges?

15 A I believe that he understood that, yes.

16 Q But you advised him of those?

17 A Yes, I did.

18 Q And who's decision was it to plead guilty?

19 A It was his.

20 Q Okay. Did he ever tell you that he wanted a trial  
21 in this case?

22 A There were times that he discussed trial.  
23 Primarily because he didn't like the plea offers that were  
24 being made. Mr. Williams was an individual who was very --  
25 he was very cooperative and very easy to work with, but he

## Kelley P. Brown - Direct Examination by Mr. Gourley

1 had unrealistic expectations at the outset.

2 Q Okay.

3 A This was a case for Mr. Williams -- we talked about  
4 the strength of the State's case. This was an accomplice  
5 liability case, which is oftentimes difficult for a  
6 defendant to understand that his involvement while it was  
7 minimal compared to the involvement of the other  
8 codefendants under the law the hand of one is the hand of  
9 all is the common phrase that is used and banded about and  
10 that we talked about a good bit. So much of the time was  
11 spent, essentially educating Mr. Williams to the fact that  
12 even though he didn't have the extent of involvement of his  
13 codefendants, he was still responsible and still culpable  
14 and was facing those facts and the possible penalties that  
15 he was facing.

16 Q And did you explain to him that this was a  
17 non-negotiated plea if he entered this guilty plea?

18 A Yes. The plea arrangement that we made and the  
19 back and forth negotiations with the solicitor, we were --  
20 the solicitor and I were trying to come up with a plea  
21 agreement that not only -- Mr. Williams did not want the  
22 non-negotiated thirty years and I believe that negotiated  
23 thirty years would have been the mandatory minimum on the  
24 murder charge.

25 Q Right?

## Kelley P. Brown - Direct Examination by Mr. Gourley

1 A On the other hand, the information that I was  
2 getting from Mr. Thurmond was that the victim's family  
3 really didn't want to come off of that murder charge for  
4 Mr. Williams. And the plea negotiation that we came down  
5 to was Mr. Williams did not want to go in court and  
6 essentially say, yes, I'll accept thirty years. So what we  
7 structured was a -- charges that he could get less than the  
8 thirty years, that we would certainly ask for and hope for,  
9 but I never gave any promise on any, you know, particular  
10 number that there would be, but we knew that with the  
11 charges structuring the reduction from the murder to the  
12 manslaughter charge would remove the thirty year mandatory  
13 minimum. The only mandatory minimums that there would be  
14 at that point would be the fifteen years on the first three  
15 burglaries, but we did discuss the fact that that left it  
16 wide open for the judge to give more or less and that was  
17 the risk. He admittedly did not want to walk into the  
18 courtroom agreeing to thirty years.

19 Q And as part of those agreements, as you stated, he  
20 was pleading down to voluntary manslaughter instead of  
21 murder?

22 A That's correct.

23 Q Okay. And did he ever tell you that he wanted an  
24 appeal?

25 A No.

**Kelley P. Brown - Cross-Examination by Ms. Tate**

1 Q If he had asked you for an appeal, would you have  
2 filed it?

3 A Yes.

4 Q Were there any objections made during the guilty  
5 plea?

6 A Not that I recall.

7 Q So there would not have been a basis for an appeal?

8 A Yes, that's correct.

9 Q And in regards to alleged conflict of interest, did  
10 you feel you had any type of conflict representing  
11 Mr. Williams in this case?

12 A Not under the current policies put down by the  
13 Supreme Court.

14 Q And did you feel like you had adequate time to  
15 proceed -- or adequate time to prepare to proceed to trial  
16 during your representation?

17 A Yes.

18 Q If the case were to go to trial?

19 A Yes.

20 **MR. GOURLEY:** No further questions, Your Honor.

21 **CROSS-EXAMINATION**

22 **BY MS. TATE:**

23 Q Ms. Brown, did you review the indictments?

24 A I'm sure that I did at some point.

25 Q Did Mr. Williams ever raise a question about the

## Kelley P. Brown - Cross-Examination by Ms. Tate

1 indictments to you?

2 A Not that I recall.

3 Q Did you review the terms of court in which the  
4 indictments were going to be handled?

5 A Probably not.

6 Q Okay.

7 A He probably did not have a copy of the indictments  
8 before he went forward. I did not have -- would not have  
9 had that as part of the -- it was probably not part of the  
10 packet that he'd been sent as far as discovery.

11 Q If the indictments were not returned during a grand  
12 jury session, would they have been defective?

13 A If he had not waived presentment, then probably.

14 Q Okay. Sitting here today, do you know whether the  
15 grand jury charges were?

16 A No.

17 Q How long is a grand jury term?

18 A I believe the grand jury meets once a month and I  
19 believe -- I can't answer that. Do they -- is it a term  
20 for a week or for a day, I don't know.

21 Q Okay. Now, you did have several discussions with  
22 Mr. Williams about a negotiated plea deal?

23 A That's correct.

24 Q And up until the time that he pled, the offers that  
25 were being made by the solicitor's office was for the

## Kelley P. Brown - Cross-Examination by Ms. Tate

1 thirty years?

