

**VOLUME TWO OF TWO**

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

---

Appeal from Aiken County  
Edgar W. Dickson, Circuit Court Judge

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**RECEIVED**

OCT 15 2014

**S.C. Supreme Court**

CHAD EVERETTE WILLIAMS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-000804

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APPENDIX

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DAVID W MILLER - DIRECT BY LANCER

1           And the deal was that he was going to get 30 years  
2 on a burglary conviction and 15 years suspended to 10  
3 years on a burglary -- excuse me, on the burglary first,  
4 15 suspended to 10 on the burglary first 30 years on the  
5 murder.

6           I explained that to him, explained why. Initially  
7 Bill wanted 50 years on the murder because Chad was a  
8 relatively young person, and 50 years would give him some  
9 hope of getting out of prison but it would be a long, hard  
10 50 years.

11           Then he wanted 40 years on the murder.

12           And ultimately I was the one that came to him with  
13 what about 30 years on the murder but this extra 10 years  
14 that would only be 85 percent and that would be day for  
15 day.

16           And, all of that was explained to Chad. He signed  
17 the sentencing sheets. He got up in front of Judge Early  
18 and said he wanted them concurrent instead of  
19 consecutive. Judge Early said -- confirmed with Bill,  
20 Bill said that's not the deal. And at that point he said  
21 he didn't want to take the deal any more.

22           But I had been preparing the case for trial. I had  
23 been preparing the case for trial for about six months  
24 prior to that because I knew that as soon as they got  
25 their DNA results this was what was going to happen.

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1           And the trial strategy didn't turn out to be  
2 anything different from six months before the trial till  
3 after the DNA evidence came in. The only thing we could  
4 do is attack the credibility of their witnesses. And so  
5 that's what we did. That was the entire strategy of the  
6 defense was, you just can't believe anything that these  
7 people say. And we did that by highlighting  
8 inconsistencies and differences in their stories.

9 Q.       You said that you had been preparing for trial about  
10 six months before trial, started getting ready. Did your  
11 trial strategy change at all once the plea fell through  
12 those four days before trial?

13 A.       Absolutely not. The trial strategy changed on July  
14 2nd when he confessed. It absolutely -- you know, that's  
15 when the trial strategy changed was on July 2nd to say --  
16 or not changed, but it had to be modified because  
17 initially I wasn't anticipating him getting up and  
18 testifying.

19           Ultimately he didn't end up testifying. So I was  
20 the one -- it wasn't going to be a situation where I was  
21 going to discredit the witnesses by him saying that's not  
22 the way that it happened and the jury believing him. I  
23 was going to have to attack the witnesses' credibility  
24 based on each other and based on inconsistencies in what  
25 they had done prior to that.

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1 Q. Throughout your representation, was it Mr. Williams'  
2 intention to go to trial or was it his intention to, let's  
3 get the best deal possible?

4 A. His intention was to get these charges off of him.  
5 His intentions was to absolutely get out of this without  
6 going to prison at all. And when he finally determined  
7 that that was not a possibility in the case under any kind  
8 of circumstances or any kind of scenario that he put up  
9 other than being found not guilty by a jury, then it  
10 became, minimize it.

11 But that was the reason why I was having the meeting  
12 with him and his mom and spending all of the time talking  
13 to him, was to try to get his expectations realistic as to  
14 what we were looking at.

15 Q. Did something change in the case to where you're  
16 headed to trial and then we're going to confess and get  
17 the best deal possible, did anything change in the case --  
18 or, you talked about him having a realization that he  
19 wasn't going to get off so let's just get the best deal we  
20 can?

21 A. Keep in mind, if he had told the truth, if the truth  
22 had been his story that he started with on July the 2nd,  
23 then it would have changed the entire nature of the case.  
24 He didn't, he didn't tell or he didn't give this  
25 confession -- and I think that that's when the realization

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1 hit that I'm going to go to prison -- was sometime when he  
2 was sitting in Tommy Platt's office with Investigator  
3 Platt getting ready to take that polygraph he knew he was  
4 going to fail.

5 Up until that time he was absolutely -- and that's  
6 why I said, there were a couple of different times where  
7 he would put -- he'd say, well, what if we say this.  
8 Well, we're not going to say that because the evidence  
9 doesn't support that. Well, what if we say this. Well,  
10 we're not going to say that because the evidence doesn't  
11 support that.

12 It wasn't until he came up with the story about  
13 Jesse Quarrels having committed this murder and he can pin  
14 all of it on Jesse Quarrels and let everybody be mad at  
15 Jesse Quarrels and let me slide into the background on the  
16 accessory after the fact, the same way Crystal Jackson  
17 ultimately did. Because that's what happened to her. She  
18 came in after the trial and pled and got probation for  
19 accessory after the fact.

20 So, I think on July the 2nd whenever he walked into  
21 that room and sat down to start talking to everybody in  
22 that room, he absolutely was hoping that he was going to  
23 get up and walk away without going to prison for any  
24 significant amount of time.

25 Q. So what, what happened in between the first

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1 statement where he was saying that he was an accessory  
2 after the fact and the second statement confessing to the  
3 murder itself? Did anything happen in between those two  
4 statements?

5 A. Yeah. He found out that it was absolutely -- they  
6 had rock-solid proof there was no way Jesse Quarrels could  
7 have committed this murder.

8 And if in fact we had waited until trial and held  
9 back on that, and did the old trial-by-ambush technique,  
10 then I think the jury would have been out even less time  
11 than they were out deliberating on this because they would  
12 have very easily been able to call sufficient witnesses to  
13 say he was in jail, he couldn't have committed the crime  
14 so obviously Chad Williams is lying about it, the reason  
15 he's lying about it is because of the fact that he did it.

16 Q. What was the goal of Chad confessing that day?

17 A. To get a better offer. To get -- excuse me. To get  
18 an offer. There was not any offer on the table at that  
19 time.

20 And, honestly, having done it for awhile and looking  
21 at the pictures and considering the circumstances of the  
22 offense, I was not -- I wasn't certain that this wasn't a  
23 plea that could get life. He had a really significant bad  
24 record. He had a burglary, a violent burglary conviction  
25 already on his record.

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1           This would have been a strike. A second strike.

2           Judge Early was relatively new on the bench, not  
3 brand new but he was relatively new on the bench. And I  
4 don't think he was probably as predictable about the types  
5 of sentences and ranges that you can expect as he is now.  
6 I don't know at this point in his career if he had ever  
7 seen a case, certainly not as a judge, that was this  
8 brutal. Mr. Ellis was beaten to death in the head with a  
9 crescent wrench and a two-and-a-half pound sledgehammer.  
10 It was probably one of the more gory crime scenes I've  
11 ever seen.

12           And I thought that there was a very real possibility  
13 that he might get life if he pled straight up. And we  
14 didn't have any offer.

15 Q.       Prior to the confession, had you made any offers to  
16 Deputy Solicitor Bill Weeks?

17 A.       I hadn't. I wasn't really in a position to ask for  
18 anything at that point.

19           As I indicated in my letter in January, we got to  
20 give them a reason to want to help you. And once you give  
21 them a reason to help you, then that's when I'll go in  
22 and, as I said before, between the initial offer from Bill  
23 and fighting it down, we went from 50 years day for day  
24 down to 30 years day for day and 85 percent of 10, which  
25 was significant to me. It was apparently not significant

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1 to him.

2 Q. Was there any way to know ahead of time what the  
3 offer was going to be before the confession if he did  
4 confess?

5 A. No. And I actually talked about, you know, what can  
6 we -- what can we be looking at.

7 But keep in mind, I went into that confession  
8 thinking that his story was going to be better. And he  
9 swears up and down to me and my investigator that he's  
10 going to pass the polygraph. The offer I was looking for  
11 if he goes in and passes that polygraph is, we apologize  
12 for keeping you locked up so long and we want you to  
13 testify against Jesse Quarrels and you're going to  
14 be charged with accessory after the fact.

15 That's what I was expecting if he had passed the  
16 polygraph and if he had -- if he had given that story.  
17 Because if he gives that story and passes the polygraph  
18 that's the defense I'm putting up and they're absolutely  
19 hosed. They can't get a conviction on him on murder  
20 anymore.

21 Q. Did Bill Weeks give you any indication what the  
22 offer might be?

23 A. No.

24 Q. Okay. After the confession how long did it take for  
25 the offer to be put on the, the initial offer to be put on

DAVID W MILLER - DIRECT BY LANCER

1 the table?

2 A. It was probably -- I know that Bill and I were  
3 talking within -- before the end of July we started  
4 talking.

5 But when he was talking about 50 years for murder, I  
6 wasn't going back and poking Chad with that. He was  
7 talking about 50 years for murder and I was trying to work  
8 him down to get the best offer I could get for him before  
9 I went and talked to Chad about it.

