

STATE of South Carolina  
County of Richland  
Christopher Williams  
Applicant  
v.  
state of South Carolina  
Respondent

In The Court of Common Pleas  
For The FIFTH Judicial Circuit

2008-CP-40-0957

NOTICE of APPEAL

Motion to APPEAL Conditional order of Dismissal. Motion to APPEAL Final order of Dismissal.

The APPLICANT is presently confined in the Alvin S. Glen Detention Center Pursuant to order of commitment of the clerk of court for Richland County. The Applicant has been housed at Alvin S. Glen center since July 28, 2011.  
(The APPLICANT has filed with the Richland County clerk of court a motion Response to Respondent's motion to Dismiss made 14, 2008.) The APPLICANT contend and will show this Honorable Court that Respondent has deliberately misled this Honorable Court to Final Judgement. The Respondent Assistant Attorney General, Brian T. Petrano indicated in the final order that APPLICANT did not or fail to provide the Richland County clerk of court or Respondent with an updated address for receipt of information relevant to this action. due to Respondent frivolous attempts to give the APPLICANT the opportunity to respond to court orders. The APPLICANT has been confined awaiting re-sentencing. The APPLICANT has never received any orders from the clerk of court or Respondent as to this matter until today (July 11, 2012). The APPLICANT has enclosed letters and documents from Respondent's which indicated Respondent knew the APPLICANT address and whereabouts but deliberately addressed to the South Carolina Department of Correction.

wherefore, for the foregoing reasons. This Honorable Court should deny Respondent motion for Dismissal and reverse Final order of Dismissal in the alternative, grant an evidentiary hearing and appoint counsel to serve the interest of Justice.

This 16 day  
of July, 2012

JEANETTE W. McBRIDE  
C.P. & G.S.  
2012 JUL 18 AM 11:34  
FILED  
RICHLAND COUNTY

Christopher Williams  
Christopher Williams  
Alvin S. Glen Detention Center  
261 John W. Oiler Dr.  
Columbia S.C. 29209

State of South Carolina  
County of Richland

In the Court of Common Pleas

Christopher A. Williams  
Applicant

2008-CP-40-0957

v.

State of South Carolina  
Respondent

Certificate of Service

I hereby certify that I have served a true copy of the Applicant Appeal Pursuant to SCRPC 04 mailings in the United State mail Postage Paid addressed to:

The Honorable Jeanette W. McBride  
Clerk of Court, Richland County  
Post office Box 2766  
Columbia S.C. 29202

2012 JUL 25 PM 12: 14  
JEANETTE W. MCBRIDE  
C.C.P. & G.S.  
RICHLAND COUNTY  
FILED

Document as listed:

- (1). Appeal to conditional and final orders
- (2). Certificate of service

Please return to Applicant clock stamped copy!

Sworn before me this 27<sup>th</sup> day July, 2012

Vanessa Jones  
Notary Public for South Carolina  
my Commission expires: 2016

Christopher A. Williams  
Christopher A. Williams  
Alvin S. Glen Detention Center  
201 John M. Dial Dr.  
Columbia S.C. 29209

This 23 day  
of July 2012

State of South Carolina  
County of Richland

In The Court of Common Pleas

Christopher A. Williams )  
Applicant. )  
V. )  
State of South Carolina )  
Respondent. )

2012-CP-40-0957

Appeal

2012 JUL 25 PM 12: 14  
FILED  
RICHLAND COUNTY  
JEANETTE W. McBRIDE  
C.C.P. & G.S.

In response to Respondent motion to Dismissal of Conditional order and final order filed April 10, 2012. The Applicant would show this Court:

I

The Applicant is presently confined in the Alvin S. Glen Detention Center pursuant to orders of commitment of the Clerk of Court for Richland County. The applicant was indicted at the May term of the court of General Session for Richland County for Burglary 1<sup>st</sup> Degree (91-GS-40-1936). The Applicant was represented by Gwendolyn DAVIS Esq and/or Mary Beth Whisnant Mills Esq. on September 16, 1991. The Applicant pled guilty to (2) second Degree Burglary Solicitor Mr. David Avant and Judge Honorable William Traxler to confinement for a period of fifteen (15) years. The Applicant has since been release from prison, having served his sentence for (91-GS-40-1936). The Applicant is presently incarcerated related to subsequent charges of which the conviction complained of in the Application serves as a first strike

II

The Applicant current Application for Post-Conviction relief. The Applicant alleges that he is being held in custody under an unlawful sentence because his prior Burglary conviction (91-GS-40-1936) which was used (17-25-45) to enhance his current sentence to life without parole, was had in violation of his constitutional rights due to the following reasons:

- (1). Ineffective Assistance of Counsel
- (2). subject matter jurisdiction
- (3). Breach of Plea Agreement
- (4). Due Process violation

III

The Applicant submits that his Application for Post-Conviction relief should not be Dismissed for failure to comply with the filing procedures of the uniform Post-Conviction Procedures Act S.C. Code Ann (17-27-10) - (160) and or pursuant to Rule 5 (b) (1) SCRPC ("Service upon the party shall be made by delivering a copy to him or by mailing it to him at last known address"). The Applicant has submitted documents and letters from Respondent which indicated Respondent deliberately addressed to the South Carolina Department of Correction. Therefore, having time

expired and not given the applicant the opportunity to respond to the conditional and final orders. Since his prior conviction complain of "still persist" and the applicant is still suffering effects from this conviction. In *Meaduffie v. State* 277 S.E.2d 595 (SC 1981) our supreme court held that where applicant for per alleges in application that results of a prior conviction still persist, even though sentence has been fully served, he is entitled to an evidentiary hearing to determine whether or not he has been prejudiced (by the use of a prior unconstitutional conviction). In *Jackson v. State* 489 S.E.2d 915 SC (1997) holding that petitioner has standing to petition for per if he is in custody of the result of his prior conviction "still persist." The applicant has been release from the Department of Correction to Alvin S. Glen Detention Center pursuant to order of commitment of the clerk of court and Attorney General office. Finally applicant submits that a challenge to the subject matter jurisdiction of the trial court may be raised at any time (*Brown v. State* 540 S.E.2d 846 (2001))

#### IV

Wherefore for the foregoing reason, The Honorable Court should deny and reverse conditional and final orders, in the alternative, grant an evidentiary hearing and appoint counsel to serve the interest of Justice.

Respectfully Submitted

By Christopher A. Williams  
Christopher A. Williams  
Alvin S. Glen Detention Center  
261 John W. Dial Dr.  
Columbia S.C. 29209

THIS 23 day  
of July 2012.

State of South Carolina  
County of Richland  
In The Court of Common Pleas

Christopher Williams  
Applicant

V.

The State of South Carolina  
Respondent.

RICHLAND COUNTY  
FILED  
2012 JUL 18 AM 11:34  
JEANETTE W. MCBRIDE  
C.C.P. & G.S.

Certificate of Service

I Herby certify that I have served a true COPY of the Applicant notice of Appeal. Pursuant to SERCP by mailing Letters and documents in the United State MAIL. Postage Prepaid addressed to:

The Honorable Jeanette W. McBride  
Clerk of Court, Richland County  
Post office Box 2766  
Richland S.C. 29262

Documents as Listed:

- (1). Notice of Appeal
- (2). Mr. Brian T. Petrano Letter to the Supreme Court Clerk Daniel L. Shearous
- (3). E-mail from Mr. Brian T. Petrano
- (4). Letter from Clerk of Court dated March 8, 2012

Please return to Applicant Clerk stamped COPY!

Christopher Williams  
Alvin S. Glen Detention ce  
201 John W. Dial Dr.  
Columbia S.C. 29209

Suam to Before me this 12<sup>th</sup> day of July, 2012

Vanessa James  
Notary Public for South Carolina.  
My Commission Expires: 2016

This 16 day  
of July, 2012

STP

FORM 5

2008C P466-0957

STATE OF SOUTH CAROLINA )

County of Richland )  
#269359 )

Christopher A. Williams )  
Full name and prison number (if any) of Applicant )

v. )

State of South Carolina )

IN THE COURT OF COMMON PLEAS

APPLICATION FOR  
POST-CONVICTION RELIEF

08 FEB - 1 PM 12:59  
DANBARRA V. SCOTT  
C.C.F. & G.S.  
PROBATION DIVISION

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 General Session Court, 1701 Main Street, Columbia S.C. 29201, Richland County.
3. Name(s) of co-defendant(s) (if any) \_\_\_\_\_
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
  - (a) Indictment no. 91-GS-40-1936
  - (b) Burglary Second Degree,

- (c) \_\_\_\_\_
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) September 16, 1991 15 years
- (b) \_\_\_\_\_
- (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?  
NO
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) wasnt informed could appeal
- (b) \_\_\_\_\_

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

- (a) Ineffective Assistance Counsel
- (b) Subject Matter Jurisdiction (see Exhibit A).
- (c) Breach Plea Agreement (see Exhibit B).

