

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

ON WRIT OF CERTIORARI TO GREENVILLE COUNTY  
Court of Common Pleas

RECEIVED

G. Edward Welmaker, Circuit Court Judge

JUL 24 2014

S.C. Supreme Court

Case No. 2010-CP-23-09792  
Appellate Case No. 2013-001945

Charles Christopher  
Williams,

Petitioner,

v.

The State of South  
Carolina

Respondent.

**MOTION TO ACCEPT BRIEF OF *AMICUS CURIAE*  
OF THE FEDERAL REPUBLIC OF GERMANY**

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Pursuant to South Carolina Appellate Court Rule 213, The Federal Republic of Germany moves for leave of the Court to file an amicus brief as *amicus curiae* in support of Petitioner. The above matter, pending before this Court, addresses issues of substantial concern to the Federal Republic of Germany. Petitioner, Charles Christopher Williams, a dual citizen of Germany and the United States, is on death row in South Carolina. The Federal Republic of Germany therefore has a direct interest in the life of this young man and the outcome of his petition.

Germany has a constitutional obligation to assist German citizens who face the death penalty in foreign jurisdictions. Bundesverfassungsgericht [BVerfG] [Federal Constitutional Court] Dec. 16, 1980, 90 ILR 386, 396-97 (Ger.). The German government is opposed to capital punishment and has routinely become involved in cases where its citizens face a death sentence. See, e.g., LaGrand Case (Germany v. United States of America), International Court of Justice (ICJ), 27 June 2001. The international community, including the United States, has recognized a nation's interest in assisting citizens charged with crimes in foreign jurisdictions. Both the United States and Germany are signatories to the Vienna Convention on Consular Affairs, an agreement that ensures access to detained citizens on foreign soil and allows foreign governments to secure legal representation and assistance for their citizens. United Nations, Vienna Convention on Consular Relations, Art. 36(1)(b) and (c), April 24, 1963. The United States and Germany have also entered into a bilateral agreement reinforcing those rights. Treaty of Friendship, Commerce and Navigation Between the United States of America and the Federal Republic of Germany, Art. III (July 14, 1956).

As more fully stated in the brief to be filed with the Court, Germany is concerned that here respected members of the bar, acting as court-appointed counsel, did not take steps to verify relevant aspects of their client's history, despite strong clues demonstrating his German nationality. Due to this lapse, the German government was denied the opportunity to provide crucial consular services and legal support to Mr. Williams prior to his trial and sentence. Mr. Williams was, as a result, denied the considerable assistance that Germany affords to German nationals facing capital punishment, and which could have changed the outcome of his case. Thus, due to these errors, Mr. Williams was substantially prejudiced at his trial and sentencing hearing. For example, Mr. Williams suffers from cognitive and social disabilities—the effects of Fetal Alcohol Syndrome—which were not uncovered and explored as mitigating factors by his defense counsel at trial, and which Germany's involvement would have revealed and advanced.

The Federal Republic of Germany's interest in this case is also animated by the great importance it places on human rights and the principle of equality before the law.<sup>1</sup> Germany is dedicated to ensuring that a fair trial is afforded to its nationals, particularly where those nationals are indigents from disadvantaged groups.

The Federal Republic of Germany is also deeply committed to South Carolina as an economic partner, as demonstrated by an investment of approximately \$13 billion in the State, and annual German purchases of South Carolina's goods valued at

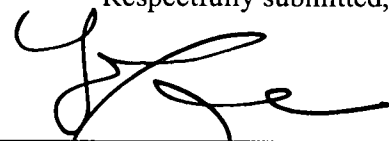
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<sup>1</sup> See, e.g., Convention for the Protection of Human Rights and Fundamental Freedoms, Nov. 4, 1950, 213 U.N.T.S. 221 (protecting the right to a fair trial, and equality through the collective enforcement of discrimination, among other fundamental rights and freedoms); International Convention on the Elimination of All Forms of Racial Discrimination, 660 U.N.T.S. 195; G.A. res. 2106 (XX), Annex, 20 U.N. GAOR Supp. (No. 14) at 47, U.N. Doc. A/6014 (1966) (State parties to CERD "undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee . . . equality before the law, notably in the enjoyment of . . . (a) [the] right to equal treatment before the tribunals and all other organs administering justice." CERD at Art. V).

several billion dollars. Germany therefore has a keen interest in this and all cases affecting German nationals in South Carolina.

For the foregoing reasons, the Federal Republic of Germany respectfully requests that this Court grant leave to present an *amicus curiae* brief. A copy of the Republic's proposed *amicus brief* is attached hereto, and is being filed with this motion in accordance with Rule 213, SCACR.

Respectfully submitted,



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**PROOF OF SERVICE**

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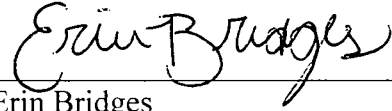
The undersigned hereby certifies that on the date indicated below she served counsel of record with a copy of the *Motion to Accept Brief of Amicus Curiae and the conditionally filed Brief of Amicus* by mailing copies of the same by United States Mail with first class postage prepaid to the following addresses:

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July 24, 2014



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