10 And as I said, by the August-September time frame  
11 when the DNA results came in, I was talking to him two or  
12 three times a week about it, telling him what a horrible  
13 person all of his witnesses were, complaining about this,  
14 that and the other thing as far as, you know, you can't  
15 believe any of these people, they're all crackheads;  
16 everything that defense attorneys normally do when they're  
17 trying to discredit the State's case to get a better  
18 offer.

19 Q. Did he give you the name of any witnesses who he  
20 thought could assist with the case?

21 A. Not that I thought could assist us. He was telling  
22 me all the people he intended to call.

23 Q. Who did he intend to call; do you remember.

24 A. All of the people that he called. There was -- he  
25 wanted to get the story out from Cathy Young and from

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1 Josh. He wanted to kind of set the stage. He wanted to  
2 surround Crystal Jackson with as many investigators, crime  
3 scene technicians, SLED technical people as he could  
4 because he knew that Crystal Jackson was his most  
5 important witness but also that she was the one most  
6 capable of being impeached.

7 Q. Did Chad give you and Roger any of the other  
8 witnesses, people to talk to?

9 A. You know, until he just mentioned it up here I  
10 didn't recall him giving us anybody's name. We did talk  
11 to Angie Mathis. And he said that he had talked -- he  
12 said that he had talked to this guy Bush at Angie Mathis's  
13 house after the fact.

14 And I believe our conversations with Angie were  
15 essentially that that guy was there but he was there like,  
16 it was significantly earlier in the night. It wasn't  
17 anywhere around the time frame when this supposedly  
18 happened.

19 Q. The three and a half months, approximately, between  
20 the time of the confession and the plea slash trial, what  
21 was going on then? Was that -- were y'all just trying to  
22 work out -- continuously trying to work out the best deal  
23 for him? What was kind of going on during that time  
24 frame?

25 A. We were holding on to see what was actually going to

DAVID W MILLER - DIRECT BY LANCER

1 come out of SLED as the DNA evidence that we didn't have.

2       So, when -- it's not like I had camped out at Bill  
3 Weeks' door and was waiting on him every day whenever he  
4 arrived at the office so I could badger him about this  
5 plea but I would mention it to him a lot. You know, what  
6 are we going do with Chad, what are we going do with Chad,  
7 what about this case.

8       I really -- my first angle was, when are y'all going  
9 to charge Crystal Jackson with murder. That was, you  
10 know, when is she getting charged with burglary first and  
11 murder.

12       Chad's story was certainly credible. Obviously  
13 there were problems with the fact that he had told so many  
14 other stories before that.

15       Ultimately we didn't do a whole lot of anything  
16 substantive until the DNA evidence came back.

17 Q.     Do you know when the DNA evidence came back?

18 A.     I got it on the 24th of September of 2008.

19 Q.     At the time of the confession then you would not  
20 have known the DNA results yet; is that right?

21 A.     That's correct.

22 Q.     Would you talk about what happened the day of the  
23 plea, kind of what happened, how it fell through?

24 A.     Just like I said, he got to the point in the plea  
25 where the judge was asking him about the negotiations and

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1 the judge, I think, asked him if there was anything else  
2 he wanted me to do that I hadn't done, was the point when  
3 he said, well, yeah, I'd like for him to get this run  
4 concurrent instead of consecutive.

5 The plea transcript's been provided. It says what  
6 it says. It's accurate.

7 At that point the judge explained that that's not  
8 the deal. You're either up here to plead or you're up  
9 here not to plead.

10 And, I believe that it was a negotiated sentence  
11 that we had worked out because of the uncertainty about  
12 what Judge Early would do with this type of case. And  
13 Bill may have been certain what was going to happen. I  
14 was less certain what Judge Early would do with it at the  
15 time.

16 And so basically Judge Early told him, here's what  
17 the deal is. Either you take it and I accept it, or you  
18 don't take it and I guess they'll set the case for trial.

19 And, he said he wanted to pick 12 people and go to  
20 trial.

21 Q. Those four days in between the plea and the trial,  
22 what were you doing at that point to get yourself ready  
23 for trial?

24 A. There really wasn't anything for me to do to get  
25 ready for trial. I was ready. I was ready to go. They

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1 could have picked the jury the Monday before. The thing  
2 had been on the trial roster for months in anticipation.  
3 They didn't know when that DNA evidence was going to come  
4 in.

5 And, in fact, I'm not certain that they didn't put  
6 it on the trial roster in May because of the speedy trial  
7 and then it never came off the trial roster because that  
8 was when Judge Newman had initially told them he wanted it  
9 tried by.

10 But it had been on -- I had plenty of advance notice  
11 that the case was going to be tried, and was ready to go  
12 with the case.

13 Q. At trial Judge Cothran charged the jury that malice  
14 could be inferred by the use of a deadly weapon; is that  
15 right, David?

16 A. That is.

17 Q. Back in 2008, to your knowledge was the premise that  
18 judges should stop charging inferred malice from the use  
19 of a deadly weapon being discussed in legal circles?

20 A. I don't know what premises have been discussed in  
21 legal circles in 2008. I know that Belcher was decided  
22 and overturned, 20-plus years of juris prudence in this  
23 state, almost a year after this case was tried.

24 And, the fact is there was no evidence or testimony,  
25 in my opinion, offered to excuse, justify or mitigate the

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1 killing of Herbert Ellis anyway. It was a murder that was  
2 committed during a burglary first. There's no  
3 self-defense. There's no self-defense claim.

4 That was another huge thing that we had to go round  
5 and round with 300 times with Chad was, you don't get to  
6 claim self-defense because somebody tried to arm  
7 themselves to keep you from breaking into their house at  
8 two o'clock in the morning.

9 There was no evidence, no gun under the pillow. So  
10 there was no evidence to support the fact that that even  
11 happened.

12 So, even had I known how the Belcher Court was going  
13 to rule, I would have not had objected to the inferred  
14 malice because I wouldn't have thought I had the grounds  
15 to object at that time. But be that as it may, I had no  
16 idea that Belcher was going to be decided the way that it  
17 was a year prior to it being decided.

18 Q. You requested a voluntary manslaughter charge; is  
19 that right? Do you remember that?

20 A. I don't remember but I probably -- I would have  
21 asked for lesser includeds on any kind of -- anytime there  
22 was a murder case, I was going to ask for lesser  
23 includeds.

24 Q. Do you remember why you did it in this case? Or was  
25 it just something that you do as a matter of course?

DAVID W MILLER - DIRECT BY LANCER

1 A. It was something that I did as a matter of course.  
2 If, when the judge charges malice, the circumstances  
3 of the attack, I didn't think there was any reasonable  
4 chance that I was going to have any possibility of getting  
5 a voluntary manslaughter in the case.

6 But I also made a directed verdict at the close of  
7 the State's case. And I didn't think there was any  
8 reasonable chance of doing that. That was really more of  
9 a do-it-let-the-judge-charge-it and if the judge sees fit  
10 and if he does, great, and if he doesn't -- there really  
11 wasn't a cogent argument to have it done, to be honest  
12 with you.

13 Q. One of Mr. Williams' grounds for PCR references him  
14 taking medication at the time of his confession. Do you  
15 have any knowledge if he was on prescription medication at  
16 the time of the confession?

17 A. Absolutely not.

18 Q. He never told you that he was on medication?

19 A. He never told me he was on medications. He appeared  
20 clear and cogent, knew what he was doing, answered  
21 questions that were asked of him appropriately, told his  
22 story that he had been telling. Then decided he needed to  
23 change his story, and told a clear and rational and cogent  
24 second story.

25 Q. To your knowledge, can the fact that a person is on

DAVID W MILLER - CROSS BY GOURLEY

1 mind-altering medications at the time of a confession be  
2 used to challenge it at trial?

3 A. Yes, it could be used as a basis to challenge the  
4 voluntariness of the statement when the statement is  
5 offered at trial. But not only did he not tell me he was  
6 on this medication on the day of the confession, he never  
7 told me he was on the medication on the day of the  
8 confession at his trial, either.

9 So I didn't know until I saw it raised as an  
10 allegation in his amended PCR that he was allegedly on  
11 this medication.

12 MR. LANCER: No further questions, Your Honor.

13 THE COURT: All right. Anything on cross-  
14 examination?

15 MR. GOURLEY: Yes, Your Honor, just briefly.

16 CROSS-EXAMINATION

17 BY MR. GOURLEY:

18 Q. Mr. Miller, how long have you been practicing law?

19 A. Since November of 2001. Twelve years.

20 Q. And you filed a rule five or Brady motion in this  
21 case?

22 A. I did.

23 Q. Did you review that with the Applicant?

24 A. All of the materials that were submitted.

25 Q. Including the socks that have been discussed?

DAVID W MILLER - CROSS BY GOURLEY

1 A. We did not go and physically lay hands on and put  
2 eyes on the socks that were retrieved from the bathroom  
3 hamper. Okay. But, my understanding and the Defendant's  
4 understanding of what was happening at trial were  
5 completely different as it relates to the socks.