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

- (a) Memorandum of Law, Attach sheet to
- (b) postconviction Application. (see 1 of 4 pages)
- (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? \_\_\_\_\_
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? Yes
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? \_\_\_\_\_
- (d) any other petitions, motions or applications in this or any other Court? \_\_\_\_\_

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. Sept 13, 00, I was found Guilty of Burglary 1st the state used
  - ii. a prior Burglary under the enhancement two strike laws. I filed an
  - iii. post-conviction, Ineffective Assistance of Trial Counsel San not
  - iv. supercaring Attorney in 1991 Guilty plea Agreement.
- (b) the name and location of the Court in which each was filed:
  - i. In The Court of Common Pleas. 1701 Main Street, Columbia
  - ii. S.C. Richland County 29201
  - iii. \_\_\_\_\_
  - iv. \_\_\_\_\_

(c) the disposition thereof:

- i. Sentence vacated and remanded for new
- ii. sentencing hearing
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(d) the date of each such disposition:

- i. March 21, 2006
- 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?

NO

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) wasn't informed could appeal
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_

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

- (a) your arraignment and plea? ✓
- (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?  
no

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. Mrs. Gwendolyn BABB, 1701 Main Street Columbia S.C. Richland County 29201. "Public Defender office"
  - ii. Mr. Jeff Maximana, Diced "Public Defender office"
  - iii. Mary Bea Whitsonant Mills, 4635 Norwood Rd. Columbia S.C. 29206 "Public Defender office"
- (b) the proceedings at which each such attorney represented you:
  - i. Mary Bea Whitsonant Mills, Guilty Plea Agreement
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_

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

Conviction vacated and reversal

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

yes

STATE OF SOUTH CAROLINA )

County of Pickland )

VERIFICATION

I, Christopher A. 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.

Christopher Williams

SWORN to and subscribed before me this 5<sup>th</sup> day of December, 2007.

DANIEL MARTIN (L.S.)  
Notary Public

My Commission Expires: January 11, 2014

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

I, Christopher A. Williams # 269359, 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:

- I am the applicant in this action and I believe I am entitled to redress.
- Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Christopher Williams  
Applicant

SWORN or affirmed to and subscribed before me this  
5<sup>th</sup> day of December, 2007.

Daniel Martin  
Notary Public

My Commission Expires: January 11, 2014

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )  
 )  
 )  
 )  
Christopher A. Williams, 269359, )  
 )  
 )  
Applicant, )  
 )  
 )  
v. )  
 )  
State of South Carolina, )  
 )  
 )  
Respondent. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS

2008-CP-400-0957

RETURN AND MOTION TO  
DISMISS

In response to the post-conviction relief application filed February 1, 2008, the Respondent would show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Richland County. The Applicant was indicted at the May, 1991 term of the Court of General Sessions for Richland County for Burglary 1<sup>st</sup> Degree (91-GS-40-1936). He was represented by Gwendolyn Babb, Esquire and/or Mary Beatrice Whisonant Mills, Esquire. On September 16, 1991, the Applicant pled guilty as charged. He was sentenced by the Honorable William Traxler to confinement for a period of fifteen (15) years. The Applicant did not appeal his conviction or sentence.

The Applicant has since been released from prison, having served his sentence for (91-GS-40-1936). The Applicant is presently incarcerated related to

subsequent charges of which the conviction complained of in this Application serve as a first strike<sup>1</sup>.

Attached herewith and incorporated herein are the records of the Richland County Clerk of Court regarding the subject convictions, the Applicant's records from the South Carolina Department of Corrections. Any of the above not so attached 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 for post conviction relief, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. INEFFECTIVE ASSISTANCE OF COUNSEL.
2. SUBJECT MATTER JURISDICTION (SHAM LEGAL PROCESS)
  - a. GRAND JURY WAS NOT CONVENED ON DATES PER STATUTE.
    - i. In this case, applicant's indictment indicates that he was indicted by the Richland County Grand Jury during the May term of General Sessions Court. Contrary to the term of court indicated by applicant's indictment, the S.C. Legislature.
3. BREACH OF PLEA AGREEMENT.

## III.

The Respondent submits that this Application for Post-Conviction Relief should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. §17-27-10 to -160.

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<sup>1</sup> The Applicant was indicted at the January 2000 term of the Grand Jury for Richland County for first degree burglary (2000-GS-40-47054), carrying a pistol unlawfully (2000-GS-40-47055), and grand larceny (2000-GS-40-47056). He was represented by Jill Andrews, Esquire. On September 13, 2000, the Applicant proceeded to trial after which he was found guilty as charged. He was sentenced by the Honorable Perry M. Buckner, to confinement for life without the possibility of parole for first degree burglary, five (5) years, concurrent, for grand larceny and one (1) year, concurrent, for carrying a pistol unlawfully. A timely Notice of Appeal was filed on Applicant's behalf and an appeal was perfected. The South Carolina Court of Appeals affirmed Applicant's conviction and sentence. State v. Williams, Op. No. 2002-UP-104 (S.C. Ct. App. filed February 13, 2002).

S.C. Code Ann. §17-27-45(a) reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). The Applicant was convicted of the offense(s) he challenges in this Application on September 16, 1991. The Applicant was therefore required to file his application before September 16, 1992. This Application was filed on February 1, 2008 which was beyond the time that the statutory filing period had expired.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, S.C. Code Ann. § 17-27-70(c) (1985) authorizes the Court to “grant a motion by either party for summary disposition of [an] application when it appears from the pleadings ... that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.” Therefore, the Respondent requests that this Court summarily dismiss the application for post conviction relief for failure to file within the time mandated by the Post Conviction Procedure Act.

The Applicant has claimed that the trial court lacked subject matter jurisdiction due to defects in his indictment. Defects in the indictment do not affect

subject matter jurisdiction. See State v. Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005); U.S. v. Cotton, 535 U.S. 625, 122 S.Ct. 1781 (2002). The indictment is a notice document, and any challenges to its sufficiency must be made in accordance with S.C. Code Ann. § 17-19-90 (2003). See also S.C. Code § 17-19-20 (2003). Subject matter jurisdiction is the power of a court to hear a particular class of cases, and it has nothing to do with the indictment document. See Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005); Dove v. Gold Kist, Inc., 314 S.C. 235, 442 S.E.2d 598 (1994).

In post-conviction relief, an Applicant wishing to raise challenges to the sufficiency of an indictment must do so in the context of ineffective assistance of counsel, alleging that his trial counsel failed to properly move to quash the indictment in accordance with S.C. Code Ann. § 17-19-90 (2003). A claim of this nature is subject to the procedural bars in the Uniform Post-Conviction Procedure Act – notably the statute of limitations and successiveness. See S.C. Code §§ 17-27-45 *and* -90 (2003).

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, 363 S.C. 93, 610 S.E.2d 494 (2005). However, “[c]ircuit courts obviously have subject matter jurisdiction to try criminal matters.” Gentry, 363 S.C. 93, 610 S.E.2d 494, 499 (2005); 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. The failure to follow administrative procedures regarding the disposition of indictments or the filing of the same does not affect the subject matter jurisdiction of the trial court to hear a particular case. See State v. Culbreath, 282 S.C. 38, 316 S.E.2d 681 (1984).

IV.

The Respondent denies each allegation that is not expressly admitted, qualified or explained.

V.

WHEREFORE, Respondent moves to summarily dismiss the application because it was filed after the statute of limitations had expired.

Respectfully submitted,

HENRY D. MCMASTER  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

SALLEY ELLIOTT  
Assistant Deputy Attorney General

BRIAN T. PETRANO  
Assistant Attorney General

P.O. Box 11549  
Columbia, S.C. 29211

By:



Attorneys for the Respondents

February 12, 2008

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

)  
) IN THE COURT OF COMMON PLEAS

2008-CP-400-0957

Christopher A. Williams, 269359

Applicant,

vs

State of South Carolina,

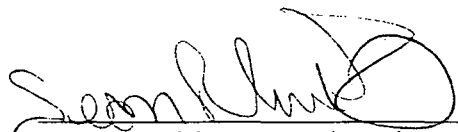
Respondent.

)  
)  
)  
) 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(s) by depositing same in the United States mail, postage prepaid:

Christopher A. Williams, 269359  
PERRY CORRECTIONAL INSTITUTION  
430 Oaklawn Road  
Pelzer, SC 29669

DATED this 13<sup>th</sup> day of February, 2008.

  
\_\_\_\_\_  
Jean R. Indriago, Legal Assistant  
For Respondent

March 14, 2008

Hon. Barbara A. Scott  
Clerk of Court, Richland County  
Post Office Box 2766  
Columbia, S.C. 29202-2766

Re: Christopher A. Williams v. State  
2008-CP-40-0957

Dear Ms. Scott:

Enclosed please find my original Applicant's Response to Respondent's Motion to Dismiss and Proof of Service for filing with your office.

Thank you for your kind attention to this matter.

Sincerely Yours

1st Christopher Williams  
Christopher A. Williams, 269359  
Perry Correctional Inst.  
430 Oaklawn Road-Q3B  
Pelzer, S.C. 29669

cc: Respondent's Attorney  
file

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
Christopher A. Williams )  
SCDC No. 269359, )  
Applicant, )  
V. )  
State of South Carolina, )  
Respondent. )

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IN THE COURT OF COMMON PLEAS

2008-CP-400-0957

APPLICANT'S RESPONSE TO RESPONDENT'S  
MOTION TO DISMISS

In response to Respondent's Motion to Dismiss filed February 12, 2008, the Applicant would show this Court:

I.

The applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the clerk of Court for Richland County. The applicant was indicted at the May 1991 term of the Court of General Sessions for Richland County for Burglary First Degree (91-GS-40-1936). He was represented by Gwendolyn Babb, Esq., and/or Mary Beatrice Whisonant Mills, Esq. On September 16, 1991, the applicant pled guilty to Second Degree Burglary. He was sentenced by Honorable William Traxler to confinement for a period of fifteen (15) years. The applicant did not appeal his conviction or sentence.

The applicant has since been released from prison, having served his sentence for (91-GS-40-1396). The applicant is presently incarcerated related to subsequent charges of which the conviction complained of in the Application serves as a first strike (see note 1 in Respondent's Return and Motion to Dismiss).

II.

In his current application for post conviction relief, the Applicant alleges

that he is being held in custody under an unlawful sentence because his prior Burglary conviction (91-GS-40-1936), which was used to enhance his current sentence to life without parole, was had in violation of his constitutional rights due to the following reasons:

1. INEFFECTIVE ASSISTANCE OF COUNSEL
2. THE TRIAL COURT LACKED SUBJECT MATTER JURISDICTION TO CONVICT UNDER "SHAM LEGAL PROCESSED" INDICTMENT.
3. BREACH OF PLEA AGREEMENT

### III.

The applicant submits that his Application for Post-Conviction Relief should not be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. §17-27-10 to-150 since his prior conviction complained of "still persist" and he is still suffering effects from this conviction. In McDuffie v. State, 277 S.E.2d 595 (S.C. 1981), our Supreme Court held that where applicant for PCR alleges in application that results of prior still persist, even though sentence has been fully served, he is entitled to an evidentiary hearing to determine whether or not he has been prejudiced (by the use of a prior unconstitutional conviction). See also, Jackson v. State, 489 S.E.2d 915 S.C. 1997 (holding that petitioner has standing to petition for PCR if he is in custody of the result of his prior conviction still persist).

Finally, applicant submits that a challenge to the subject matter jurisdiction of the trial court may be raised at any time. See Brown v. State, 540 S.E.2d 846 (2001).

### IV.

WHEREFORE, for the foregoing reason, the Honorable Court should deny the Respondent's Motion to Dismiss and, in the alternative, grant an evidentiary hearing and appoint counsel to serve the interest of justice.

This 14 day  
of March, 2008

Respectfully Submitted

/s/ Christopher A. Williams  
Christopher A. Williams, 269359  
Perry Correctional Inst.  
430 Oaklawn Road-Q3B  
Pelzer, S.C. 29669

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
Christopher A. Williams, 269359, )  
Applicant, )  
v. )  
State of South Carolina, )  
Respondent. )

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IN THE COURT OF COMMON PLEAS

2008-CP-400-0957

PROOF OF SERVICE

I hereby certify that I served a true copy of the Applicant's Response to Respondent's Motion to Dismiss upon Respondent's Attorney by placing same in the U.S. Mail, postage prepaid, addressed to:

Briant T. Petrano  
Assistant Attorney General  
P.O. Box 11549  
Columbia, S.C. 29211

This 14 day  
of MARCH, 2008

1st Christopher Williams  
Christopher A. Williams, 269359  
Perry Correctional Institution  
430 Oaklawn Road  
Pelzer, S.C. 29669

RECEIVED  
MAR 14 2008  
P.C.I. MAILROOM



ALAN WILSON  
ATTORNEY GENERAL

July 28, 2011

Daniel E. Shearouse, Clerk of Court  
Brenda F. Shealy, Deputy Clerk of Court  
Supreme Court of South Carolina  
P.O. Box 11330 Columbia, SC 29211

Ms. Shealy:

I received your letter on July 27 with the attachments from Mr. Christopher Williams regarding his PCR (2002CP402549).


Please accept this letter as an informal reply; I believe it addresses the issues raised. I have also attached some documents.

To summarize, Mr. Williams is correct in that Judge Cooper did grant his PCR (2002CP402549) and ordered a re-sentencing for his First-Degree Burglary LWOP sentence (2000GS4047054).<sup>1</sup> Our petition for certiorari was denied on December 5, 2007. According to our records, on March 28, 2006 we forwarded a copy of the Order Granting PCR to the Solicitor and SCDC; on December 11, 2007 we forwarded a copy of the Order denying our petition for writ of certiorari (and explained that we would not be filing a petition for rehearing) to the Solicitor and SCDC; on December 28, 2007 we forwarded a copy of the Remittitur to the Solicitor and SCDC.

After receiving your letter and reviewing our computer file(s) I made some phone calls to Appellate Defense, SDCCD, the Richland County Sheriff's Office, etc. It is my understanding that Mr. Williams was, for reasons that are not clear, not immediately transported to Richland County for a new sentencing proceeding when our petition for certiorari was denied back in 2007. Due to the recent inquiries into this matter, it is my understanding that he is now set for ASAP transport to the Richland County Detention Center. I have discussed this issue with his PCR attorney, who is arranging for him to be screened for indigency to begin the process to have a public defender assigned for the re-sentencing. I will be forwarding all of this directly to the Assistant Solicitor who originally tried the case, I will also send a copy to current general sessions administrative judge for the Fifth Circuit.

Please let me know if you need anything further.

Thanks

  
Brian T. Petrano  
Assistant Attorney General  
[bpetrano@scag.gov](mailto:bpetrano@scag.gov)

cc. Assistant Solicitor Richard Cathcart, Appellate Defender Katherine Hudgins, The Honorable Clifton Newman (Chief Administrative Judge for the Court of General Sessions for the Fifth Circuit), Christopher Williams #269359.

<sup>1</sup> According to the Richland County Clerk of Court, Christopher Williams is an alias; his name is actually Ricky Taylor. I am not sure that is accurate because our records consistently refer to him as Mr. Williams, I am merely relaying the note in the event you search for any records at the Clerk's office because his convictions are listed under the name of Taylor with Williams as an alias.

**James H. May**

---

**From:** Brian Petrano [BPetrano@scag.gov]  
**Sent:** Wednesday, December 07, 2011 9:54 AM  
**To:** RICHARD CATHCART; James H. May; KHudgins@sccid.sc.gov; Perry M. Law Clerk (Evelyn H. Lumpkin) Buckner  
**Subject:** Re: Christopher Williams resentencing

E. Hope Lumpkin  
Law Clerk to the Honorable Perry M. Buckner, III

As far as the State is concerned, it is the Solicitor's case now. However, to answer your question, I am assigned to all non-capital PCRs for the 5th Circuit. Mr. Williams' PCR was handled by my predecessor. The application was granted, our office appealed that ruling and our appeal was denied. Unfortunately, and probably because his conviction was not overturned in its entirety (he just got a re-sentencing), he was not immediately transferred and processed for the re-sentencing – there was a substantial delay. He is technically now a pre-sentence detainee.

The underlying issues are very interesting - again, I do not speak for the Solicitor, but I will just try to summarize. As the March 21, 2006 Order from Judge Cooper explains, PCR was granted because of a claim of ineffective assistance of counsel. The relief granted stemmed from counsel's supposed failure to properly challenge the legitimacy of Mr. Williams' prior 1st degree burglary conviction that served as the "1st most-serious strike." Because of that prior, the State was seeking mandatory LWOP per S.C. Code 17-25-45. Judge Cooper's order explains the problems with the records, page 3 of the Order. According to the Order, the PCR court heard testimony from the Applicant's prior counsels, Mary Mills and Jill Andrews. While the State respectfully disagrees with Judge Cooper's ruling, our appeal was unsuccessful.

Now there are additional concerns. Again, I do not speak for the Solicitor, but to answer your question I will add a few comments as to issues that I see applicable. I am sure you will hear zealous arguments from the current attorneys for the case, Mr. Cathcart for the Solicitor's Office and Mr. May for the Public Defender. I will copy this email to Ms. Hudgins (the PCR appeal attorney for Mr. Williams) in case she has any additional comments. The essential issue in my mind is what did Judge Cooper's Order specifically address. Judge Buckner sentenced Mr. Williams to LWOP because he found that there was a valid prior most-serious strike. Judge Cooper did not and cannot overrule Judge Buckner; rather, he found that if Judge Buckner had known the additional information that trial counsel had a duty to provide then Judge Buckner's decision would have been different, i.e. there was not enough information to establish that this was indeed a prior 1<sup>st</sup> degree burglary. One circuit court judge cannot overrule another circuit court judge. Enoree Baptist Church v. Fletcher, 287 S.C. 602, 604, 340 S.E.2d 546, 547 (1986) ("One Circuit Court Judge does not have the authority to set aside the order of another.").