2 A On the murder charge.

3 Q On the murder charge. And Mr. Williams had told  
4 you that he would not accept that recommendation?

5 A That's correct.

6 Q Okay. And as part of your representation, I  
7 understand then that you worked with the solicitor to come  
8 up with a set of charges that would not have that mandatory  
9 minimum?

10 A That's correct, because Mr. -- and let me just make  
11 it very clear, it wasn't that Mr. Williams did not want to  
12 enter a guilty plea and was insisting on a trial, it was  
13 that Mr. Williams did not want to walk in the courtroom  
14 agreeing to a negotiated thirty year sentence.

15 Q And as you've described it, this was an accomplice  
16 liability case?

17 A That's correct.

18 Q And his involvement compared to the codefendants  
19 was minimal?

20 A That's correct.

21 Q He, in fact, got a longer sentence than his  
22 codefendants, didn't he?

23 A It depends on how you calculate it.

24 Q Well Mr. Williams, I believe got a sentence of  
25 forty years, didn't he? And his do codefendants got 35?

## Kelley P. Brown - Cross-Examination by Ms. Tate

1 A That's correct.

2 Q They pled to different charges?

3 A That's correct. Mr. Williams' charge makes him  
4 eligible for certain credits and reductions that his  
5 codefendants are not eligible for, given the fact that they  
6 pled to -- my -- I believe they pled to the charge of  
7 murder. I think he was the only one of his codefendants  
8 who actually had that reduction from murder to  
9 manslaughter. And so, if he gets all of his credits, he  
10 will do less time on forty with Department of Corrections  
11 math, generally, than his codefendants.

12 Q By a year?

13 A Possibly.

14 Q Okay. In your discussions with him about this  
15 potential plea deal and then this negotiated plea --

16 A Yes.

17 Q -- I understand that you did explain to him what  
18 the maximum sentences would be?

19 A That's correct.

20 Q Did you specifically explain to him that even  
21 though the solicitor has been talking about thirty years,  
22 even though -- even if we change the charges, that it  
23 doesn't mean you're not going to get more than thirty  
24 years?

25 A I think I'm following you, but can you repeat that

## Kelley P. Brown - Cross-Examination by Ms. Tate

1 so I'm --

2 Q And it was probably not worded very well. Did --  
3 even though you did tell him these are the maximum  
4 sentences -- because he understood what the maximum  
5 sentence was for murder?

6 A Yes.

7 Q And then you explained to him what the maximum  
8 sentence was for voluntary manslaughter?

9 A Yes. But also for first-degree burglary and arson  
10 and all the other charges that he had.

11 Q Correct. And those charges he was sentenced as  
12 indicted, I believe.

13 A That's correct.

14 Q Did you specifically tell him that even though the  
15 solicitor had been offering thirty years and even if we do  
16 this, you can get more than thirty years?

17 A We discussed the fact that with all the charges  
18 that he had, what all a possible penalties were and that if  
19 you stacked them up you're looking at this much. If  
20 they're run together, you're looking possibly at this much.  
21 He did not want to walk into the courtroom agreeing to  
22 thirty years.

23 Q And he understood that the solicitor's offer was  
24 not the ceiling?

25 A On which time -- which plea offer.

## Kelley P. Brown - Cross-Examination by Ms. Tate

1 Q When he -- the solicitor's offer of thirty years  
2 was not a ceiling when he walked in to plead guilty?

3 A The negotiation on the murder charge would have  
4 been for a thirty year sentence on murder. So if the  
5 negotiation is for thirty, then I think that that would be  
6 a ceiling.

7 Q Was there ever any negotiation about voluntary  
8 manslaughter?

9 A Yes, because that's how we ended up with the plea  
10 being made to voluntary manslaughter instead of murder.  
11 The solicitor agreed to reduce the charge.

12 Q So the possible -- Mr. Williams thought that that  
13 thirty years was the ceiling?

14 A Thirty years is the ceiling on voluntary  
15 manslaughter. That's the maximum possible penalty on  
16 voluntary manslaughter. We discussed the fact that with no  
17 negotiations or recommendations meant that the solicitor  
18 was not going to make any recommendation as far as  
19 sentence, concurrent versus consecutive, or any of those  
20 matters. Did we walk into that courtroom hoping that we're  
21 talking thirty years or less? Yes, I believe so. And I  
22 believe that the judge structured the sentence that he did  
23 so that it would be close to the sentence on the  
24 codefendants even though the codefendants pled to a  
25 different charge. That's my belief. That was not my

## Kelley P. Brown - Redirect Examination by Mr. Gourley

1 expectation, but that's my belief of what happened.