6 Q. Okay.

7 A. The socks that Lilly Gallman testified about -- 65,  
8 I think, -one, -two and -three -- were socks that, that  
9 my understanding was, were socks that were taken from the  
10 bathroom hamper that had Herbert Ellis's DNA on them and  
11 had Chad Williams' DNA although his was a mixture -- he  
12 was the major contributor to that mixture.

13 Okay. Lilly Gallman testified to that fact. She  
14 didn't say these socks came out of the burn pile and I  
15 don't know that any DNA was ever looked for on those socks  
16 out of the, that were alleged to have been in the burn  
17 pile.

18 Q. Okay.

19 A. Okay. I did not cross-examine Lilly Gallman about  
20 the fact that his DNA and Herbert Ellis's DNA was on those  
21 socks because I didn't want to draw any more attention to  
22 it than had already been paid to it when she said it the  
23 first time.

24 It was confusing and it was convoluted. And I was  
25 very hopeful that the jury was going to stay confused and

DAVID W MILLER - CROSS BY GOURLEY

1 convoluted by her testimony.

2 I did not want to give her the opportunity to  
3 clarify herself and say, oh no, these weren't the socks  
4 from this location. They were actually the socks from the  
5 hamper in the bathroom, but they did have Herbert Ellis's  
6 DNA and Chad Williams' DNA on them, because we couldn't  
7 explain why they would have Herbert Ellis's DNA and Chad  
8 Williams' DNA on them.

9 Q. Okay.

10 A. So, no, I did not get into a huge debate with her  
11 over where those socks came from and why they should not  
12 have been admitted, a picture of socks in a bag that had  
13 been burned shouldn't be admitted.

14 Q. Can you briefly describe the evidence that the State  
15 had against the Applicant, just a brief summary?

16 A. Mr. Ellis was found dead in his home by one of his  
17 family members. There were no signs of forced entry.

18 Law enforcement came out, processed the crime scene,  
19 really didn't get much of anything other than Mr. Ellis  
20 was beaten to death with at least one, probably two blunt  
21 objects.

22 During the course of their investigation they  
23 identified the occupants of a nearby house, Mr. Ellis's  
24 trailer and this house were separated by a field, as  
25 potentially having been associated with Mr. Ellis.

DAVID W MILLER - CROSS BY GOURLEY

1           They brought a group of them down -- Cathy Young,  
2 Crystal Jackson, and Chad Williams -- and questioned each  
3 of them at the sheriff's office. They questioned Chad who  
4 basically admitted to nothing, denied everything. Said, I  
5 don't have anything to do with it.

6           They questioned Crystal who was shaky.

7           They question Cathy who was shaky.

8           They went back to Crystal. And Crystal told them,  
9 here's what happened, Chad did it.

10          At that point in time they grabbed Chad. Crystal  
11 voluntarily takes them out to a location away from the  
12 crime scene but nearby the house. She pointed out all of  
13 the evidence that she said Chad Williams had burned in  
14 this hole, a plastic bag that had burned in the hole. And  
15 basically went through the whole story of everything that  
16 had happened that night.

17 Q.       Okay.

18 A.       Cathy Young corroborated Crystal's story in certain  
19 particulars. Josh was a juvenile who lived there with  
20 them who also verified parts of the story.

21          And then they started, because they knew where to  
22 look, they started assembling some other circumstantial  
23 evidence.

24          For example, one of the things that Chad did the day  
25 after the murder was went and paid his probation fines and

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1 fees which he hadn't done in quite sometime. It was  
2 alleged that he used money that he stole from Herbert  
3 Ellis to do that.

4 There were were a number of little things like that,  
5 unusual-for-him behaviors immediately following the  
6 murder.

7 Q. Okay. Do you recall what the Applicant was indicted  
8 for?

9 A. He was indicted for burglary in the first degree and  
10 murder.

11 Q. So he was not indicted for accessory after the  
12 fact?

13 A. He was not.

14 Q. Was there any evidence eliminating him as the  
15 principal first in the crime?

16 A. No, there was no evidence that said he was not a  
17 principal in the crime.

18 Q. You entered into plea negotiation on behalf of the  
19 Applicant; correct?

20 A. I did.

21 Q. And that was 30 years and then 15 years suspended to  
22 10 years?

23 A. Correct.

24 Q. Okay. He chose not to accept that; correct?

25 A. That is correct.

DAVID W MILLER - CROSS BY GOURLEY

1 Q. And the State called the case for trial four days  
2 later; right?

3 A. That is correct.

4 Q. And you stated you were prepared to trial?

5 A. Absolutely.

6 Q. If you weren't, would you have moved for a  
7 continuance?

8 A. Yes.

9 Q. And do you feel you adequately cross-examined all  
10 the State's witnesses?

11 A. I did. And I want to go back to something that you  
12 just said about the continuance, too.

13 Q. Right.

14 A. At one point in time, Bill's reaction to the plea  
15 falling through was less than positive.

16 Q. Okay.

17 A. And I followed Chad back into the holding area there  
18 to talk to him. And he asked me what was going to happen  
19 next and I said, we're going to go to trial.

20 Q. Uh-Huh.

21 A. We actually discussed the fact that it was going to  
22 be Judge Cothran coming.

23 Q. Okay.

24 A. Because he did not, and this was a big, a big  
25 sticking point after he had had the blow-up over the

DAVID W MILLER - CROSS BY GOURLEY

1 speedy trial motion.

2 Q. Right.

3 A. And then he had just dropped it in front of Judge  
4 Early on the plea.

5 Q. Uh-huh.

6 A. He did not want to go to trial in front of Judge  
7 Early. And he was adamant about the fact that we needed  
8 to get away from Judge Early. And that was probably one  
9 of the first things I agreed with him about was that if we  
10 could get this thing tried in front of somebody besides  
11 Judge Early we should.

12 So that was -- there was no reason for me to move  
13 for a continuance.

14 Q. Right.

15 A. Other than to try to resurrect the plea  
16 negotiations.

17 Q. Right.

18 A. And I was pretty certain that that was not going to  
19 happen because Bill Weeks had actually had the family come  
20 up from Florida, of Mr. Ellis.

21 Q. Okay.

22 A. They were here for the plea. And they actually  
23 stayed in town through the weekend and into the next week  
24 so they could be here for the trial.

25 If I had asked for a continuance, then he wasn't

1 going to give me any break for doing that.

2 Q. Okay.

3 A. He wasn't going to go back into plea negotiations  
4 with me.

5 Q. Okay. Did you feel there was any reason to object  
6 to any sort of Brady violation where you, you had any  
7 evidence that you weren't aware of produced?

8 A. I have had -- sometime after this case obviously I  
9 went to work for the solicitor's office. I have looked  
10 through every single page of the evidence that the State  
11 has, and I haven't seen anything that I didn't see before.

12 Q. Okay.

13 A. Everything that, in this case file was given to me,  
14 sometimes more than once. And all of it was discussed  
15 with Chad Williams.

16 MR. GOURLEY: Okay. No further questions, Your  
17 Honor.

18 THE COURT: All right. Anything on redirect limited  
19 to his cross?

20 MR. LANCER: Nothing further, Judge.

21 THE COURT: Okay. You may step down, Mr. Miller.

22 THE WITNESS: Thank you, Your Honor.

23 THE COURT: Are you prepared to call your next  
24 witness, Mr. Lancer?

25 MR. LANCER: Applicant has no further witnesses,

1 Judge.

2 THE COURT: All right. Mr. Gourley, any witnesses  
3 on behalf of the State?

4 MR. GOURLEY: No, Your Honor.

5 THE COURT: All right. What I will do, gentlemen,  
6 is let me look it over. I've got the transcript and the  
7 other documentation from this. I'll look it over and I'll  
8 get back with y'all with my decision.