I imagine the arguments you will hear will revolve around whether Judge Cooper's Order specifically finds that the prior was not a 1<sup>st</sup> degree burglary, OR whether the Order seems to specifically find only that he is entitled to another sentencing hearing where the additional information can be properly analyzed as it should have happened the first time and the re-sentencing court can then make the specific finding (again) that the prior was or was not a first degree burglary. It is my understanding that the Public Defender's office is also going to argue ample other issues such as *Res Judicata/Collateral Estoppel*. Mr. Williams can of course be re-sentenced to Life with or without 17-25-45 because the potential penalty for 1<sup>st</sup> degree burglary is up to life – the issue for you will be whether the prior was a 1<sup>st</sup> degree burglary in which case a life sentence is mandatory. (Note that the mandatory nature of a life sentence for two-most serious offenses was changed in the 2010 revisions to the criminal code,

5/1/2012

but at the time of the Applicant's conviction, life was mandatory not, discretionary per the Solicitor).

Please let me know if you need anything further. I would prefer not to become directly involved on the record in the re-sentencing because I do not want to have to address a potential recusal if Mr. Williams files for PCR based on the re-sentencing.

On a side note, Mr. Williams has filed another PCR application (2008CP4000957), filed February 1, 2008. In this PCR he challenges the prior burglary (not the one he is currently set to be re-sentenced on). I filed a motion to dismiss due to the statute of limitations, that motion is currently pending. I have not made any affirmative moves to have this PCR handled immediately because in my mind this PCR will likely be moot following his resentencing.

Assistant Attorney General  
Brian T. Petrano

cc. Mr. Cathcart, Mr. May, Ms. Hudgins.

**Brian T. Petrano**

[bpetrano@scag.gov](mailto:bpetrano@scag.gov)

Assistant Attorney General  
Office of the Attorney General  
State of South Carolina  
Post Office Box 11549  
Columbia, SC 29211-1549  
803.734.3731

803.734.4113 Fax

Current Roster:

<http://www.scag.gov/criminal-litigation/postconvictionrelief>

>>> "Buckner, Perry M. Law Clerk (Evelyn H. Lumpkin)" <PBucknerLC@sccourts.org> 12/7/2011 9:07 AM >>>

Counselors,

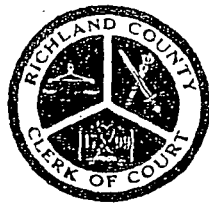
Judge Buckner has been informed that there is a request for him to resentence Mr. Williams. He was sent the appendix which was forwarded to me. I am going to prepare a memo for Judge Buckner regarding this resentencing, but Judge Buckner wanted me to contact y'all to find out a little more. Can y'all provide some of the details surrounding this case? Thanks!

E. Hope Lumpkin  
Law Clerk to the Honorable Perry M. Buckner, III  
101 Hampton Street; P.O. Box 470  
Walterboro, SC 29488  
Phone: (843) 549-7878  
Fax: (843) 549-9876  
[pbucknerlc@sccourts.org](mailto:pbucknerlc@sccourts.org)

5/1/2012

JEANETTE W. McBRIDE  
Clerk of Court

ANNE G. KELLY  
Chief Deputy Clerk of Court



MAILING ADDRESS:  
POST OFFICE BOX 2766  
COLUMBIA, S.C. 29202-2766

TELEPHONE:  
Phone: (803) 576-1950  
Fax: (803) 576-1785  
TDD (803) 748-4999

RICHLAND COUNTY CLERK OF COURT

Richland County Judicial Center  
1701 Main Street, Room 205  
Columbia, S. C. 29201

3/8/12

Christopher Williams # 60167  
Alvin S. Glen Detention Center  
201 John M. Dial Dr.  
Columbia, SC 29209

We have received your inquiry and respond as follows:

- We were unable to find a case with the name(s) and/or case number that you provided. If the case is a Richland County case, please provide us with as much information as possible. (For example: a list of the **full** names of **ALL** parties in the case, a case number and approximate filing date).
- The document you requested was not in the referenced case file. If the document was a proposed Order, you may want to contact the Chief Administrative Judge or the Judge to whom you proposed this Order.
- The record you requested is sealed by Court Order. In order to obtain a copy, please contact the Chief Administrative Judge.
- In order to obtain a transcript, send a written request to South Carolina Court Administration at 1015 Sumter Street, Suite 200, Columbia, SC 29201. You need to provide the case number, the Judge's name and the date of the trial. If you have any questions, call (803) 734-1800.
- A \$5.00 money order or law firm check is required for copies of all documents that are less than 30 pages. For documents over 30 pages, please contact this office for an exact amount.
- This office is not permitted to provide legal advice or legal forms. Please contact an attorney to assist you.
- This office cannot assist you with your request.
- For assistance, please contact: \_\_\_\_\_

Other: You need to specify exactly what you need out of the file. We cannot send to every thing in the file, with out additional cost.

(Institutional Copy)

DOCKET NO. **91GS401936**

**The State of South Carolina,**

County of RICHLAND

WITNESSES

L. Ashford - CPD

#70

COURT OF GENERAL SESSIONS

MAY TERM 1991

THE STATE

vs.

CHRISTOPHER WILLIAMS

ARREST WARRANT NO. C-930751

*R/M*  
*DOR - 8-18-86*  
*SSA - 250-23-760*

*M*  
*18300*

*Christopher Williams*  
The President, ...  
is not to be put and arraigned and upon his  
arrestment reads guilty as charged.  
ATTORNEY

*BA Stalk*  
*9.16.91*

*BA Stalk*

ACTION OF GRAND JURY

*TRUE BILL*

Foreman of Grand Jury

*Raymond Mc Dowell*

**Indictment for Burglary - FIRST DEGREE**  
**(Dwelling)**

S. C. Code §16-11-311

(157)

VERDICT

Foreman of Petit Jury

Date:

bk

*SE Rogers*  
*Def Whisman*  
*Rep Ahearn*

*159*  
*11-1*

STATE OF SOUTH CAROLINA )  
 County of Richland )  
 Christopher A. Williams, )  
 Applicant, )  
 v. )  
 The State of South Carolina, )  
 Respondent. )

IN THE COURT OF COMMON PLEAS  
 Case No.: \_\_\_\_\_

MEMORANDUM OF LAW IN SUPPORT OF  
 APPLICATION FOR POST-CONVICTION  
 RELIEF

BARBARA A. SCOTT  
 C.C.C. & G.S.  
 08 FEB - 1 PM 12:59  
 COMMON PLEAS COURT  
 FILED

COME NOW, the applicant, above-named, presents the Memorandum of Law in Support of Application for Post-Conviction Relief (PCR) and would show the following unto the Honorable Court.

The trial court lacked subject-matter jurisdiction to convict applicant on a "sham legal processed" indictment that was unlawfully obtained by the prosecution.

The trial court lacks subject-matter jurisdiction to convict a defendant unless there has been an indictment of the offense presented by a grand jury. State v. Williams, 552 S.E.2d 54 (S.C.App. 2003). The jurisdiction of a court over the subject matter of a proceeding is determined by the constitution, laws of the state, and is fundamental. Anderson v. Anderson, 382 S.E.2d 897, 900 (1989).

The applicant contends that his burglary indictment (91-GS-40-1936) for which he was convicted is a "sham legal processed" indictment that did not confer subject matter jurisdiction upon the trial court to convict him. Accordingly, a "sham legal process" is defined under S.C. Code (1976), SEC. 16-17-735, in relevant part as follows:

(E)(3) the issuance, display, reliance on an instrument that is not lawfully issued..., which purports to: (a) assert jurisdiction or authority over or determine or adjudicate the legal right...of a person; (b) require or authorize the...indictment of a person....

In this case, applicant's indictment indicates that he was indicted by the Richland County Grand Jury during the May term of General Sessions Court. Contrary to the term of court indicated by applicant's indictment, the S.C. Legislature

has enacted the following statutory schedule for Richland County:

The court of general sessions for Richland County shall be held at Columbia on the second Monday in January for two weeks, on the second Monday in April for two weeks, on the third Monday in June for two weeks, on the Tuesday following the first Monday in September for three weeks and on the second Monday in December for two weeks.

In conjunction, the Legislature has enacted a statutory law under S.C. Code 179-170 which mandates the following provision for convening the grand jury for service upon the general sessions court to return indictment:

The grand jury as lawfully drawn in accordance with law for service upon general sessions court in each of the counties shall constitute the grand jury for the circuit court and shall meet with the court at each of its terms....

In addition, the Legislature has enacted S.C. Code (1976) Sec. 14-9-210 which imposes the following requirement upon county solicitors to obtain a lawful indictment:

The county solicitor shall prepare and, through the presiding judge of the general sessions court, submit to grand jury "while in attendance upon general sessions court", bill of indictment...

Moreover, as documentary proof will be so important in determining this issue, the applicant submits that the date for return of his indictment is consistent with the Fifth Circuit Statutory term of Court as follows:

The court of general sessions court for Kershaw County shall be held at Camden on the third Monday in February, the third Monday in "May" and the Fourth Monday in October.

