

12-4-14

Mr. Sherouse,

Sir,

My name is Chad Everette Williams #303225 - case #
2014-000804 - please file my letter in the enclosed env.
for my issue at hand. Enclosed is 2 letters from Att.
Pachak and page 2 of the Order of Dismissal for my
allegations raised at my Post-Conviction Relief Hearing.
The 7 out of 8 Issues that are not Ruled upon, nor
preserved for the Courts review.

Thank You, again for your time and for filing my
letter.

I am,

Respectfully
Submitted: By:

Chad E. Williams.

RECEIVED

DEC 10 2014

S.C. SUPREME COURT

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DEC 10 2014

Honorable Court;

Case # 2014-000804

S.C. SUPREME COURT

I Chad Everett Williams SCDC # 303225, acting by and through undersigned counsel I'm asking for a 59(c) to be done ~~to~~ properly preserve my issues for appellate review. My Post-Conviction hearing was held on Jan 21st, 2014 - denied Apr. 9th, 2014 - Received the Order of Dismissal Jun. 6th, 2014. By P.C.R. Counsel Brett Lancer. As I was reading I found discrepancies in the order that are detrimental to my case, that needs to be corrected Pursuant to Rule 52(A) of the Rules of Civil Procedure. The allegations and issues raised have not been properly ruled upon by the Finding Facts and Conclusion of Law by Hon. Judge Edgar W. Dickson.

In the Order of Dismissal published by the Assist. Attorney Generals' Donald Gourley II, Esq. as required by the S.C. Code Ann. 17-27-80(2003) Pruitt v State, 423, S.E.2d. 127 (1992) - McCray v State, 408 S.E.2d 241, (1991). There are (7) out of the (8) issues raised that judge Dickson denied and dismissed with prejudice without making a ruling ~~for~~ this judgement. During the P.C.R. Hearing I asked and stated for the record that I want a 59(c) motion to be done. P.C.R. Counsel Brett Lancer failed to do a 59(c) Motion to Alter or Amend upon my request. By P.C.R. Counsel failing to do a 59(c) in my behalf is denying me my right of Due Process ~~not~~ having all issues, allegations properly preserved for Appellate Review and stopping the State and Federal Courts from hearing and ruling in my case, ~~such~~ such action is prejudicial against me. Marlar v. State, 653, S.E. 2d. 266, 267, (SC 2007) - McCray v State, 408 S.E.2d. 241, (1991) - Garner v. State, 371 S.C. 1, 636, S.E.2d 860 (2006). (Emphasizing language in Section 17-27-80 that specific findings of fact and conclusions of law regarding each issue presented must be made by the P.C.R. Court.)

I have asked Appellant Counsel Robert Pochak to file a 59(c) motion, he failed to do so upon my request. See letters attached. I'm asking for a 59(c) motion to be done by P.C.R. Court, to get a ruling as to the Finding Facts and Conclusion of Law. To have all allegations with the evidence properly preserved for the record upon Review-judgement. To proceed any further without correction is an UN-Constitutional act, a gross miscarriage of justice. For it is an inadequate Order. McCullough v. State, 464, S.E.2d. 340, 341. (SC 1995) Bryson v. State. 328, SC 236-37. 493, S.E.2d. 500 (1997).

Thereby having the record corrected and issues ruled upon the issues have the potential to over turn my case, to grant me the relief of judgment I seek. I'm asking that the Court remand the matter for a new P.C.R. hearing having the record corrected and all allegations properly preserved and ruled upon as to the Finding Facts and Conclusion of Law or have the P.C.R. Court do a 59(c) motion for rulings and correction.

I am,

Respectfully,

Submitted by:

Chad

Everette

Williams. 303225

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



SCCID

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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

September 19, 2014

Mr. Chad Everette Williams, #303225
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

Re: Your case

Dear Mr. Williams:

I have not gotten all the paperwork to get your appendix ready, send it to the printer, and read. I will make the decision on a stay or Rule 59(e) motion. You may write me to let me know where you think the order of dismissal is not accurate.

Sincerely,

Robert M. Pachak
Appellate Defender

RMP/pcm



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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

November 3, 2014

Mr. Chad Everette Williams, #303225
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669

Re: Your case

Dear Mr. Williams:

It was your PCR attorney's responsibility to file a Rule 59(9) motion if he felt it was necessary. Your complaints are vague and not very specific. Since the court has given you 45 days to respond, I suggest you raise your concerns with them, but you need to be very specific.

Sincerely,

Robert M. Pachak
Appellate Defender

RMP/pcm

Chad E. Williams #303225

Q1B-119-P-C-I.

430 Oaklawn rd.

Pelzer, SC. 29669

AMS

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DEC 05 2014

PCI Mailroom

South Carolina Supreme Court

Daniel E. Sherouse, Clerk of Court

P.O. Box 11330

Columbia, SC. 29211