2 MS. TATE: Beg the Court's indulgence.

3 THE COURT: Sure.

4 MS. TATE: Thank you, I don't have any other  
5 questions.

6 REDIRECT EXAMINATION

7 BY MR. GOURLEY:

8 Q Just one question. Ms. Brown, the indictments in  
9 Mr. Williams case were true billed, correct?

10 A I would have to review them to --

11 MR. GOURLEY: May I approach, Your Honor.

12 THE COURT: Yes.

13 Explain to me -- why are you doing this about the  
14 indictments?

15 Where did -- are you claiming the indictments were  
16 not handed down during a term of court.

17 MS. TATE: Mr. Williams may be able to explain that  
18 better. My understanding in the allegations is that the  
19 indictments were not true billed during the grand jury  
20 term.

21 THE COURT: All right. Tell me about that.

22 MR. GOURLEY: Your Honor, while he's looking for  
23 that may I speak --

24 THE COURT: Yeah.

25 MR. GOURLEY: The grand jury impanelling has

**Kelley P. Brown - Redirect Examination by Mr. Gourley**

1 already been brought before the Court and it spelled it --  
2 the presumptio of regularity in general sessions court is  
3 bound in Weathers. Essentially, there's basis to attach  
4 jurisdiction to the guilty plea in the lower court.  
5 Essentially, you know, the indictments do not have to be  
6 dated in regards to the actual time that the grand jury was  
7 impanelled. From my understanding what's been occurring,  
8 the grand jury is impanelled, the indictment has been  
9 issued, but it hasn't been dated until after the grand jury  
10 was impanelled. It was out of -- it was outside of the  
11 grand jury impanelment but those cases are Weathers and  
12 Best that I'm speaking on it.

13 **THE COURT:** I didn't understand anything you just  
14 told me.

15 **MR. GOURLEY:** I'm sorry, Your Honor.

16 **THE COURT:** Normally the grand jury meets like the  
17 Thursday before trial.

18 **MR. GOURLEY:** Right.

19 **THE COURT:** They pass on the indictments and then  
20 Monday they come in and present it to the judge. That's  
21 not what's done here?

22 **MS. TATE:** Your Honor, you're asking Mr. Williams  
23 directly why he's characterizing his -- as I understand it,  
24 the initial indictments were true billed, I believe on June  
25 11, 2009 and I believe the next general sessions term was

**Kelley P. Brown - Redirect Examination by Mr. Gourley**

1 June 15th, 2009, and I believe that the conflict in the  
2 date is the basis for Mr. Williams' allegation. Is that  
3 correct?

4 **THE APPLICANT:** Yes.

5 **THE COURT:** But normally what happens -- now it  
6 used to be that the grand jury met the Monday of each term  
7 of court and did their business and turned out whatever  
8 indictments it did. Now, every county in every circuit  
9 that I've been in so far, usually because of the excess  
10 work and backlogs, the grand jury meets in most circuits --  
11 at least in mine, the Thursday before we run the term.  
12 They meet, pass on all the indictments, and usually they  
13 sign and date them at that time whether it's true billed or  
14 no billed. And then the first term of court, they come  
15 into court and present those indictments to the judge and  
16 the clerk of court. And that's what goes on in most of --  
17 at least every one that I've been in and I assume what went  
18 here. So the date of the indictment would not be during a  
19 term of court. Because it's usually the Thursday before  
20 the term of court.

21 So, now, if you found some cases or legal issue  
22 that that practice does not convey jurisdiction to the  
23 Courts, then -- they're normally dated the date of the -- I  
24 mean, if you look at the assignments of court, in most  
25 circuits I've been in the date of the indictment is not the

**Kelley P. Brown - Redirect Examination by Mr. Gourley**

1 date of the next term of general sessions.

2 Now, every now and then I guess you could have a  
3 term running -- in some Counties they're extremely business  
4 and the grand juries meet on the same dates they're holding  
5 court but -- but is your contention is because the grand  
6 jury dated it the 11th and the next term of court was the  
7 15th, somehow that doesn't convey jurisdiction?

8 **MS. TATE:** That is the case.

9 **THE COURT:** Do you have any case law that backs  
10 that up --

11 **MS. TATE:** I have not found any case law to that  
12 fact.

13 **THE COURT:** And I wasn't aware of any either. If  
14 it is, we need to change the practice in the entire state,  
15 but I just wanted to clear that point up.

16 **MS. TATE:** And, Your Honor, I will point out that I  
17 don't believe there is any colorable allegation that  
18 Mr. Williams did not have notice of the charges against  
19 him.

20 **THE COURT:** Okay.

21 **MS. TATE:** But he feels strongly about this point,  
22 Your Honor.

23 **THE COURT:** Okay. Now -- and what part of the law  
24 library did you find -- how did you come up with this legal  
25 Theory.

## Kelley P. Brown - Redirect Examination by Mr. Gourley

1 THE APPLICANT: In No. 14-9-210, the indictment --

2 THE COURT: Say that again now.

3 THE APPLICANT: 14-9-210. It deals with indictment  
4 issues.

5 MS. TATE: He does have a lengthy attachment to his  
6 PCR application, which I believe stresses his understanding  
7 of the indictment sheet.