Therefore, as can clearly be seen from statutory laws, there is, in fact, a May term of general sessions court in the Fifth Circuit for Kershaw County; however, there is no May term of General Sessions Court in this circuit for Richland County. As a result, applicant submits that his indictment operates as a "sham legal" processed indictment that did not confer subject-matter jurisdiction upon the trial court to convict him in violation of Art. I, Sec 11 of S.C. Constitution (No person may be held to answer for any crime..., unless on a presentment of a grand jury of the county where the crime has been committed,....)

As a collateral matter, the applicant submits that he is not challenging the court's grant of authority to hear and determine criminal cases under Art. V, Sec. 11. That authority is rightfully granted by our Constitution, State v. Gentry, 363 SC 93,610 S.E.2d 494 (2005, and is not the issue here. Instead, applicant is chal-

lenging the court's subject matter jurisdiction to try his case solely on the authority granted by Art. V, Sec. 11 independent of the Constitutional requirement of Art. I, Sec. 11, as the grand jury's jurisdiction is co-extensive with the criminal jurisdiction of the court in which it is impaneled and for which it to make inquiry. See, e.g., State v. Hann, 12 S.E.2d 720; State v. McClure, 289 S.E.2d 158 (S.C. 1982). Finally, it is well-settled law that the circuit court's criminal jurisdiction authorized by Art. V, Sec. 11, is limited to those crime charged in the indictment presented by the grand jury. State v. Watson, 394 SC 372, 563 S.E.2d 336 (S.C. 2002).

Finally, here, as it is evident that the prosecution failed to present the applicnat's indictment to a lawfully constituted grand jury but instead denoted a "true bill" upon the indictment without presentment in accordance with Sec. 14-9-210 operates as a "sham legal processed indictment that failed to confer subject matter jurisdiction upon the trial court to convict him. Matters of subject-matter jurisdiction may be raised at any time. Weinhauer v. State, 513 S.E.2d 840, 334 SC 327 (S.C.App. (1999)). Also, if a statutory language is plain and unambiguous, and conveys a clear and definite meaning, there is no occasion for employing any rule of statutory interpretation, and the court has no right to look for or impose another meaning of statutory laws. Gilfillin v. Gilfillin, 544 S.E.2d 829, (S.C. 2001).

#### CONCLUSION

WHERE, for the foregoing reason, the court should grand a hearing on the merits of this claim to grant applicant a reversal of this conviction.

Respectfully Submitted.

This 5<sup>TH</sup> day

of December, 2007

1s/ Christopher A. Williams  
Christopher A. Williams, No. 269359  
Perry Correctional INstitution  
430 Oaklawn Road-Q3B/210  
Pelzer, S.C. 29669

## Breach of plea Agreement

The applicant assert post conviction relief to his prior conviction September 16 1991. the applicant prior conviction was used under the Enhancement Act. now the applicant is suffering from his prior invalid conviction. the applicant argues his plea was involuntary because it was induced by promise and the essence of the promise was not Honored nor Executed. the applicant plea bargain for a particular plea in order to serve a non violent conviction due to his prior convictions. the applicant assert Assistance solicitor Mr David Avant recommended a plea bargain to Honorable william Traxler and the court accepted Mr avant recommendation to burglary second according to prior convictions. the applicant counsel was Ineffective as to where she didnt withdraw his plea of guilty. purusant to sprous v. state Assistance solicitor classification of defendant second Degree Burglary offense as violent constätuted Breach of plea Agreement in prior burglary case that was handle by another assistance solicitor in the same Judicial circuit under which the assistance solicitor stated the sentence in defendant second degree burglary case would be non violent; both solicitor were bond to fulfill the plea agreement made by the other solicitor. Per Se Prejudicial breach of agreement with defendant second degree burglary offense as violent, warranted remand for specific performance of the plea agreement rather than to allow defendant to withdraw his guilty plea and start over; requiring specific performance was the most efficient option becuse it eliminated need for new trail or new plea hearing, and it also granted the parties nothing more and nothing less than the benefit for which they had bargained for the applicant assert that his prior conviction was in fact for burglary second degree. however, due to the breach of agreement the applicant now suffers from the enhancement act, two strike law. the applicant assert his counsel was Ineffictive during his plea agreement proceeding. pursuant McDDffie v, State the Supreme court, Ness J. held that where an application for post conviction relief allege in his application that results of his prior conviction still persist, ~~even~~ though sentence has been fully served he is entitled to an Evidentiary hearing to determine whether he has been Prejudiced. when the prosection Breach its promise with respect to Executed plea agreement defendant plea guilty on false promise and Hence his conviction cannot stand. this case the applicant fulfill his end of the plea agreement by serving an invalid conviction; because the solicitor Breach the plea Agreement Assistance solicitor reneged on the plea agreement by not Honoring it nor Executing the plea Agreement.

Christopher A. Williams  
Christopher A. Williams

Welcome to the

# South Carolina Legislature Online

Home > Code of Laws Title/Chapter List > Title 14

EXHIBIT A

**South Carolina Code of Laws  
(Unannotated)  
Current through the end of the 2005 Regular Session**

Disclaimer

This statutory database is current through the 2005 Regular Session of the South Carolina General Assembly. Changes to the statutes enacted by the 2006 General Assembly, which will convene in January 2006, will be incorporated as soon as possible. Some changes enacted by the 2006 General Assembly may take immediate effect. The State of South Carolina and the South Carolina Legislative Council make no warranty as to the accuracy of the data, or changes which may have been enacted since the 2005 Regular Session or which took effect after this database was prepared and users rely on the data entirely at their own risk.

**Title 14 - Courts**

CHAPTER 5.

CIRCUIT COURTS

ARTICLE 1.

GENERAL PROVISIONS

**SECTION 14-5-10.** Circuit courts shall be courts of record; public inspection of records.

The circuit courts herein established shall be courts of record, and the books of record thereof shall, at all times, be subject to the inspection of any person interested therein.

**SECTION 14-5-20.** Seals of courts of common pleas.

The courts of common pleas shall, at the expense of the State, have a seal for each county of an impression similar to that of the court of common pleas in Charleston County and uniform with that seal except that each seal shall in the legend have the name of the court in which it is used. Such seals shall always be affixed to such proceedings of the respective courts as may require the same.

ARTICLE 3.

JUDGES AND SPECIAL JUDGES

**SECTION 14-5-110.** Qualification by circuit judge.

The circuit judges of this State, upon their election, shall qualify by taking the oath required by the Constitution of this State before a justice of the Supreme Court, the President of the Senate, the Speaker or Speaker Emeritus of the House of Representatives, a circuit judge, a clerk of the Supreme Court, a clerk of the court of common pleas or a probate judge of the county; and shall forthwith enter upon their duties. Such oath must be filed in the office of the Secretary of State. Terms of office for all circuit judges elected after January 1, 1977, shall commence as of July first of the year in which they are elected.

**SECTION 14-5-650.** Terms of court in fourth circuit.

The courts of the fourth judicial circuit shall be held as follows:

(1) Courts of general sessions. - At Chesterfield for Chesterfield County on the first Monday in February, the third Monday in May and the second Monday in October; at Bennettsville for Marlboro County on the second Monday in February, the first Monday in May and the second Monday in November; at Darlington for Darlington County on the third Monday in February, the second Monday in April, the third Monday in June and the third Monday in September; and at Dillon for Dillon County on the second Monday in March, the first Monday in June and the fourth Monday in September.

(2) Courts of common pleas. - At Chesterfield for Chesterfield County on the first Monday in January, the third Monday in April, the fourth Monday in May, the first Monday in September, the fourth Monday in November for two weeks; at Bennettsville for Marlboro County on the fourth Monday in January, the first Monday in March, the first Monday in April, the second Monday in May, the first Monday in October and the second Monday in December; at Darlington for Darlington County on the second Monday in January for two weeks, the third Monday in March for two weeks, the fourth Monday in April, the fourth Monday in June, the fourth Monday in October for two weeks; at Dillon for Dillon County on the fourth Monday in February, the second Monday in June, the second Monday in September, the third Monday in October and the third Monday in November.

Provided, that when New Year's Day falls on the first Monday in January, the January term of the court of common pleas for Chesterfield County shall convene on the first Tuesday; provided, further, that the September term of the court of common pleas for Chesterfield County shall convene on the first Tuesday; and provided, further, that when Thanksgiving falls within the week of the fourth Monday in November, the November term of the court of common pleas for Chesterfield County shall adjourn for that week on Wednesday.

(3) Use of portion of May or June term of court of common pleas in all four counties in the circuit by court of general sessions. - In all four counties in the circuit when matters before the court of common pleas during the circuit court term in May or June have been disposed of, the balance of the term may be used by the court of general sessions to dispose of matters brought before it.

**SECTION 14-5-660.** Time when pleadings and other papers are returnable in fourth circuit; notice of terms.

All recognizances, pleadings, notices and papers shall be returnable and applicable to the terms of the court as fixed by Section 14-5-650 and the clerk of the court for each county in the fourth judicial circuit shall give two weeks' notice of each and every term of the court in some newspaper published in the county, stating the day of the month on which the next court will open for the county.

**SECTION 14-5-670.** Terms of court in fifth circuit.

The courts of the fifth judicial circuit shall be held as hereinafter provided.

