

April 24, 2014

James C Williams # 282929
Kershaw Corr-Inst
4848 Goldmine HWY
Kershaw SC, 29067

The Honorable Jenny Abbott Kitchings
Clerk of Court For Court of Appeals
P.O. Box 11629
Columbia S.C. 29211

Dear Ms. Kitchings:

Enclosed For Filing is the original writ of Certiorari
For after-newly Discovered Evidence in the above-
referenced matter. also enclosed a self-addressed
stamped envelope which is included for your convenience
to returning to me a stamped copy

Thank you for your assistance in this matter

Sincerely

James Chester Williams
James Chester Williams
282929

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APR 30 2014

SC Court of Appeals

The State of South Carolina
In The Court OF APPEALS

Certiorari to Lexington County
Williams P. Kessley Circuit Court Judge

James Chester Williams

Petitioner

v.

State of South Carolina

Respondent

Appellate Case No: 2013-001875

Petition For Writ of Certiorari

Petitioner, Pro se.

Other Counsel of Record
Alan Wilson Attorney General
S.C. Attorney General Office
P.O. Box 11549
Columbia SC 29211

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AUTHORITY CITED

Boyd v. Alabama, 395 U.S. 238 89 S.Ct. 1709 (1969)

Pittman v. State, 337 S.C. 597 S.E. 2d 623 (1999)

Issues Presented

did conference regarding motion claim of after newly discovered evidence whether the court erred by not informing applicant of certain right against self-
in criminalization

Statement of Case

Petitioner was indicted at the January, 2000 term of the Lexington County Grand Jury for murder, Indictment 2000-GS-32-689 and Possession of a weapon during the Commission of a Violent Crime Indictment 2000-GS-698. Petitioner was represented by Williams F. Gorski, Esq. on March 21, 2002 the Petitioner pled guilty to murder, the Possession of a Weapon during a Violent Crime Charge was dismissed in exchange for Petitioner's guilty plea. The Honorable Mark H. Westbrook sentenced the Petitioner to confinement for a period of thirty (30) years with the South Carolina Department of Corrections. The Petitioner appeared and was represented on appeal by Robert M. Dudek. After a review pursuant to Anders v. California 386 U.S. 738 (1967) the South Carolina Court of Appeals dismissed the appeal, State v. Williams Op. No. 03-012 (Decided May 15, 2003). The remittitur was issued on June 17, 2003. Petitioner then filed a Post-Conviction Relief Application on May 21, 2003. In his application, Petitioner alleges his trial counsel was ineffective by not being prepared for trial due to his failure to do an adequate investigation of the facts of this case. On June 27, 2005 an evidentiary hearing was held before the Honorable James W. Johnson Jr. Petitioner was represented by Robert N. Boarda, Esq. Respondent was represented by Sabrina C. Todd of the Attorney General's Office. Petitioner testified in his own behalf and he called Williams F. Gorski. On August 1, 2005 Judge Johnson issued an order denying and dismissing the application. Petitioner then filed a notice of appeal and a Pro Se Petition for writ of Certiorari. Respondent filed a return to Petitioner's Pro Se Petition for writ of Certiorari on April 20, 2006. This amended Petition for writ of Certiorari follows.

ARGUMENT

The Court Failed to Informing Applicant of Certain Right a Gainst self Incrimination

The order for status conference regarding motion on claim of after discovered evidence where the Chief Judge for administrative purposes Williams P Kessley General Sessions said Mr. Williams claim that he was never told about certain right including his right against self-incrimination Mr Keesley said the transcript of the Guilty Plea completely refutes his assertions in this regard when he persisted in this claim the court read out loud the portion of the transcript where the judge covered his right the transcript refutes what Judge Keesley said read transcript line 1-25 of transcript page (31-41) to find a Guilty Plea is voluntarily 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 S.Ct. 1709 (1969) In Boykin the United States Supreme Court held that before a court can accept a guilty a criminal defendant must be advised of the constitutional right he is waiving specifically the accused must be aware of the privilege against compulsory self-incrimination the right to a jury trial and the right to confront one's accusers moreover a criminal defendant entering a guilty plea must be aware of the nature and crucial elements of the offense the maximum and any mandatory minimum penalty and the nature of the constitutional right being waived Pittman v State 337 S.C. 597, 574 S.E. 2d 623 (1999) a criminal defendant knowing and voluntary waiver of statutory or constitutional right in a guilty plea must be established by a complete record and may be accomplished by colloquy between court and applicant between court and applicant counsel or both

Conclusion

Therefore, For the Foregoing reasons applicant
Guilty Plea should be Vacated due to the three
Constitutional errors that was made in his case
The Guilty Plea was Involuntarily and not
knowingly made.

Respectfully submitted

James C Williams
James C Williams #282929
Kershaw Corr. Inst
4848 Goldmine Hwy
Kershaw SC. 29067
Petitioner

This 24 of April 2014

STATE OF South Carolina
County of Lexington

IN The State of South Carolina
Court of Appeal

James C Williams #282929,
Petitioner

Case No 2013-1849

Petitioner For writ of
Certiorari for after
Newly discover Evidence

V.S.

The State of South Carolina,
Respondent

Proof of Service

I Certify that I have served the notice Alan Wilson
attorney General S.C. attorney General office by depositing
a copy of it in the united mail postage Pre Paid on April
24-2014 the addressed to alan Wilson attorney General
office P.O Box 11549 Columbia SC 29211

Thank you for your cooperation in this matter

Sincerely

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