9 MR. GOURLEY: Thank you.

10 MR. LANCER: Thank you, Your Honor.

11 END OF PROCEEDINGS: 1:07 P.M.

12 \*\*\*

13 CERTIFICATE OF REPORTER

14  
15 STATE OF SOUTH CAROLINA )

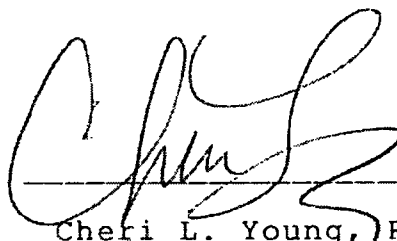
16 COUNTY OF AIKEN )

17 I, Cheri L. Young, Registered Professional Reporter  
18 and Official Court Reporter for the State of South  
19 Carolina, Second Circuit-At Large, do hereby certify that  
20 the foregoing proceedings were written stenographically by  
21 me using computer-aided translation; further, that the  
22 foregoing is a true, accurate and complete record, to the  
23 best of my skill and ability, of all the proceedings had  
24 and evidence introduced in the hearing of the captioned  
25 case, relative to appeal, in the Court of Common Pleas for

1 Aiken County, on the 21st day of January, 2014.

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

4 I have hereunder set my hand this 18th day of August,  
5 2014.

6  
7 

8 Cheri L. Young, RPR  
9 Official Court Reporter  
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EXHIBIT  
P. 41  
FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
WASHINGTON, D. C. 20535  
JAN 21 1964  
100-441141  
100-441141

# SOUTH CAROLINA LAW ENFORCEMENT DIVISION

## FORENSIC SERVICES LABORATORY REPORT

MARK SANFORD  
Governor



REGINALD I. LLOYD  
Director

**RULE 5**  
**TO D Miller**  
**DATE 4/2/08**

Donna Sawyer  
Aiken County Sheriff's Office  
420 Hampton Avenue NE  
Aiken, SC 29801

**RECEIVED**

MAR 28 2008

**SOLICITOR**

**EVIDENCE PROCESSING**  
March 19, 2008  
SLED LAB: L07-06500  
Your Case No: 07-024860  
Incident Date: 5/1/2007  
( V ) Herbert Ellis  
( S ) Chad Williams

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Reginald I. Lloyd, Director  
South Carolina Law Enforcement Division

### ITEMS OF EVIDENCE:

Item: 11      Bedspread from victim

**RESULTS:**

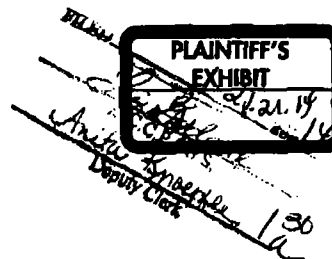
No examination performed.

Item: 12      Cut portion from carpet

**RESULTS:**

No hair found.

Potential evidence collected and sent to the DNA Department.



**Item: 13** Pajama pants from victim

**RESULTS:**

No examination performed.

**Item: 14** Shirt from victim

**RESULTS:**

Potential evidence collected and sent to the DNA Department.

**Item: 22** Pants

**RESULTS:**

No hair found.

Potential evidence collected and sent to the DNA Department.

**Item: 23** Brown belt

**RESULTS:**

No hair found.

No blood detected.

**Item: 24** Shirt

**RESULTS:**

No hair found.

No blood detected.



**Item: 26**      **Panties**

**RESULTS:**

Potential evidence collected and sent to the DNA Department.

**Item: 28**      **Adjustable wrench**

**RESULTS:**

No hair found.

Potential evidence collected and sent to the DNA Department.

**Item: 33**      **Empty "Brawny" Tall Kitchen Bags box**

**RESULTS:**

No hair found.

No blood detected.

**Item: 38**      **Red/burgundy wash cloth**

**RESULTS:**

No blood detected.

Potential evidence collected and sent to the DNA Department.

**Item: 39**      **Green wash cloth**

**RESULTS:**

No blood detected.

Potential evidence collected and sent to the DNA Department.



**Item: 40** Purple, green and white wash cloth

**RESULTS:**

No blood detected.  
Potential evidence collected and sent to the DNA Department.

**Item: 41** Pair of socks

**RESULTS:**

No blood detected.  
Potential evidence collected and sent to the DNA Department.

**Item: 42** Bath mat

**RESULTS:**

No blood detected.  
Potential evidence collected and sent to the DNA Department.

**Item: 43** White towel

**RESULTS:**

No hair found.  
No blood detected.

**Item: 44** Green towel

**RESULTS:**

No hair found.  
Potential evidence collected and sent to the DNA Department.



**Item: 45**      Beige net material

**RESULTS:**

No hair found.  
No blood detected.

**Item: 46**      Cut portion of wall paper

**RESULTS:**

No hair found.  
No blood detected.

**Item: 47**      Light switch cover

**RESULTS:**

No hair found.  
No blood detected.

**Item: 56**      Boxers from Crystal Jackson

**RESULTS:**

No apparent blood stains present.  
Potential evidence collected and sent to the DNA Department.

**Item: 57**      Tank top from Crystal Jackson

**RESULTS:**

No blood detected.  
Potential evidence collected and sent to the DNA Department.



**Item: 58** Pair of slippers from Crystal Jackson

**RESULTS:**

No blood detected.  
Potential evidence collected and sent to the DNA Department.

**Item: 59** Silver VHS tape box

**RESULTS:**

No hair found.  
No blood detected.

**Item: 60** Black plastic VHS tape case

**RESULTS:**

No hair found.  
No blood detected.

**Item: 62** Wash cloth

**RESULTS:**

No hair found.  
No blood detected.

*Janice S. Bryson*

Janice S. Bryson  
Forensic Technician





Manuel J. Ortuno  
Forensic Scientist

cc: Aiken County Solicitor's Office



P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

Page 533

# SOUTH CAROLINA LAW ENFORCEMENT DIVISION

## FORENSIC SERVICES LABORATORY REPORT

MARK SANFORD  
Governor



REGINALD L. LLOYD  
Director

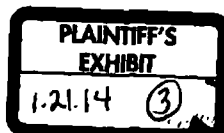
RULE 3  
TO D. Miller  
DATE 9/21/08

Inv. Donna Sawyer  
Aiken County Sheriff's Office  
420 Hampton Avenue NE  
Aiken, SC 29801

**DNA ANALYSIS**  
September 17, 2008  
SLED LAB: L07-06500  
Your Case No: 07024860  
Incident Date: 5/1/2007  
[V] Herbert Ellis  
[S] Chad Williams  
[S] Crystal Jackson  
[S] Patricia Ann Quarles  
[S] Katherine Deidre Young  
[S] Joshua Clint Mace, Jr.  
[S] David Jason Quarles

RECEIVED

SEP 24 2008



SEALANTOR

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Reginald L. Lloyd, Director  
South Carolina Law Enforcement Division

### SUPPLEMENTAL REPORT

#### SEROLOGY ANALYSIS

##### Items Submitted:

##### Results of Examinations:

|      |                                                                        |      |                                   |
|------|------------------------------------------------------------------------|------|-----------------------------------|
| 8    | Blood standard-Herbert Ellis                                           | 8    | See DNA results.                  |
| 9    | Known head hairs-Herbert Ellis                                         | 9    | No analysis performed.            |
| 12.2 | Cutting from carpet                                                    | 12.2 | Blood indicated. See DNA results. |
| 14.1 | Hairs                                                                  | 14.1 | Blood indicated. See DNA results. |
| 15   | Fingernail scrapings and cuttings from the right hand of Chad Williams | 15   | See DNA results.                  |



P.O. Box 21398, Columbia, South Carolina 29221-1398 Phone (803) 896-7300 Fax (803) 896-7351

| <u>Items Submitted:</u>                                                       | <u>Results of Examinations:</u>           |
|-------------------------------------------------------------------------------|-------------------------------------------|
| 16      Fingernail scrapings and cuttings from the left hand of Chad Williams | 16      See DNA results.                  |
| 17      Plastic medical scissors used to collect scrapings and cuttings       | 17      No analysis performed.            |
| 21      Two swabs from steps at back door at victim's house                   | 21      Blood indicated. See DNA results. |
| 22.1    Cutting from gray pants                                               | 22.1    See DNA results.                  |
| 22.2    Cutting from gray pants                                               | 22.2    Blood indicated. See DNA results. |
| 22.3    Cutting from gray pants                                               | 22.3    Blood indicated. See DNA results. |
| 22.4    Cutting from gray pants                                               | 22.4    Blood indicated. See DNA results. |
| 25.1    Swabs from the side of item 25                                        | 25.1    See DNA results.                  |
| 26.1    Cutting from panties                                                  | 26.1    Blood indicated. See DNA results. |
| 26.2    Hair                                                                  | 26.2    See DNA results.                  |
| 27      White paper towel from behind head board from victim's residence      | 27      See DNA results.                  |
| 28.1    Swabs from wrench                                                     | 28.1    Blood indicated. See DNA results. |
| 30.3    Swabs from bottom of item 30.1 (footwear)                             | 30.3    See DNA results.                  |
| 30.4    Swabs from bottom of item 30.2 (footwear)                             | 30.4    See DNA results.                  |
| 30.5    Swabs from side of 30.1 (footwear)                                    | 30.5    Blood indicated. See DNA results. |
| 30.6    Cutting from waistband of blue garment contained in item 30           | 30.6    See DNA results.                  |
| 31      Three buccal swabs from suspect Chad Williams                         | 31      No analysis performed.            |