(1) Kershaw County. - The court of general sessions for Kershaw County shall be held at Camden on the third Monday in February, the third Monday in May and the fourth Monday in October. The court of common pleas for said county shall be held at Camden on the fourth Monday in February, the first Monday in May and the first Monday in November. The terms of the court of common pleas shall continue for two weeks each.

(2) Richland County. - The court of general sessions for Richland County shall be held at Columbia on the second Monday in January for two weeks, on the second Monday in April for two weeks, on the third Monday in June for two weeks, on the Tuesday following the first Monday in September for three weeks and on the second Monday in December for two weeks. The court of common pleas for the county shall be held in Columbia on the fourth Monday in January for two weeks, on the second Monday in March for three weeks, on the first Monday in June for two weeks, on the fourth Monday in September for three weeks and on the third Monday in November for three weeks, two weeks of which shall be for the disposal of jury matters and the other week, which includes Thanksgiving Day, for the disposal of

WITNESSES

L. Ashford - CPD

#70

ARREST WARRANT NO. C-930751

ACTION OF GRAND JURY

TRUE BILL

Foreman of Grand Jury

Raymond Mc Dowell

VERDICT

Foreman of Petit Jury

Date:

DOCKET NO. 91GS401936

The State of South Carolina,

County of RICHLAND

COURT OF GENERAL SESSIONS

MAY TERM 1991

THE STATE

vs.

CHRISTOPHER WILLIAMS

B/M

DOB - 8-18-66

SS# - 250-23-7601

Indictment for Burglary - FIRST DEGREE (Dwelling)

S. C. Code §16-11-311

(157)

bk

The Prisoner, Christopher Williams is put to the bar and arraigned and upon his arraignment pleads guilty as charged. ATTEST:

BA Smith Clerk of Court 9.16.91

COURT'S EXHIBIT 5

ATTEST A TRUE COPY [Signature]

SE Rogers, Def Whisman Rep Ahern

STATE VS

# GENERAL SESSIONS DOCKET SHEET

AKA LAST FIRST MIDDLE  
Williams Christopher A

INDICTMENT NUMBER  
91GSA01936 -

AKA LAST FIRST MIDDLE  
28-3 Latimer Manor

WARRANT/TICKET NO.  - 930751

NO WARRANT/TICKET

STREET ADDRESS  
Columbia STATE SC ZIP CODE 29203

OFFENSE CHARGED COUNTS OFFENSE CODE OFFENSE NAME  
01 080 Burg 2nd

CITY SOCIAL SECURITY NUMBER SEX CODE GENDER RACE CODE RACE  
250 23 76001 1 1 1 2 2

DATE OF ARREST  
12 20 90

DATE OF BIRTH STATE DRIVERS LICENSE NUMBER  
08 18 66 11 11

DATE RECEIVED BY CLERK  
02 25 91

SUMMARY JUDGE CODE

1. DATE TRANSMITTED TO SOLICITOR AND S.C.C.A. 2-25-91 3. DATE DISPOSITION SENT TO S.C.C.A. 9-24-91

2. DATE DISPOSITION RECEIVED BY CLERK 9-17-91 4. DATE TRANSMITTED TO SUMMARY COURT (FOR REMANDED WARRANTS ONLY) 9-24-91

DATE OF DISPOSITION  
09 16 91

DISPOSITION  
1.  GUILTY PLEA  
2.  TRIAL (GUILTY)  
3.  TRIAL (NOT GUILTY)  
4.  DISM/NOL PROS/PROS ENDED  
5.  PII  
6.  JUDICIAL COMMITMENT  
7.  JUDICIAL DISMISSAL  
8.  REMANDED  
9.  DISMISSED AT PRELIM.  
10.  NO BILL  
11.  FAILURE TO APPEAR  
12.  OTHER

\* EXPLAIN:

JUDGE: 11 Staller Clean Whisonant  
CODE NAME COURT REPORTER DEFENSE ATTORNEY

OFFENSE OF CONVICTION: 01 080 Burg 2nd  
COUNTS OFFENSE CODE OFFENSE NAME

SENTENCE: 15 yrs

\_\_\_\_\_  
SOLICITOR  
Louise Carter  
CLERK

2452 6818

SENTENCE

Burg.

STATE OF SOUTH CAROLINA

CASE NO. 91-GS-1936

Richland COUNTY

The defendant Christopher Williams is committed to the State Department of Corrections/County for a term of 15 months/years and/or to pay a fine of \$ \_\_\_\_\_; provided upon the service of \_\_\_\_\_ months/years and/or payment of \$ \_\_\_\_\_, plus pay/waive costs and assessments as applicable\*, the balance suspended with probation for \_\_\_\_\_ months/years.

COURT'S EXHIBIT 3 KT

Restitution Yes/No to be paid \_\_\_\_\_

For physical injury \$ \_\_\_\_\_ property damage \$ \_\_\_\_\_

to clerk for \_\_\_\_\_

Other conditions Sentence begins 6-7-91

Date 9-16-91

William B. Crawford Presiding Judge

\*Costs and Assessments Non-waivable \$ \_\_\_\_\_ Not waived \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

Barbara A. Scott Clerk of Court

\*\*Pay to Victim's Compensation Fund if subrogated.

DISPOSITION SHEET

Williams, Christopher  
Client: Last Name, First I.M.I.

9110562  
P.D. File No.

Whisonant  
P.D. Atty. Closing Case: Surname

9/24/91  
Date of Disposition/Closing

G.S.  Fam.Ct.  Mag.Ct.  Mun.Ct.  
(Court: check all that apply & specify below)

1. Judicial or Prosecutorial Disposition

Archer  
Judge (Surname)                      Sol. (Surname)                      Court Date

<u>Charge</u>	<u>Warr./Ind. No.</u>	<u>File/Trial/Dismissal/PTI</u>
Burg 2nd	C 930751	15 yrs
AL	C 930752	10 yrs

\*see reverse.

2. Other Dispositions:

- Relieved as Counsel (written Order in file)
- Conflict (private atty. appointed/info in file)
- Other (specify):

3. Other Charges/Information Pending or Relevant to this Disposition:

See P.D. File No.:

TO: ZR03  
FROM: SCCH

ICHR REQUEST FOR RAP SHEET  
ORI-SC0400000 SID-SC00423700 PUR-C  
ATN-GROSS, L

AUTHORIZED CRIMINAL JUSTICE AGENCY USE ONLY. CONTACT CONTRIBUTING  
AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS.  
BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY  
SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-11/15/1999 TIME-10:31:36  
REQ ORI-SC0400000 RICHLAND CNTY SO  
SID-SC00423700 FBI-635355CA2  
NAME-WILLIAMS, CHRISTOPHER ANTONIA SEX-M RACE-B  
HEIGHT-506 WEIGHT-150 EYES-BRO HAIR-BLK SKIN- BORN-SC  
FPC-PODIPOPO11PIPODIPI14 HENRY- O 31 W IOO 11  
I 28 W OII

PHOTOGRAPH AVAILABLE  
1--FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--10/10/1983 DATE OF LAST UPDATE--06/17/1999

ADDITIONAL IDENTIFIERS NAME	BIRTH DATES	MARKS	SOC SEC	MISC NUM
WILLIAMS, CHRISTOPHER A	08181966		250237601	
WILLIAMS, CHRISTOPHER		SC L KNEE		
WILLIAMS, CHRISTOPHER ANTONO		SC RF ARM		
WILLIAMS, CHRISTOPHER TONY		SC R SHLD		
WILLIAMS, CHRISTOPHER ANTONIO		SC L WRIST		
WILLIAMS, TONY		SC R HND		
WILLIAMS, CHRISTOPHER ANTHONY				

CONTRIBUTOR/SUBJECT	DOA/RCVD	CHARGE/DISPOSITION/ETC
WILLIAMS, CHRISTOPHER ANTONIA SC0400000 RICHLAND CNTY SO WARR-A909160	09/26/1983	ARREST CHARGE 01-GRAND LARDEN Y MOTOR VEHICLE

WARR-A909160

ARREST DISP- \$1000 SURETY  
COURT CHARGE 01-GRAND LARDEN  
MOTOR VEHICLE  
COURT DISP-CONVICTED; 1Y-6Y  
CONFIN; INDETERMINATE; YOA  
COURT DATE-01/05/1984

SC040055C R & E CENTER COLA

NE  
COURT CHARGE 02-BREAKING  
INTO MOTOR VEHICLE  
COURT DISP-CONVICTED; 1Y CONFINEMENT; CONCURRENT

WILLIAMS, CHRISTOPHER ANTHONY 12/20/1990 ARREST CHARGE 01-BURGLARY  
SC0400100 COLUMBIA PD PHOTOGRAPH AVAILABLE  
CASE-103713