8 THE COURT: Okay. And it's in your packet?

9 MS. TATE: Yes, sir.

10 THE COURT: I'll read it. Anything else you want  
11 to tell me?

12 MS. TATE: No, sir.

13 THE COURT: Okay. And Mr. Attorney general, I cut  
14 you off with your -- I apologize. I just wanted to clear  
15 this indictment issue up because I was going to try to  
16 figure out whether it was all forthcoming. At least I have  
17 an understanding what he's saying.

18 MR. GOURLEY: Sorry for all the confusion, Your  
19 Honor.

20 THE WITNESS: The answer to your question is yes.

21 BY MR. GOURLEY:

22 Q So the indictments were true billed, correct?

23 A Yes.

24 MS. TATE: And I'm sorry, I just don't remember me  
25 questioning this.

1           **MR. GOURLEY:** Were the indictments true billed?

2           They were true billed, correct?

3           **THE WITNESS:** Yes.

4           **MR. GOURLEY:** No further questions, Your Honor.

5           **MS. TATE:** Nothing further, Your Honor.

6           **THE COURT:** You can step down.

7           Anything else for me to decide?

8           **MR. GOURLEY:** No, Your Honor.

9           **THE COURT:** All right. I'll read the file and let  
10          y'all know.

11          **MS. TATE:** Thank you, Your Honor.

12          \* \* \* \* \* END OF TRANSCRIPT \* \* \* \* \*

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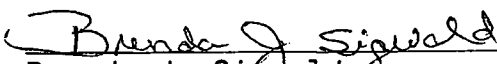
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1	State of South Carolina )	Certificate of Reporter
2	County of Aiken )	
3		
4		
5		
6	I, THE UNDERSIGNED, Brenda J. Sigwald,	
7	Official Court Reporter for the Eleventh Judicial Circuit	
8	of the State of South Carolina, do hereby certify that I	
9	reported the proceedings in the captioned case in the Court	
10	of Common Pleas in and for the State of South Carolina on	
11	the 13th day of July, 2013.	
12	I FURTHER CERTIFY that the foregoing pages,	
13	numbered 1 through 36 constitute a true, accurate and	
14	complete transcript of said hearing.	
15	I FURTHER CERTIFY that I am neither kin, counsel,	
16	nor of interest to any party hereto.	
17	IN WITNESS WHEREOF, I have hereunto set my hand and	
18	seal at Aiken County, this 5th day of December, 2013.	
19		
20		
21		
22		
23	Brenda J. Sigwald,	
24	Court Reporter and Notary Public	
25	For the State of South Carolina	
	My commission expires	
	January 4, 2020.	

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<p><b>waived</b> [1] - 26:13 <b>walk</b> [5] - 10:1, 24:17, 27:13, 29:21, 30:20 <b>walked</b> [4] - 7:21, 8:14, 9:25, 30:2 <b>weathers</b> [2] - 32:3, 32:11 <b>week</b> [1] - 26:20 <b>WHEREOF</b> [1] - 37:17 <b>wide</b> [1] - 24:16 <b>William</b> [1] - 4:22 <b>WILLIAMS</b> [1] - 4:12 <b>Williams</b> [31] - 1:6, 2:3, 3:2, 4:10, 4:19, 4:23, 11:7, 14:22, 16:14, 17:10, 20:9, 21:20, 21:23, 22:24, 23:3, 23:11, 23:21, 24:4, 24:5, 25:11, 25:25, 26:22, 27:3, 27:11, 27:13, 27:24, 30:12, 31:9, 31:17, 32:22, 34:18</p>	

STATE OF SOUTH CAROLINA )  
 COUNTY OF AIKEN )  
 Travonte Jamal Williams, #346287, )  
 Applicant, )  
 v. )  
 State of South Carolina, )  
 Respondent. )

IN THE COURT OF COMMON PLEAS  
 FOR THE SECOND JUDICIAL CIRCUIT

Case No. 2012-CP-02-1247

**ORDER OF DISMISSAL**

This matter comes before the Court by way of an application for post-conviction relief filed May 21, 2012. Respondent made its Return on August 9, 2012. An evidentiary hearing into the matter was convened on July 12, 2013, at the Aiken County Courthouse. Applicant was present at the hearing and was represented Sonja R. Tate, Esquire. Respondent was represented by Assistant Attorney General Daniel Gourley of the South Carolina Attorney General's Office.

**PROCEDURAL HISTORY**

The records before this Court indicate that Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Aiken County Clerk of Court. The Applicant was indicted at the June 2009 term of the Aiken County Grand Jury for Murder (2009-GS-02-1043). The Applicant was subsequently indicted during the December 2010 term of the Aiken County Grand Jury for Arson in the Second Degree (2010-GS-02-2016). The Applicant was represented by Kelley Perkins Brown, Esquire. On May 31, 2011, Applicant pled guilty to Voluntary Manslaughter and as indicted to Arson in the Second Degree. The Honorable Doyet A. Early, III, sentenced Applicant to a period of twenty-five years confinement for Voluntary Manslaughter and a consecutive fifteen years imprisonment for Arson in the Second Degree. The Applicant did not appeal his guilty plea or sentence.