**Items Submitted:**

**Results of Examinations:**

|      |                                                  |      |                                                 |
|------|--------------------------------------------------|------|-------------------------------------------------|
| 32   | Blood standard from suspect Chad Williams        | 32   | See DNA results.                                |
| 34   | Swab from suspect's bathroom sink drain          | 34   | No blood indicated. See DNA results.            |
| 35   | Swab from shower knob of suspect's bathroom      | 35   | See DNA results.                                |
| 36   | Swab from suspect's bathroom sink counter        | 36   | No blood indicated. See DNA results.            |
| 37   | Swab from suspect's bathroom toilet (right side) | 37   | See DNA results.                                |
| 40.1 | Hair                                             | 40.1 | Possible hair fragments. No analysis performed. |
| 41.1 | Hair                                             | 41.1 | See DNA results.                                |
| 42.1 | Hair                                             | 42.1 | See DNA results.                                |
| 44.1 | Cutting from green towel                         | 44.1 | See DNA results.                                |
| 48   | Swab from light switch of suspect's bathroom     | 48   | See DNA results.                                |
| 49   | Swab from white shoe in fire debris              | 49   | Blood indicated. See DNA results.               |
| 50   | Buccal swab-Patricia Ann Quarles                 | 50   | See DNA results.                                |
| 51   | Buccal swab-Katherine Deidre Young               | 51   | See DNA results.                                |
| 52   | Buccal swab-Joshua Clint Mace, Jr.               | 52   | See DNA results.                                |
| 53   | Buccal swab-David Jason Quarles                  | 53   | See DNA results.                                |
| 58.1 | Hairs from items 56, 57, and 58                  | 58.1 | No roots found.                                 |
| 64   | Buccal swabs-Crystal Jackson                     | 64   | See DNA results.                                |



Items Submitted:

65.1 Cutting from sock  
65.2 Cutting from sock  
65.3 Swab from pair of socks  
66.1 Swab from scraping of t-shirt  
66.2 Cutting from t-shirt  
66.3 Cutting from t-shirt  
66.4 Debris from item 65.0 and 66.0  
67 Envelope with hairs

Results of Examinations:

65.1 Blood indicated. See DNA results.  
65.2 Blood indicated. See DNA results.  
65.3 See DNA results.  
66.1 See DNA results.  
66.2 Blood indicated. See DNA results.  
66.3 Blood indicated. See DNA results.  
66.4 No analysis performed.  
67 No analysis performed.

DNA ANALYSIS

ITEMS ANALYZED:

8 Blood standard-Herbert Ellis  
32 Blood standard-Chad Williams  
50 Buccal swab-Patricia Ann Quarles  
51 Buccal swab-Katherine Deidre Young  
52 Buccal swab-Joshua Clint Mace, Jr.  
53 Buccal swab-David Jason Quarles  
64 Buccal swabs-Crystal Jackson  
  
12.2 Cutting from carpet  
14.1 Hairs  
15 Fingernail scrapings and cuttings from the right hand of Chad Williams  
16 Fingernail scrapings and cuttings from the left hand of Chad Williams  
21 Two swabs from steps at back door at victim's house  
22.1 Cutting from gray pants  
22.2 Cutting from gray pants  
22.3 Cutting from gray pants  
22.4 Cutting from gray pants  
25.1 Swabs from the side of item 25  
26.1 Cutting from panties  
26.2 Hair



- 27 White paper towel from behind head board from victim's residence
- 28.1 Swabs from wrench
- 30.3 Swabs from bottom of item 30.1
- 30.4 Swabs from bottom of item 30.2
- 30.5 Swabs from side of 30.1
- 30.6 Cutting from waistband of blue garment contained in item 30
- 34 Swab from suspect's bathroom sink drain
- 35 Swab from shower knob of suspect's bathroom
- 36 Swab from suspect's bathroom sink counter
- 37 Swab from suspect's bathroom toilet (right side)
- 41.1 Hair
- 42.1 Hair
- 44.1 Cutting from green towel
- 48 Swab from light switch of suspect's bathroom
- 49 Swab from white shoe in fire debris
- 65.1 Cutting from sock
- 65.2 Cutting from sock
- 65.3 Swab from pair of socks
- 66.1 Swab from scraping of t-shirt
- 66.2 Cutting from t-shirt
- 66.3 Cutting from t-shirt

#### EXAMINATIONS

DNA analysis was performed on the items above. The results of Short Tandem Repeat (STR) PCR DNA analysis are shown in Table 1.

#### RESULTS

No human DNA was detected on items 30.3, 30.4 and 42.1.

The DNA profile developed from items 12.2, 14.1, 21, 22.1, 22.2, 22.3, 25.1, 26.1, 26.2, 27, 30.5, 65.1 and 66.3 matches the DNA profile of Herbert Ellis. The probability of randomly selecting an unrelated individual having a DNA profile matching these items is approximately 1 in 760 trillion.

The partial DNA profile developed from item 22.4 also matches the DNA profile of Herbert Ellis.



STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN

Chad Everett Williams, #303225,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS  
FOR THE SECOND JUDICIAL CIRCUIT

Case No. 2011-CP-02-00729

**ORDER OF DISMISSAL**

*4.14.14*  
*Li. Holland*  
*Deputy Clerk*  
*Anita Knepper*  
*800*

This matter comes before the Court by way of a post-conviction relief (PCR) application filed on April 1, 2011 and amended on January 9, 2014. Respondent made its return on September 12, 2011. An evidentiary hearing into the matter was convened on January 21, 2014, at the Aiken County Courthouse. Applicant was present at the hearing and was represented by Brett Lancer, Esquire. Respondent was represented by Assistant Attorney General Daniel Gourley of the South Carolina Attorney General's Office.

**PROCEDURAL HISTORY**

The records before this Court indicate the Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Aiken County Clerk of Court. The Applicant was indicted at the July 2007 term of the Aiken County Grand Jury for Murder (2007-GS-02-1308) and Burglary in the First Degree (2007-GS-02-1309). David Miller, Esquire, represented him. On October 20-22, 2008, Applicant proceeded to a jury trial before the Honorable R. Ferrell Cothran, Jr., Applicant was found guilty and on October 22, 2008, Applicant was sentenced to life imprisonment for Murder and twenty-five years imprisonment for Burglary, First. All sentences were to be served concurrently.

A timely Notice of Appeal was filed on Applicant's behalf and an Anders brief was perfected by Joseph L. Savitz, III, Esquire. The Applicant submitted a Brief of Appellant on December 4, 2009. The South Carolina Court of Appeals dismissed the Applicant's appeal. State v. Williams, Op. No. 2010-UP-505 (S.C. Ct. App. filed November 12, 2010). The Remittitur was sent on December 23, 2010.

### ALLEGATIONS

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

1. Ineffective Assistance of Counsel.
  - a. "Counsel failed to object to the introduction of certain pieces of evidence that should have been objected to and therefore prejudiced the applicant."
  - b. "Counsel failed to object to the jury charge instructing that malice may be inferred from the use of a deadly weapon."
  - c. "Counsel failed to properly object to the introduction of the confession during the Jackson v. Denno hearing."
  - d. "Counsel was ineffective of advising application to confess to the crimes of Murder and Burglary as the confession was used to convict applicant at trial."
  - e. "Counsel failed to request the jury instruction of accessory after the fact."
  - f. "Counsel failed to adequately prepare for trial and develop a trial strategy."
  - g. "Brady violations."
  - h. "Counsel failed to object to testimony of state witnesses and failed to object to testimony of state witnesses and failed to effectively cross examine the state witnesses."

### SUMMARY OF TESTIMONY PRESENTED

At the evidentiary hearing, Applicant testified on his own behalf. The State presented testimony from trial counsel, David Miller, Esquire (Counsel). This Court also had before it a copy of trial transcript, the Aiken County Clerk of Court records, Appellate Records, the Applicant's South Carolina Department of Corrections records, the PCR application, and the



return.

During the evidentiary hearing, Applicant testified that David Miller (Counsel) was his attorney and represented him during trial. Applicant stated he met with Counsel approximately five times. Applicant recalled reviewing discovery with Counsel. Applicant stated he did not discuss any defenses with Counsel because they were waiting on the SLED DNA results. Applicant stated there was a plea deal offered, but he refused to accept it because the sentences were going to be run consecutively. Applicant stated he went to trial four days after refusing the plea deal. Applicant stated he was convicted and sentenced on October 22, 2008. Applicant stated he was convicted of Murder and Burglary-First Degree. Applicant stated he was sentenced to life without the possibility of parole for Murder and twenty-five years for Burglary-First Degree with the sentences to run concurrently.

Regarding the first allegation, Applicant stated Counsel should have objected to certain pieces of evidence that were introduced at trial. Specifically, Applicant stated that a pair of white socks was introduced at trial. Applicant stated his DNA was found on this pair of white socks and he was unaware of the socks prior to trial. Applicant alleged that it amounted to a Brady Violation.

Regarding Applicant's second issue, Applicant argues that the jury charge was improper because the trial court instructed the jury on inferred malice. Specifically, the court instructed the jury that malice can be inferred from the use of a deadly weapon. Applicant argued under State v. Belcher, 385 S.C. 597, 685 S.E.2d 802 (2009) that the jury instruction that malice may be inferred from the use of a deadly weapon is no longer good law in South Carolina. Applicant argued that the jury charge as given was burden shifting and Counsel should have objected to this charge as instructed.