DOC-91854001937 WARR-C930752

ARREST CHARGE 02-GRAND LARCENY  
COURT CHARGE 01-GRAND LARCENY  
COURT DISP-CONVICTED; 10Y  
COURT DATE-09/17/1991

CIT-16-11-312 FELONY  
DOC-91854001936 WARR-C930751

COURT CHARGE 02-BURGLARY 2ND  
COURT DISP-CONVICTED; 15Y  
COURT DATE-09/16/1991

SC040055C R & E CENTER COLA 09/19/1991 CUSTODY STATUS-RECEIVED

91 1936  
-37

CASE-181300  
SC040055C R & E CENTER COLA

START DATE-09/19/1991  
COURT CHARGE 01-BURGLARY 1ST  
DEGREE  
COURT DISP-CONVICTED; 15Y  
CONFINEMENT

SC040055C R & E CENTER COLA

COURT CHARGE 02-GRAND LARCENY  
COURT DISP-CONVICTED; 10Y  
CONFINEMENT; CONCURRENT

SC040055C R & E CENTER COLA 05/18/1999 CUSTODY STATUS-RECEIVED  
CASE-181300

START DATE-05/18/1999  
COURT CHARGE 01-SUPERVISED  
FURLOUGH REVOCATION  
COURT DISP-CONVICTED; SERVING  
TIME

BASED ON SEARCH OF SCLED CJICS CCH FILE USING SID/SC00423700  
REQUESTED FOR CRIMINAL JUSTICE PURPOSES

SCLED CJICS RECORD INDICATES SUBJECT HAS NO OUT-OF-STATE ARREST INFORMATION  
INQUIRY WILL BE FORWARDED TO S L E D W A N T E D P E R S O N S

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING HANDGUN IN  
SOUTH CAROLINA

INFORMATION SUBMITTED TO SLED CCH PURSUANT TO 16-23-10 (C) AND 23-31-110  
(C) OF THE SOUTH CAROLINA CODE OF LAWS INDICATES THIS INDIVIDUAL HAS BEEN  
CONVICTED OF A CRIME OF VIOLENCE AND IS NOT PERMITTED TO POSSESS OR

RICHLAND COUNTY SHERIFF'S DEPARTMENT

BACKGROUND INFORMATION

Date: 111299

Date of arrest: 111299 Place of arrest: Meadowlake Drive  
Name: Williams, Christopher Age 33 DOB 081866 SSN: \_\_\_\_\_

Antonio

Description: Race: Black Sex: Male Wt: 150 Ht: 506 Eyes: Brown  
Hair: Black Facial Hair: Mustache, Scars: above left eye on fore head  
light beard

Tattoos: shape of a heart on left forearm Aliases: Chris

Arresting officer: Faust Arrested with whom: N/A

Arrested for: Burglary 1<sup>st</sup>, Grand Larceny, Unlawful Prior arrests: Yes  
poss. of a Pistol

Location of prior arrests: RCSD, Forest Acres, CPD

Charges: Grand Larceny of a MTV, Auto Breaking X2, Soliciting for Prostitution, Grand  
Larceny X2, Trespassing X2, Burglary 2<sup>nd</sup>,

Names and addresses:

1. Father: Unk. Address: \_\_\_\_\_ Phone: \_\_\_\_\_
2. Mother: Williams, Vernell Address: 6205 Moses Street Phone: 691-5253  
Columbia, SC 29203
3. Spouse: N/A Address: \_\_\_\_\_ Phone: \_\_\_\_\_
4. Adult children: N/A Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_
7. Other Address: \_\_\_\_\_ Phone: \_\_\_\_\_

8. How long in Richland County: 33 Where from: SC

9. Last address: 6205 Moses Street Education: 11<sup>th</sup>

Schools attended: High School: Spring Valley College: N/A

10. Place of birth: SC Occupation: Unemployed

11. Employment last 6 months: N/A

12. Have you been in prison: Yes Where: SC

Name of prison: R & E Center

Prison ID No.: 119854 & 181300

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

RECORD SUMMARY REPORT DATED 06/04/02

MODZJ

WILLIAMS, CHRISTOPHE - FBI # 635355CA2 SID# SC00423/00 SCID # 269359

OFFENDER TYPE.: ADULT-STRAIGHT SENTENCE

INSTITUTION ... BROAD RIVER CORR. INST.

SECURITY/CUST.: 3 SECURITY DETENTION

NOT INCARC SENT.: 999 YRS 0 MOS 0 DYS

CENTRAL MONITORING.: YES

SOCIAL SECURITY #....:

DORM.....: S0133A

RACE.....: B SEX....: M

PROJ MAXOUT DATE: 99/99/9999

PROJ PAROLE DATE: 00/00/0000

EMC JOB...: NO CURRENT JOB

EDUC PGM...: NO CURR EDUC PROGRAM

EMC LEVEL: 0 EEC LEVEL:

ASSIGNMENT...: LOCKED - UP

CURRENT PROGRAM...: NO CURRENT PROGRAM

AGE...: 35 DATE OF BIRTH...: 8/18/66

-----  
PREVIOUS NUMBERS:

00157681

Y00119854

00181300

CURRENT OFFENSES	SENTENCE			COUNTY	SENTENCE			V/NO	CATEGORY
	YRS	MOS	DYS		START	YRS	MOS		
GRAND LARCENY	5	0	0	RICHLAND	11/12/1999	N	0	0	2
CARRY PROHIBITED WEAPON	1	0	0	RICHLAND	11/12/1999	N	0	0	3
BURGLARY-1ST DEGREE	999	99	999	RICHLAND	11/12/1999	U	0	0	4

-----  
PRIOR COMMITMENTS OVER 90 DAYS:

12/20/90	GRAND LARCENY	10	YRS	0	MOS	0	DYS
12/20/90	*BURGLARY-1ST DEGREE	15	YRS	0	MOS	0	DYS
1/ 8/89	BREAKING INTO MOTOR VEH	1	YRS	0	MOS	0	DYS
1/ 8/89	*GRAND LARCENY	1	YRS	0	MOS	0	DYS
1/11/84	BRK. VEH & GR. LARCENY	6	YRS	0	MOS	0	DYS
9/26/83	*VEHICLE THEFT	6	YRS	0	MOS	0	DYS

-----  
DETAINEES (HOLD, WANTED, NOTIFY):

\*NO DETAINEES\*

-----  
ESCAPES:

\*NO ESCAPE HISTORY\*

-----  
CRIMINAL CHARGES:

\*NO CRIMINAL CHARGES HISTORY\*

-----  
ASSAULTIVE DISCIPLINARIES:

\*NO ASSAULTIVE DISCIPLINARY HISTORY\*

-----  
NON-ASSAULTIVE DISCIPLINARIES:

4/19/ 2	USE, POSS NARC, MARIJ, UNAU	CONVICTED	MAJOR	
3/31/ 2	REFUSING OR FAILING OBEY	DROPPED	MAJOR	
3/11/ 2	REFUSING OR FAILING OBEY	CONVICTED	MAJOR	
3/11/ 2	POSSESSION OF CONTRABAND	CONVICTED	MINOR	
1/28/ 2	USE, POSS NARC, MARIJ, UNAU	CONVICTED	MAJOR	
//12/ 1	REFUSE MED TREATMENT COM	CONVICTED	MAJOR	
12/ 6/90	SUPV FUR 2 VIOL (INQUIRY)	CONVICTED	MINOR	00157681
5/18/99	SUPERVISED FURL II VIOLA	CONVICTED	MINOR	00181300
11/16/97	OUT OF PLACE	DROPPED	MINOR	00181300
11/16/97	POSSESSION OF CONTRABAND	CONVICTED	MAJOR	00181300
11/14/96	REFUSING TO WORK	CONVICTED	MINOR	00181300
11/12/96	REFUSING OR FAILING OBEY	CONVICTED	MINOR	00181300
10/31/96	USE OBSCENE, VULGAR, PROFA	CONVICTED	MINOR	00181300
10/31/96	OUT OF PLACE	CONVICTED	MINOR	00181300
12/ 4/93	THREATENING TO INFLECT H	CONVICTED	MAJOR	00181300
12/ 4/93	FIGHTING WITHOUT A WEAPON	CONVICTED	MINOR	00181300

-----  
HISTORY OF MOVEMENTS:

10/ 9/ 0	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
9/19/ 0	KIRKLAND	INCARCERATED	NEW ADMISSION

-----  
HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL

Richland County Sheriff's Department  
Criminal Investigative Division  
Investigative Report

---

Case Number: 99111006  
Offense Date: 111299  
Offense Time: 0114 Hours

Victim's Name: Robinson, Lynnette  
Victim's Address: 320 Meadowlake Drive

Location of Offense: 320 Meadowlake Drive  
Type of Offense: Burglary

---

111299 @ 0300 Hrs. I/O was beeped by Inv. Baker, who was working midnight shift, and was advised that an individual was arrested for burglary. Inv. Baker called I/O a short time later and advised I/O that the individual was caught in a house in Meadowlake subdivision. I/O has had a numerous burglaries in the Meadowlake subdivision recently. I/O came on in to the office to interview the subject. Inv. Baker advised I/O that the subject who said his name was Ricky Taylor, had requested an attorney. I/O asked the subject questions about his identity, but the subject replied that he had already given his name. I/O asked him if he had a drug problem and the subject stated he did. I/O offered the subject I/O's card, but he declined. The subject stated that he knew I/O's name from I/O telling him, and he would get in touch with I/O if he wanted to.