8.28.13  
 [Signature]  
 U.C.P. & S.  
 Anita Knoche / 230  
 Deputy Clerk

In his original and amended application for post-conviction relief, Applicant alleges he is being held in custody unlawfully based on the following allegations:

1. Ineffective Assistance of Counsel.
  - a. Counsel failed to object to indictments.
2. Subject Matter Jurisdiction
  - a. "Indictments were returned by grand jury not legally convened."
3. Involuntary guilty plea
  - a. Plea was given under duress

#### **SUMMARY OF TESTIMONY PRESENTED**

At the evidentiary hearing, Applicant testified on his own behalf. The State presented testimony from plea counsel, Kelley Perkins Brown, Esquire (Counsel). This Court also had before it a copy of Applicant's plea transcript, the records of the Aiken County Clerk of Court, and Applicant's records from the South Carolina Department of Corrections.

During the evidentiary hearing, Applicant testified that Counsel was his second appointed Public Defender. Applicant testified that he met with Counsel five times prior to his guilty plea. Applicant testified Counsel provided discovery but did not review it with him. Applicant further testified he attempted to contact Counsel two or three times asking her to review the material with him. Applicant testified he never discussed the Grand Jury term with Counsel. Applicant testified the original plea offer was for thirty years and he refused to accept it. Applicant testified he understood he was turning down the thirty year plea deal and Counsel advised him that he could potentially receive more than thirty years. Applicant testified he was advised that he was facing two life sentences, despite the fact that he told the plea judge he understood the potential sentences he was facing. Applicant testified he told the plea judge he understood that this was a non-negotiated sentence. Applicant testified he pled guilty in order to avoid facing two potential life sentences, despite his previous testimony that he was unaware he was facing

two life sentences. Applicant testified that he cooperated with police during their investigation. Applicant further testified he was guilty of these crimes.

Following Applicant's testimony, Counsel was called to testify by the State. Counsel testified she has been practicing criminal law for fifteen years. Counsel testified she was court appointed on November 4, 2009. Counsel further testified this case was originally assigned to another attorney within the Public Defender's office. Counsel testified she met with Applicant six separate times prior to his guilty plea. Counsel testified she received discovery in this case and reviewed it with Applicant. Counsel further testified she discussed and addressed all questions Applicant posed. Counsel testified Applicant never gave any witnesses or leads to investigate. Counsel testified Applicant had cooperated with law enforcement prior to her or any other attorney's involvement with the case. Counsel testified the State had very strong evidence against Applicant. Counsel further testified she reviewed possible punishments with Applicant.

Counsel testified that Applicant never wanted to proceed to trial and wanted to plead guilty, however, Applicant had unrealistic expectations when it came to the plea bargaining process. Counsel testified Applicant understood but did not agree with the "hand of one hand of all" aspect of the law. Counsel testified Applicant did not want to walk in to the court room and accept thirty years. Counsel further testified the Solicitor reduced the Murder charge to Voluntary Manslaughter. Counsel testified Applicant understood the maximum amount of time he was facing. Counsel testified she never promised Applicant he would receive a certain amount of time. Counsel testified she did not review the terms of the Grand Jury with Applicant and admittedly was not familiar with the dates of the Grand Jury terms. Counsel testified the indictments were true billed and she did not feel there was any basis to challenge the indictments.

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Specifically, this Court finds that Counsel's testimony is very credible while Applicant's testimony is not as credible. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

#### Ineffective Assistance of Counsel

In a post-conviction relief action, the Applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813 (1985). Applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms."

Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). Second, counsel's deficient performance must have 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. With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985). After careful review based on the standard discussed above, the Applicant has failed to carry his burden in this action.

*Counsel was ineffective for failing to challenge the indictments on subject matter jurisdiction.*

This Court finds that Counsel was not ineffective for failing to challenge the Applicant's indictments based on the indictments not being presented during a term of the Aiken County Grand Jury. Indictments are sufficient when they allege time and place, as required by law, and charge the crime substantially in the language of the statute or the common law which prohibits the crime or so plainly that the offense charged may be easily understood and, if the offense is statutory, that the offense is contrary to the statute involved. S.C. Code Ann. § 17-19-20 (2003). All indictments must be viewed with a "practical eye" to determine whether they fulfill their function to notify the accused of the charge he must answer, notify the court of what judgment and sentence to pronounce, and present a bar to subsequent prosecution. See State v. Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005).

This Court finds that Applicant's indictments were sufficient to give the Applicant notice of the charges he must answer and to notify the court of what judgments and sentences to pronounce. This Court finds that Counsel provided credible testimony that she did not object to the time frame for the crime listed on the indictments because in her experience the time frame

listed was not objectionable. This Court finds that the time frame listed on the Applicant's indictments were not objectionable and were sufficient to allege time and place of the crime. The Applicant has failed to carry his burden of proving that Counsel was deficient for failing to object to his indictments.