Concerning Applicant's third issue, Applicant stated Counsel should have objected to the introduction of the confession during the Jackson v. Denno hearing because he was taking fifteen milligram Lorazepam. Applicant further stated that six to seven months prior to his confession he had been taking antipsychotic medication because a doctor prescribed the medication while at Aiken County Detention center. Applicant stated the jail gave him the pills and the Doctor would come to see him once or twice a month. However, Applicant could not recall the Doctor's name. Applicant stated he gave two separate statements on July 2, 2008. Applicant stated the statements were not knowingly and voluntarily given due to the medication. Applicant stated the pills would "mellow him out." However, Applicant stated he never told Counsel that he was on medication. Applicant concluded that Counsel should have objected to the admission of the confession.

Regarding Applicant's fourth allegation, Applicant alleged that Counsel was ineffective for advising him that he should plead guilty. Applicant stated Counsel advised him that he would ultimately be found guilty and the best possible scenario was to confess to the crime in hopes of getting an offer. Applicant stated when he confessed there was no offer on the table and that Counsel hoped the State would offer something once Applicant confessed to the crime. Applicant stated he agreed to give confession. Applicant stated he confessed in hopes of getting an offer to avoid the possibility of life without parole. Applicant stated four days later they went to trial and the State's case was stronger due to the confession.

Concerning Applicant's fifth allegation, Applicant stated Counsel should have requested the jury instruction of accessory after the fact. Applicant stated his assistance in the crime was to dispose of the evidence. Applicant argued that Crystal Jackson's (Jackson) testimony stated Applicant went to go get lighter fluid to burn the evidence. 

Regarding Applicant's sixth allegation, Applicant stated Counsel sole skill and strategy centered around getting Applicant to plead guilty. Applicant stated that Counsel failed to put up an adequate defense. Applicant stated he did not feel comfortable going to trial, but Counsel stated that he was prepared to go to trial. Applicant stated that months leading up to trial he wanted a fast speedy trial, but they were waiting on SLED. Applicant stated he felt Counsel should have presented a better defense. Applicant stated he felt Counsel was not prepared. Applicant stated they wanted last argument so they didn't put up any evidence. Applicant stated he wanted to pursue a bond. Applicant stated he was denied bond because he could not pay the 1.5 million bond.

Concerning Applicant's seventh and eighth allegation, Applicant stated counsel failed to object to Lilly Gallman testimony regarding the introduction of certain pieces of DNA evidence. Applicant stated that there was a hair found on a sock. Applicant argued Counsel should have objected to the DNA found on the sock because it was a Brady Violation.

Following Applicant's testimony, Counsel was called to testify by the State. Counsel stated he has been practicing law since November 2004. Counsel stated he was appointed to represent Applicant in late 2007. Counsel stated he communicated with Applicant through various jail visits, collect calls, and written letters. Counsel stated he had Roger Sharpe (Investigator Sharpe), an investigator, helping with the case. Counsel could not recall who Investigator Sharpe investigated and stated his involvement was limited. Counsel stated he went to the detention center six to ten times to meet with Applicant. Counsel stated there may have been additional meetings, because it was his typical practice to meet with all clients when he visited the jail. Counsel stated he first met the Applicant in jail and they discussed Applicant's version of the facts. Counsel stated he explained the process and Applicant was very adamant

that he wanted to get out of jail. Counsel stated Applicant had decided that he had to get out of jail and requested a bond hearing. Counsel stated Applicant was initially denied bond. Counsel stated he filed for a motion for a speedy trial on February 14, 2008. Counsel stated once that time period expired, he again filed for a bond hearing and it was heard in May 2008 before the Honorable Doyet A. Early, III. Counsel stated Judge Early set a bond for 1.5 million. Counsel stated Applicant became irate and yelled at Judge Early and eventually withdrew his motion for a bond thereby ending the possibility of receiving a bond.

Counsel stated during their first meeting he had not obtained discovery material. Counsel stated he filed Rule 5 and Brady motions and reviewed the material with Applicant in subsequent meetings. Counsel stated they did not physically see the white socks, but reviewed the DNA report regarding the socks. Counsel stated the DNA evidence came in on September 17, 2008. Counsel stated on September 24, 2008, he went to the jail and reviewed both the DNA results and the video recording of Police digging up the burnt evidence with Applicant. Counsel stated he also reviewed the taped interviews with Applicant. Counsel stated he had to get special permission to go into a big intake room to be able to play the videos and discuss the evidence with Applicant.

Counsel testified the evidence against Applicant was overwhelming. Specifically, Counsel stated the Victim was found dead in his home. Counsel stated law enforcement arrived and found that there was no sign of forced entry. Counsel stated Victim was hit in the head with two blunt objects. Counsel stated the police were able to link the occupants of a nearby house and eventually connected Applicant.

Counsel stated the major problem with Applicant was attempting to convince him that Crystal Jackson (Jackson) would be testifying against him at trial. Counsel stated Applicant did

not believe Jackson would testify against him. Counsel stated Applicant alleged Jackson was lying and came up with various reasons as to why she would be lying. Counsel stated Applicant's reasoning was not beneficial.

Counsel stated Applicant gave multiple versions of what occurred the night of the incident. Counsel stated Applicant's version of events would change when Counsel confronted him with the various "holes" in his version. Counsel stated ultimately Applicant gave a fourth version that in Counsel's opinion was very strong. Counsel stated; Applicant explained, that Jessie James Quarles (Quarles) committed the murder. Counsel stated Applicant admitted that both he and Jackson were scared of Quarles and as a result Jackson was lying. Counsel stated he could not find anything to contradict Applicant's version of events and felt that Applicant was finally telling the truth. Counsel stated he asked Investigator Sharpe to hear Applicant's story and Applicant again told a very detailed and similar story to Investigator Sharpe. Counsel stated he and Investigator Sharpe ultimately concluded Applicant was telling the truth. Counsel felt the story amounted to a complete defense.

Additionally, Counsel stated he discussed with Applicant about the possibility of taking a polygraph. Counsel stated Applicant agreed and he contacted the Solicitor office to arrange for a Polygraph test. Counsel stated on July 2, 2008 Applicant again told his story to Counsel, Investigator Sharpe, Bill Weeks (Solicitor), Bill Fleury, and Platt (polygraph administrator). Counsel stated Applicant and Platt went into a room to take the polygraph. Counsel stated while in the room Bill Fleury (Solicitor) stated he did not believe the story because Jessie Quarles was in prison in Edgefield County during this incident. Counsel stated Applicant ultimately failed the polygraph and admitted that he was lying. Counsel stated Applicant was concerned and did not know what to do next. Counsel stated he advised Applicant that if he did not cooperate with

the State then they have no reason help him. Counsel stated as a result, Applicant sat down and told the truth. Counsel stated it was very detailed and quick. Counsel stated Applicant explained that Jackson was with him the entire time and they were looking for money and drugs. Counsel stated Applicant recalled going to the back bed room and a dog barked arousing the Victim. Counsel stated Applicant said the Victim reached underneath his pillow and Applicant kept hitting him as a result. Counsel stated Applicant said Jackson came in and saw what happened and fled. Counsel stated Applicant said they bagged the clothing, dug a hole, and burned it. Counsel stated Applicant's confession was significant because it contradicted Jackson's statement to the police. Counsel stated it was always his belief that Jackson played an integral role in the murder of the Victim.

Counsel stated Applicant was indicted for Burglary First and Murder, but was not indicted for accessory after the fact and therefore he could not request a jury charge on accessory after the fact. Counsel stated that after the Quarles story fell through the goal was to get an offer. Counsel felt that if Applicant pled guilty straight up that there was a strong possibility that he would receive life in prison because Applicant had a previous Burglary-2<sup>nd</sup> (violent). Additionally the circumstances surrounding the death of the Victim did not lead to a favorable sentence in Counsel's opinion. Counsel stated the State offered Applicant a plea deal after his confession, where Applicant would receive thirty years for murder and fifteen years suspended to ten years for Burglary -First Degree to run consecutively. Counsel stated Applicant ultimately refused to accept the plea deal because he did not feel the sentences should run consecutively.

Counsel stated the State set the case for trial four days later. Counsel stated he was prepared for trial and had been preparing the case for six months. Counsel stated if he was not prepared he would have requested a continuance. Counsel stated he felt he adequately cross-

examined the State's witnesses. Counsel stated his trial strategy was to attack the credibility of the State's witnesses and point out the inconsistencies of their stories. Counsel stated he did not want to cross-examine Lilly Gallman concerning the DNA evidence, because he did not want to point out to the jury, yet again, that Victim's DNA was found on Applicant's clothing.

Counsel stated he did not feel he had any basis for an objection regarding the jury charge on inferred malice. Counsel stated the trial was held October 20-21, 2008 and the Belcher decision was not decided until approximately one year later. Counsel stated the Belcher decision overturned twenty plus years of precedent in South Carolina. Counsel stated regardless there was no evidence that would excuse, justify or mitigate the use of a deadly weapon. Counsel clarified stating there was no self-defense claim. Counsel stated he advised Applicant of his right to testify and Applicant ultimately chose to testify and present a defense. Counsel stated he did not want Applicant to testify because he had a horrible prior record, had already given a confession admitting to the crime, and felt that Applicant would "fold like a cheap suit" during the State's cross examination. Counsel stated Applicant never told him that he was on any type of medication.