@ 0800 hours I/O transported a female to jail on unrelated charges. I/O had the jail run an extra copy of the suspects finger prints. I/O gave Lab Inv. Gross the finger print card to attempt to identify subject.

111599 Inv. Gross identified the subjects prints through SCAFIS and identified a match from the finger prints with the SID # SC00423700. Lab Inv. Gross ran the SID # through NCIC and identified the suspect as CHRISTOPHER A. WILLIAMS b/m DOB 081866 SS# 250-23-7601.

I/O found a picture of the suspect in the RCSD photo system that matched the suspect arrested. Same Name DOB SS#. The subject was arrested on 990414 and had his furlough revoked. The subject has an extensive criminal history and has one burglary conviction, it appears that he was arrested for burglary 1<sup>st</sup> and pleaded guilty to a burglary 2<sup>nd</sup>.

111699 the subject admitted to the Judge Kittridge that his name was in fact, Christopher A. Williams DOB 081866. The subject requested Inv. Faust's business card. The defendant's attorney gave the defendant I/O's card, but advised him not to talk to I/O.

@ 1600 hours I/O went to 6205 Moses St., the address the subject stated he lived at. I/O spoke to Vernell Williams, the subjects mother. She identified the subject in a picture I/O showed her as being her son. I/O asked for consent to search the inside of her house for property the subject may stolen from other burglaries. Ms. Williams allowed I/O to search the house. I/O was unable to find any property that may have been stolen by the subject. Ms. Williams stated that she has two sisters in Meadowlakes, but that they would not be the subject in their house.

@ 1430 hours I/O went by 532 Atterbury Drive, the address the subject stated was his the night he was arrested. Mr. Wilker allowed I/O to enter the house, and stated he does not know who the subject I/O was that I/O was asking about.

111899 I/O and Inv. Mann went to RCDC to get major case prints on the subject to compare to prints lifted by RCSD at other burglaries in Meadowlake. While Inv. Mann was getting the subjects prints, the subject initiated conversation with I/O. The subject stated that he wanted to speak with I/O but was unable to call I/O because he could only call out collect. The jail staff allowed the subject to call I/O voice mail from a phone that would call out non-collect. The subject verbally stated again that he want to talk to I/O about the case. I/O asked the subject if he wanted to talk to I/O, after he requested not to speak to I/O without a lawyer present the night he was arrested. The subject stated that he did want to talk to I/O. I/O informed him that it would be next week before I/O could talk to him.

@1129 hours I/O had a voice mail message from the subject requesting to speak to I/O.

Richland County Sheriff's Department  
Criminal Investigative Division  
Investigative Report

---

112399 at 1100 hours I/O advised the subject of his legal rights. The subject waived his rights, and gave I/O a signed written statement implicating himself in the burglary (see statement w/ waiver form). The subject also agreed to take a polygraph on December 1, at 1330 hours in reference to the other break ins in Meadowlakes. The subject states that the burglary he was caught for was the only burglary he committed since he got out of jail on October 8<sup>th</sup> 1999.

5th RC

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2008CP4000957

Christopher A #269359 Williams

State of South Carolina

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: \_\_\_\_\_ Attorney for:  Plaintiff  Defendant or  Self-Represented Litigant

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);  Other \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award. Other \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other \_\_\_\_\_

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court

**ORDER INFORMATION**

This order  ends  does not end the case.  
Additional Information for the Clerk: \_\_\_\_\_

**INFORMATION FOR THE PUBLIC INDEX**

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order: \_\_\_\_\_

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge \_\_\_\_\_ Judge Code \_\_\_\_\_ Date \_\_\_\_\_

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this 11 June 2012 to attorneys of record or to parties (when appearing pro se) as follows:

Christopher A #269359 Williams

State of South Carolina

Robert Daniel Corney

Christopher A #269359 Williams

State of South Carolina

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter \_\_\_\_\_

Clerk of Court

*Jeanette W McBride*

STATE OF SOUTH CAROLINA )  
 COUNTY OF RICHLAND )  
 Christopher Williams #269359. )  
 Applicant. )  
 v. )  
 State of South Carolina, )  
 Respondent. )

IN THE COURT OF COMMON PLEAS  
 FOR THE FIFTH JUDICIAL CIRCUIT

*SCDF*  
 2007-CP-40-00957

FINAL ORDER

RICHLAND COUNTY  
 FILED  
 2012 JUN 11 AM 11:54  
 JEANETTE W. McBRIDE  
 C.C.P. & G.S.

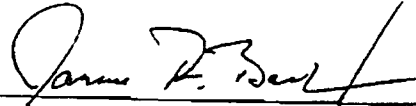
This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed February 1, 2008. Respondent made a Return and Motion to Dismiss on February 13, 2008, requesting the application be summarily dismissed for failure to file the action within the one-year statute of limitations pursuant to S.C. Code Ann. § 17-27-45(a) (2003). Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal dated April 9, 2012, and filed April 10, 2012, provisionally denying and dismissing this action, while giving the Applicant twenty (20) days from the date of service of said Order in which to show why the dismissal should not become final. It appears Applicant has been released from the Department of Corrections since the filing of this action and, therefore, Respondent's attempts to perfect service through the Department of Corrections have been unsuccessful. Further, Applicant has failed to provide this Court, the Clerk of Court, and/or Respondent with an updated address for receipt of information relevant to this action. Therefore, attached to this Final Order and incorporated herein by reference is Respondent's Certificate of Service dated May 1, 2012, serving the Conditional Order of Dismissal on Applicant through the Richland County Clerk of Court pursuant to Rule 5(b)(1), SCRC ("service upon the...party shall be

made by delivering a copy to him or by mailing it to him at his last known address or, *if no address is known, by leaving it with the clerk of court*" (emphasis added).

The Applicant made no response to the Conditional Order of Dismissal. This Court has reviewed the original pleadings and finds that a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final.

IT IS THEREFORE ORDERED that, for the reasons set forth in the Court's Conditional Order of Dismissal, the Application for PCR is hereby denied and dismissed **with prejudice**.

AND IT IS SO ORDERED this 8 day of JUNE, 2012.



JAMES R. BARBER, III  
Chief Administrative Judge for Common Pleas  
Fifth Judicial Circuit

Columbia, South Carolina.

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND  
IN THE COURT OF COMMON PLEAS

CHRISTOPHER A. WILLIAMS,  
Applicant,

v.

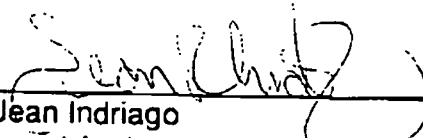
STATE OF SOUTH CAROLINA,  
Respondent.

**CERTIFICATE OF SERVICE**


The undersigned hereby certifies that a true copy of the Conditional Order of Dismissal has been served upon Applicant via the Richland Clerk of Court pursuant to Rule 5(b)(1), SCRCP, by mailing one (1) copy in the United States mail, postage prepaid, addressed to:

The Honorable Jeanette W. McBride  
Clerk of Court, Richland County  
Post Office Box 2766  
Richland, SC 29202

This 1<sup>st</sup> day of May, 2012.

  
\_\_\_\_\_  
Jean Indriago  
Legal Assistant for Respondent

**SWORN to before me this 1<sup>st</sup> day of My, 2012.**

  
\_\_\_\_\_  
Notary Public for South Carolina.

My Commission Expires: My Commission Expires  
January 30, 2013

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND  
IN THE COURT OF COMMON PLEAS

---

CHRISTOPHER A. WILLIAMS,  
Applicant,

v.

STATE OF SOUTH CAROLINA,  
Respondent.

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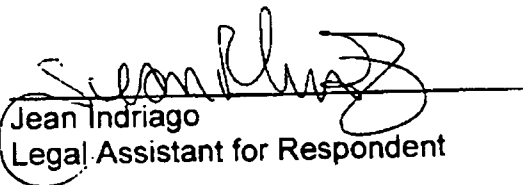
**CERTIFICATE OF SERVICE**

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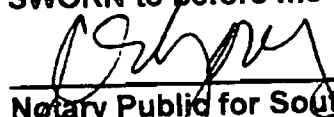
The undersigned hereby certifies that a true copy of the Final Order of Dismissal has been served upon Applicant via the Richland Clerk of Court pursuant to Rule 5(b)(1), SCRPC, by mailing one (1) copy in the United States mail, postage prepaid, addressed to:

The Honorable Jeanette W. McBride  
Clerk of Court, Richland County  
Post Office Box 2766  
Richland, SC 29202

This 6<sup>th</sup> day of June, 2012.

  
Jean Indriago  
Legal Assistant for Respondent

SWORN to before me this 6<sup>th</sup> day of June, 2012.

  
\_\_\_\_\_  
Notary Public for South Carolina.

My Commission Expires: 10/28/2014

WILLIAMS 201611

LEGAL MAIL

LEGAL MAIL



John M. Dial Dr.  
 Columbia S.C. 29209

The Supreme Court of South Carolina  
 Daniel E. Shearman, Clerk of Court  
 Post office Box 11330  
 Columbia S.C. 29211