Further, this Court finds no resulting prejudice. Had Counsel made the motion to quash as complained, it would have made no difference on the outcome of the charges as the motion would have been unsuccessful and, even if successful, would not have stopped the State from pursuing the charges at a later date. First, even if Counsel made an objection or otherwise moved to quash the indictment based on the date discrepancy, the outcome would have been no different as the plea court would have denied the motion to quash. "[U]nder Section 17-19-20...if it is not a material element of the offense, the specific date need not be alleged as long as the indictment apprise the defendant of what he must be prepared to meet at trial and describes a time before the date of the indictment itself and one within the period prescribed by any applicable statute of limitations." State v. Thompson, 305 S.C. 496, 409 S.E.2d 420 (Ct. App. 1991); citing State v. Wingo, 304 S.C. 173, 403 S.E.2d 322 (Ct. App. 1991). Under S.C. Code Ann. § 16-3-10, the specific date/time are not material elements of the offense of Murder and Arson in the Second Degree. The indictments charging Applicant in this instance alleged the date of the offenses were "on or about December 20, 2008". Therefore, the indictments were sufficient to satisfy the requirements of law and Counsel's motion to quash would have been fruitless. Additionally, even if the plea court granted Counsel's motion to quash the indictments on the basis that the indictments were not presented during a term of Aiken County Grand Jury, Applicant still could have been charged through re-indictment or direct indictment, then prosecuted and sentenced for the crimes at a later date. Under S.C. Code Ann. § 17-19-90

(2003), "every objection to any indictment for any defect apparent on the fact thereof shall be taken...on motion to quash such indictment before the jury shall be sworn and not afterwards." Since the Double Jeopardy Clause of the Fifth Amendment attaches in a jury trial only once the jury is sworn, a successful motion to quash, by its very definition, will not work to bar subsequent prosecution on the same allegation on that grounds. See State v. Prince, 279 S.C. 30, 301 S.E.2d 471 (1983). Accordingly, this Court finds Applicant has failed to prove any resulting prejudice from counsel's failure to move to quash the indictments.

*Involuntary Guilty Plea.*

Applicant's alleges his guilty plea was entered involuntarily. To find a guilty plea voluntary and knowingly entered into, the record must establish the Applicant had a full understanding of the consequences of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238, 89 S.Ct. 1709 (1969); Dover v. State, 304 S.C. 433, 405 S.E.2d 391 (1991). In determining guilty plea issues, it is proper to consider the guilty plea transcript as well as evidence presented at the post-conviction relief hearing. Harris v. Leeke, 282 S.C. 131, 318 S.E.2d 360 (1984).

The transcript reflects that the guilty plea was knowingly and voluntarily entered with a full understanding of the charges and consequences of the plea. Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, [an Applicant's] right to contest the validity of such a plea is usually, but not invariably, foreclosed. Blackledge v. Allison, 431 U.S. 63, 97 S.Ct. 1621 (1977). Statements made during a guilty plea should be considered conclusively, unless an [Applicant] presents valid reasons why he should be allowed to depart from the truth of his statements. Crawford v. United States, 519 F.2d 347 (4th Cir. 1975) *overruled on other grounds by United States v. Whitley*, 759 F.2d 327 (4th Cir. 1985).

This Court finds that Applicant presented no reasons to show that he should be allowed to depart from the truth of the statements he made during his guilty plea hearing. During his guilty plea, Applicant freely admitted his guilt to the plea court and admitted that he did participate in the spree surrounding the death of George William Woltz, Jr. (Victim).

An Applicant who enters a plea on the advice of Counsel may only attack the voluntary and intelligent character of the plea by showing that trial counsel's representation fell below an objective standard of reasonableness and that there is a reasonable probability that, but for trial counsel's errors, the defendant would not have pled guilty, but would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 546 S.E.2d 417 (2001); Richardson v. State, 310 S.C. 360, 426 S.E.2d 795 (1993). This Court finds that Counsel is a trial practitioner who has extensive experience in the trial of serious offenses. Counsel conferred with Applicant on numerous occasions. During conferences with Applicant, Counsel discussed the pending charges, the elements of the charges and what the State was required to prove, Applicant's constitutional rights, Applicant's version of the facts, and possible defenses or lack thereof. The record reflects that Applicant's plea was entered freely, voluntarily, knowingly, and intelligently. Applicant acknowledged that he was guilty of these offenses. Applicant told the plea court that no one had threatened him or promised him anything to plead guilty. This Court finds that Applicant understood the terms of his guilty plea. Therefore, this allegation must be denied and dismissed with prejudice.

#### ALL OTHER ALLEGATIONS

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this Order, this Court finds Applicant failed to present any evidence regarding such allegations. Accordingly, this Court finds Applicant waived such

allegations and failed to meet his burden of proof regarding them. Therefore, they are hereby denied and dismissed.

### CONCLUSION

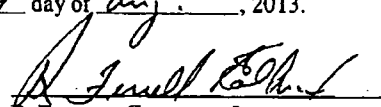
Based on all the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

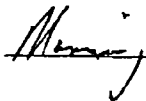
This Court notes that that Applicant must file and serve a Notice of Appeal within thirty days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if the Applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for the appropriate procedures for appeal.

### IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 19 day of Aug, 2013.

  
 R. FERRELL COTHRAN, JR.  
 Presiding Judge  
 Second Judicial Circuit

 South Carolina

WITNESSES

Aiken Department Of Public Safety

Martin Sawyer

Law Enforcement Case #: 2009 20381

DOCKET NO. 2009GS0201037

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

JUNE TERM 2009

JST

ARREST WARRANT NUMBER

1091219

THE STATE

vs.

TRAVONTE JAMAL WILLIAMS

FILED June 11 2009  
G. Hodard  
C.C.P. & G.  
Caulice Jimmy PEF  
Deputy Clerk

ACTION OF GRAND JURY

True Bill

*[Signature]*  
Foreperson of Grand Jury  
Date: June 11, 2009

CDR #: 0079

Indictment for

BURGLARY FIRST

§ 16-11-0311

VERDICT

Foreperson of Petit Jury  
Date:

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF AIKEN )  
 )

INDICTMENT FOR  
BURGLARY FIRST

§ 16-11-0311

At a Court of General Sessions, convened on June 15, 2009, the Grand Jurors of Aiken County present upon their oath:

That TRAVONTE JAMAL WILLIAMS, along with others, did in Aiken County, South Carolina, on or about December 20, 2008, knowingly and wilfully enter a dwelling, to wit: [REDACTED] being the dwelling of Toni Lee Stulp, without consent and with the intent to commit a crime therein and the defendant did enter or remain in the dwelling in the nighttime. All in violation of § 16-11-311 of the Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
J. STROM THURMOND, SOLICITOR

**WITNESSES**

Aiken Department Of Public Safety

Martin Sawyer

Law Enforcement Case #: 2009 20381

JST

**ARREST WARRANT NUMBER**

1091220

**ACTION OF GRAND JURY**

*True Bill*

*[Signature]*  
Foreperson of Grand Jury

Date: June 11, 2009

**VERDICT**

Foreperson of Petit Jury

Date:

**DOCKET NO. 2009GS0201038**

**The State of South Carolina**

**County of Aiken**

**COURT OF GENERAL SESSIONS**

**JUNE TERM 2009**

**THE STATE**

**vs.**

**TRAVONTE JAMAL WILLIAMS**

**CDR #: 0079**

**Indictment for**

**BURGLARY FIRST**

**§ 16-11-0311**

**J. STROM THURMOND, SOLICITOR**

FILED June 11 2009  
*[Signature]*  
C.C.P. & C.  
*[Signature]*  
Deputy Clerk

STATE OF SOUTH CAROLINA    )  
   )  
 COUNTY OF AIKEN                )  
   )

INDICTMENT FOR  
 BURGLARY FIRST

§ 16-11-0311

At a Court of General Sessions, convened on June 15, 2009, the Grand Jurors of Aiken County present upon their oath:

That TRAVONTE JAMAL WILLIAMS, along with others, did in Aiken County, South Carolina, on or about December 20, 2008, knowingly and willfully enter a dwelling, to wit: [REDACTED], being the dwelling of Robert Allan Stanton, without consent and with the intent to commit a crime therein and the defendant did enter or remain in the dwelling in the nighttime. All in violation of § 16-11-311 of the Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
 J. STROM THURMOND, SOLICITOR

**WITNESSES**

Aiken County Sheriff Office

James Criscillas

Law Enforcement Case #: 2008 70922

JST

**ARREST WARRANT NUMBER**

M005058

**ACTION OF GRAND JURY**

*True Bill*

*[Signature]*

Foreperson of Grand Jury  
Date: June 11, 2009

**VERDICT**

Foreperson of Petit Jury  
Date:

**DOCKET NO. 2009GS0201043**

**The State of South Carolina**

**County of Aiken**

**COURT OF GENERAL SESSIONS**

**JUNE TERM 2009**

**THE STATE  
vs.**

**TRAVONTE JAMAL WILLIAMS**

**CDR #: 0116**

**Indictment for**

**MURDER**

**§ 16-03-0010**

**J. STROM THURMOND, SOLICITOR**

FILED

*June 11 2009*

*[Signature]*

CLERK OF COURT

*[Signature]*

Deputy Clerk

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF AIKEN )  
 )

INDICTMENT FOR  
MURDER  
§ 16-03-0010

At a Court of General Sessions, convened on June 15, 2009, the Grand Jurors of Aiken County present upon their oath:

That TRAVONTE JAMAL WILLIAMS, along with others, did in Aiken County on or about December 20, 2008, feloniously, wilfully and with malice aforethought, kill and murder George William Woltz, Jr. by striking George William Woltz, Jr. in the head with a baseball bat, causing blunt force trauma, and by securing a cloth over the victim's head, causing asphyxiation and that the victim did die in Aiken County at [REDACTED] [REDACTED] as a result thereof on December 20, 2008. All in violation of § 16-3-10, Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
J STROM THURMOND, SOLICITOR