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

In a post-conviction relief action, the Applicant has the burden of proving the allegations

in the application. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985).

Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, (1984); Butler, 286 S.C. 441, 334 S.E.2d 813 (1985).

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

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

#### INEFFECTIVE ASSISTANCE OF COUNSEL

*Counsel failed to object to the introduction of certain pieces of evidence and to Lilly Gallman's testimony.*

This Court finds Applicant's allegation that he was denied effective assistance of counsel for failing to object to the introduction of certain pieces of evidence that should have been objected is without merit. This Court finds that it is unclear from the hearing whether there were

any legitimate issues with the introduction of this evidence, but Applicant stated that there were inconsistencies in the record about where the sock was found. Counsel stated that he did not cross-examine the DNA expert's testimony relating to the sock because he did not want to draw more attention to the fact that the Applicant's and victim's DNA were on the sock. The decision not to object to the introduction of the sock was reasonable. The Court does not believe that even if there was anything improper about the admission of the sock as evidence, the result of the proceeding would have been different had trial counsel objected. Furthermore, Applicant failed to show sufficient prejudice as a result of Counsel's alleged deficiency. As a result, this Court finds the allegation should be denied and dismissed with prejudice.

*Counsel failed to object to the jury charge instructing that malice may be inferred from the use of a deadly weapon.*

This Court finds Applicant's allegation that he was denied effective assistance of counsel for failing to object to the jury charge instructing that malice may be inferred from the use of a deadly weapon is without merit. Counsel stated he did not feel he had any basis for an objection regarding the jury charge on inferred malice. Counsel stated the trial was held October 20-21, 2008 and the Belcher decision was not decided until approximately one year later. Counsel stated the Belcher decision overturned twenty plus years of precedent in South Carolina. Counsel stated, regardless there was no evidence that would excuse, justify, or mitigate the use of a deadly weapon. Counsel clarified stating there was no self-defense claim. This Court finds Applicant's case was held on October 20-21, 2008. The Belcher decision was not decided until October 2009. This Court finds Counsel's actions reasonable. See Gilmore v. State, 314 S.C. 453, 445 S.E.2d 454 (1994) (attorney is not required to be clairvoyant or anticipate changes in the law which were not in existence at time of trial), overruled on other grounds by Brightman v.

State, 336 S.C. 348, 520 S.E.2d 614 (1999).

*Counsel failed to properly object to the introduction of the confession during the Jackson v. Denno hearing.*

This Court finds Applicant's allegation that he was denied effective assistance of counsel for failing to properly object to the introduction of the confession during the Jackson v. Denno hearing because Applicant was on medication is without merit. Applicant testified that he was taking Lorazepam and therefore his confession was not knowingly, voluntarily, and intelligently given. However, Applicant testified that he did not tell Counsel that he was on Lorazepam. Furthermore, Counsel confirmed Applicant's testimony, stating that Applicant never informed him he was on medication. Counsel further stated Applicant appeared cogent during his confession. It is generally accepted that trial counsel cannot be held ineffective for failing to anticipate every possible event or outcome. Reasonable efforts and performance are all that is required of trial counsel. See Thornes v. State, 310 S.C. 306, 426 S.E.2d 764 (1993) (finding trial counsel was not ineffective for failure to interview the victim who already gave a damaging statement to the police - counsel, "unless clairvoyant, could not have reasonably known that any additional benefit would accrue to his client"). This Court finds Counsel's actions reasonable. Furthermore, Applicant failed to show sufficient prejudice as a result of Counsel's alleged deficiency. As a result, this Court finds the allegation should be denied and demised with prejudice.

*Counsel was ineffective of advising Applicant to confess to the crimes of Murder and Burglary as the confession was used to convict applicant at trial.*

This Court finds Applicant's allegation that he was denied effective assistance of counsel for advising Applicant to confess to the crimes of Murder and Burglary is without merit. Counsel stated Applicant wanted to receive a plea offer. Counsel informed Applicant that in order to

receive a plea offer he was going to have to cooperate. Counsel explained that the evidence was overwhelming and the State had no reason whatsoever to offer Applicant any type of plea deal. Counsel further stated he had grave concerns about pleading straight up due to the factual circumstances of the case. This Court finds Counsel's actions were reasonable given the overwhelming evidence against Applicant and his hopes for a plea deal. See Ford v. State, 314 S.C. 245, 442 S.E.2d 604 (1994).

*Counsel failed to request the jury instruction of accessory after the fact.*

This Court finds Applicant's allegation that he was denied effective assistance of Counsel for failing to request the jury instruction of accessory after the fact is without merit. Counsel testified that Applicant had not been indicted for accessory after the fact. Furthermore, after a thorough review of both the record and testimony presented during the post-conviction relief hearing, this Court does not believe that the decision not to request this jury charge was unreasonable, as there appears to be little evidence that would support such a charge. In any case, such a charge would not likely have changed the result of the proceeding. Therefore, this Court finds Counsel's action reasonable and Applicant has failed to allege sufficient evidence to show any resulting prejudice. As a result, this Court finds the allegation should be denied and dismissed with prejudice.

*Counsel failed to adequately prepare for trial and develop a trial strategy.*

This Court finds Applicant's allegation that he was denied effective assistance of counsel for failing to adequately prepare for trial and develop a trial strategy is without merit. Counsel testified it was his trial strategy to cross-examine the State's witnesses and attack their credibility. Counsel further clarified that Applicant had no legitimate alibi or defense claim. Our courts are understandably wary of second-guessing defense counsel's trial tactics. Where

counsel articulates valid reasons for employing a certain strategy, counsel's choice of tactics will not be deemed ineffective assistance. Whitehead v. State, 308 S.C. 119, 417 S.E.2d 530 (1992). See also Dempsey v. State, 363 S.C. 365, 610 S.E.2d 812 (2005) and McLaughlin v. State, 352 S.C. 476, 575 S.E.2d 841 (2003). This Court finds Counsel articulated valid strategic reasons. The Applicant has not shown that counsel was deficient in that choice of tactic. As a result, this Court finds this allegation should be denied and dismissed with prejudice.

#### *Brady Violations*

This Court finds Applicant's allegation that Counsel was ineffective for failing to object to certain Brady violations is without merit. Counsel stated that he filed a Brady motion. Counsel further stated that he did not believe any Brady violation had taken place. This Court finds Applicant has failed to introduce any evidence of an alleged Brady violation. This Court finds Applicant's bare assertions that the State committed a Brady violation insufficient. As a result, this Court finds that the allegation is dismissed and denied with prejudice.

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test – that plea counsel failed to render reasonably effective assistance under prevailing professional norms. The Applicant failed to present specific and compelling evidence that plea counsel committed either errors or omissions in his representation of the Applicant. This Court also finds the Applicant has failed to prove the second prong of Strickland – that he was prejudiced by plea counsel's performance.

The Court concludes the Applicant has not met his burden of proving counsel failed to render reasonably effective assistance.

#### **ALL OTHER ALLEGATIONS**

Except as discussed above, this Court finds that the Applicant affirmatively waived the

remaining allegations set forth in his application at the hearing. A waiver is a voluntary and intentional abandonment or relinquishment of a known right. Janasik v. Fairway Oaks Villas Horizontal Property Regime, 307 S.C. 339, 415 S.E.2d 384 (1992). A waiver may be express or implied. "An implied waiver results from acts and conduct of the party against whom the doctrine is invoked from which an intentional relinquishment of a right is reasonably inferable." Lyles v. BML Inc., 292 S.C. 153, 158-59, 355 S.E.2d 282 (Ct. App. 1987). The Applicant's failure to address these issues at the hearing indicates a voluntary and intentional relinquishment of his right to do so. Therefore, any and all remaining allegations are denied and dismissed.

*[Signature block on following page]*

### CONCLUSION

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

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

#### IT IS THEREFORE ORDERED:

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

AND IT IS SO ORDERED this 9<sup>th</sup> day of April, 2014.