**WITNESSES**

Aiken County Sheriff Office

James Criscillas

Law Enforcement Case #: 2008 70922

JST

**ARREST WARRANT NUMBER**

M015014

**ACTION OF GRAND JURY**

*True Bill*

*[Signature]*

Foreperson of Grand Jury  
Date: June 11, 2009

**VERDICT**

Foreperson of Petit Jury  
Date:

**DOCKET NO. 2009GS0201045**

**The State of South Carolina**

**County of Aiken**

**COURT OF GENERAL SESSIONS**

**JUNE TERM 2009**

**THE STATE  
vs.**

**TRAVONTE JAMAL WILLIAMS**

**CDR #: 0139**

**Indictment for**

**ARMED ROBBERY**

**§ 16-11-0330(A)**

**J. STROM THURMOND, SOLICITOR**

FILED June 11 2009  
*[Signature]*  
C.C.P. & G.S.  
*[Signature]*  
Deputy Clerk

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	ARMED ROBBERY
COUNTY OF AIKEN	)	
	)	§ 16-11-0330(A)

At a Court of General Sessions, convened on June 15, 2009, the Grand Jurors of Aiken County present upon their oath:

That TRAVONTE JAMAL WILLIAMS, along with others, did in Aiken County, South Carolina on or about December 20, 2008 knowingly and wilfully while having possession of a deadly weapon, to wit: a baseball bat, feloniously take from the person or presence of George William Woltz, Jr., by means of force, threats or intimidation goods or monies being described as follows: Approximately Two Hundred Forty and 00/100 Dollars (\$240.00) with intent to deprive the owner of the use of such property, in violation of Section 16-11-330 (A) 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.

  
 J. STROM THURMOND, SOLICITOR

**WITNESSES**

Aiken Department Of Public Safety

Martin Sawyer

Law Enforcement Case #: 2009 20381

JST

**ARREST WARRANT NUMBER**

1091218

**ACTION OF GRAND JURY**

*The Bill*

*[Signature]*  
Foreperson of Grand Jury  
Date: June 11, 2009

**VERDICT**

Foreperson of Petit Jury  
Date:

**DOCKET NO. 2009GS0201025**

**The State of South Carolina**

**County of Aiken**

**COURT OF GENERAL SESSIONS**

**JUNE TERM 2009**

**THE STATE**

**vs.**

**TRAVONTE JAMAL WILLIAMS**

**CDR #: 0479**

**Indictment for**

**GRAND LARCENY**

**§ 16-13-0030(B)(2)**

**J. STROM THURMOND, SOLICITOR**

FILED June 11 2009  
*[Signature]*  
C.C.F. & G.S.  
*[Signature]* PE7  
Deputy Clerk

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF AIKEN )  
 )

INDICTMENT FOR  
 GRAND LARCENY  
 § 16-13-0030(B)(2)

At a Court of General Sessions, convened on June 15, 2009, the Grand Jurors of Aiken County present upon their oath:

That TRAVONTE JAMAL WILLIAMS, along with others, did in Aiken County, South Carolina, on or about December 20, 2008, knowingly, wilfully and unlawfully take, steal or carry away goods, chattels, instruments or other property with the intent to permanently deprive the owner thereof, being the property of Robert Allan Stanton and described as a 2009 White 4 Door Mercedes, such property having a value of Five Thousand Dollars or more, in violation of §16-13-30 (B) (2) of the Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
 J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff's Office

James Criscillis

Law Enforcement Case #: 2008-70922

DOCKET NO. 2010GS0202016

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

JST

ARREST WARRANT NUMBER

DECEMBER TERM 2010

10-DI02-0104

~~10-11-11~~ Dec. 9 2010

DIRECT INDICTMENT

*Liz Hedard*  
C.C.C.P. & G.S.  
*Laron Higgins SS*  
Deputy Clerk

THE STATE

VS.

TRAVONTE JAMAL WILLIAMS

ACTION OF GRAND JURY

*True Bill*

*[Signature]*  
Foreperson of Grand Jury  
Date: December 9, 2010

CDR #: 2551

Indictment for

VERDICT

ARSON- SECOND DEGREE

§ 16-11-0110(B)

Foreperson of Petit Jury  
Date:

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF AIKEN )  
 )

INDICTMENT FOR  
ARSON- SECOND DEGREE  
§ 16-11-0110(B)

At a Court of General Sessions, convened on December 13, 2010, the Grand Jurors of Aiken County present upon their oath:

That TRAVONTE JAMAL WILLIAMS, along with others, did in Aiken County, South Carolina, on or about December 20, 2008, wilfully and maliciously cause an explosion, set fire to or burn, or cause to be burned or aid, counsel, or procure the burning of a building or structure, to wit: [REDACTED], such being a dwelling house or its appurtenant structures, whether such building or structure was the property of the defendant or another, all in violation of Section 16-11-110 (B) of the Code of Laws of the State of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
J. STROM THURMOND, SOLICITOR