EDGAR W. DICKSON  
Presiding Judge  
Second Judicial Circuit

Orangelmy, South Carolina

**WITNESSES**

V. Lagger, A.C.S.O.

FILED

July 12 2007

Tracy Hodard

CLERK

Pauline Lunny

Deputy Clerk

**ARREST WARRANT NUMBER**

K-094754

**ACTION OF GRAND JURY**

True Bill

Jean W. Denny

Foreperson of Grand Jury

Date: July 12, 2007

**VERDICT**

Foreperson of Petit Jury

Date:

DOCKET NO. 2007-GS-02-

1308

**The State of South Carolina**

**County of Aiken**

**COURT OF GENERAL SESSIONS**

**July 23, Term 2007**

**THE STATE**

**vs.**

**CHAD EVERETTE WILLIAMS**

**Indictment for**

**MURDER**

**SC Code 16-3-10**

**CDR Code 116**

**Class FEL-EXM**

STATE OF SOUTH CAROLINA )  
COUNTY OF AIKEN )

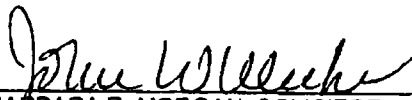
## INDICTMENT

At a Court of General Sessions, convened on July 23, 2007, the  
Grand Jurors of Aiken County present upon their oath:

**MURDER**

That CHAD EVERETTE WILLIAMS did in Aiken County on or about May 2, 2007, feloniously, wilfully and with malice aforethought, then and there kill and murder Herbert Ellis by means of beating Herbert Ellis about his head and body with a crescent wrench and a hammer and that the victim did die in Aiken County at [REDACTED] Aiken, South Carolina as a proximate result thereof on the 2nd day of May, 2007. All in violation of Section 16-3-10 of the South Carolina Code of Laws (1976), as amended.

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

  
BARBARA R. MORGAN, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken  
STATEINDICTMENT/CASE#: 2007 -GS- 02 - 1308vs. Chad Everett WilliamsAW#: K-094754AKA: [REDACTED] M Age: [REDACTED]Date of Offense: 5/2/2007DOB: [REDACTED] SS#: [REDACTED]S.C. Code #: 16-3-10Address: [REDACTED] RoadCDR Code #: 116City, State, Zip: Jackson SC 29801DL#: [REDACTED] SID#: SC 01900876SENTENCE SHEET 30 yrs to LifeIn disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS TO: Murderin violation of 16-3-10 of the S.C. Code of Laws, bearing CDR Code # 116  
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45  
(CSC w/minor 1<sup>st</sup> or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: [Signature] Solicitor [Signature] Defendant [Signature] Attorney for Defendant 16553 SC Bar #WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of Life days/months/years or ☐ under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment of \$ \_\_\_\_\_; plus costs and assessments as applicable; the balance is suspended with probation for \_\_\_\_\_ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: \_\_\_\_\_☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

## SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP \_\_\_\_\_

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_

Obtain GED ☐☐ set by SCOPPPS \_\_\_\_\_

Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

Recipient: \_\_\_\_\_

May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling ☐

\*Fine:

|                                        |         |                  |
|----------------------------------------|---------|------------------|
| \$14-1-208 (Assessments 107.5%)        | \$      | _____            |
| \$14-1-211(A)(1) (Conv. Surcharge)     | \$100   | \$ <u>100.00</u> |
| \$14-1-211(A)(2) (DUI Surcharge)       | \$100   | \$ _____         |
| \$56-5-2995 (DUI Assessment)           | \$12    | \$ _____         |
| \$35-13 (Public Def/Prob)              | \$500   | \$ _____         |
| \$73-3, 1B TP (Law Enforce. Funding)   | \$25    | \$ <u>25.00</u>  |
| \$33-7, 1B TP (Drug Court Surcharge)   | \$100   | \$ _____         |
| \$50-21-114(BUI Breath Test Fee)       | \$50    | \$ _____         |
| \$56-5-2942(J) (Vehicle Assessment)    | \$40/ea | \$ _____         |
| 3% to County (if paid in installments) | \$      | \$ <u>3.90</u>   |
| \$90 11 TP (SCCJA Surcharge)           | \$5     | \$ <u>5.00</u>   |
| TOTAL                                  |         | \$ <u>133.90</u> |

Random Drug/Alcohol Testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_

\$ \_\_\_\_\_ paid to Public Defender Fund

Other: \_\_\_\_\_

☐ Appointed PD or appointed other counsel. \$35.13 TP☐ Requires \$500 be paid to Clerk during probation.

Clerk of Court/Deputy Clerk

PRESIDING JUDGE [Signature]Court Reporter: Cheri YoungJudge Code: 2 1 4 16Sentence Date: Oct 22, 09

SCCA v217 (07/2008)

STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN

IN THE COURT OF GENERAL SESSIONS  
SECOND JUDICIAL CIRCUIT

State of South Carolina )

INDICTMENT NO:

2007-GS-02-1308

v. )

VERDICT FORM

Chad Everette Williams, )  
Defendant. )  
\_\_\_\_\_ )

POSSIBLE VERDICTS

1. We the jury find the Defendant guilty of murder.

*P. J. Rouse* #164  
Foreman

2. We the jury find the Defendant not guilty.

\_\_\_\_\_  
Foreman

October 22, 2008

WITNESSES

V. Lager, A.C.S.O.

FILED

July 12 2007

CLERK

Deputy Clerk

ARREST WARRANT NUMBER

K-094766

ACTION OF GRAND JURY

True Bill

Foreperson of Grand Jury

Date: July 12, 2007

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2007-GS-02-

1309

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

July 23, TERM 2007

THE STATE

vs.

CHAD EVERETTE WILLIAMS

Indictment for

BURGLARY IN THE FIRST DEGREE

SC Code: 16-11-311(A)(3)

CDR Code: 079

Class FEL-EXM(V)

STATE OF SOUTH CAROLINA )  
COUNTY OF AIKEN )

## INDICTMENT

At a Court of General Sessions, convened on July 23, 2007, the Grand Jurors of Aiken County present upon their oath:

**BURGLARY IN THE FIRST DEGREE**

That CHAD EVERETTE WILLIAMS did in Aiken County on or about May 2, 2007, wilfully and unlawfully enter the dwelling of Herbert Ellis located at [REDACTED] Aiken, South Carolina, without consent and with the intent to commit a crime therein and the defendant did enter or remain in the dwelling in the nighttime, all in violation of §16-11-311, Code of Laws of South Carolina (1976), as amended.

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

  
BARBARA R. MORGAN, SOLICITOR

## STATE OF SOUTH CAROLINA

## IN THE COURT OF GENERAL SESSIONS

COUNTY OF  
STATE

Aiken

Chad E. Williams

AKA:

Race:

Sex:

Age:

DOB:

City, State, Zip:

DL#

SID# SC01380815

in disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO:

Burglary First

in violation of § 16-1-311(A)(3) of the S.C. Code of Laws, bearing CDR Code # 079

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45(CSC w/minor 1<sup>st</sup> or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury (defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State

ATTEST:

Solicitor

Defendant

Attorney for Defendant

SC Bar # 19553

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 25 days/months/years or ☐ under the Youthful Offender Act not to exceed \_\_\_\_\_ years

and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and/or payment

of \$ \_\_\_\_\_; plus costs and assessments as applicable; the balance is suspended with probation for \_\_\_\_\_

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,

which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: To Murther☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State

Department of Corrections.

☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

## SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP \_\_\_\_\_

Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_ days/hours Public Service Employment

Payment Terms: \_\_\_\_\_ Obtain GED ☐☐ set by SCDPPPS \_\_\_\_\_ Attend Voc. Rehab. or Job Corp. \_\_\_\_\_

Recipient: \_\_\_\_\_ May serve W/E beginning \_\_\_\_\_

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_

\$ \_\_\_\_\_ paid to Public Defender Fund

Other: \_\_\_\_\_

☐ Appointed PD or appointed other counsel. §35.13 TP☐ Requires \$300 be paid to Clerk during probation.

\*Fine: \$ \_\_\_\_\_

\$14-1-206 (Assessments 107.5%) \$ \_\_\_\_\_

\$14-1-211(A)(1) (Conv. Surcharge) \$100 \$100.00

\$14-1-211(A)(2) (DUI Surcharge) \$100 \$ \_\_\_\_\_

\$58-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_

\$35.13 (Public Def/Prob) \$500 \$ \_\_\_\_\_

\$73.3, 1B TP (Law Enforce. Funding) \$25 \$35.00

\$33.7, 1B TP (Drug Court Surcharge) \$100 \$ \_\_\_\_\_

\$50-21-114(BUI Breath Test Fee) \$50 \$ \_\_\_\_\_

\$58-5-2942(J) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_

3% to County (if paid in installments) \$3.90 \$ \_\_\_\_\_

\$90.11 TP (SCCJA Surcharge) \$5 \$5.00

TOTAL \$133.90

PRESIDING JUDGE R. David R. R.

Judge Code: 2 1 4 0

Sentence Date: Oct. 22, 08

Court Reporter: Cheri Young

SCCA/217 (07/2008)

STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN

IN THE COURT OF GENERAL SESSIONS  
SECOND JUDICIAL CIRCUIT

State of South Carolina )

INDICTMENT NO:

2007-GS-02-1309

v. )

VERDICT FORM

Chad Everette Williams. )  
Defendant. )  
\_\_\_\_\_ )

**POSSIBLE VERDICTS**

1. We the jury find the Defendant guilty of burglary in the first degree.

R. J. P. #164  
Foreman

2. We the jury find the Defendant not guilty.

\_\_\_\_\_  
Foreman

October 22, 2008