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S.C. Supreme Court

ALAN WILSON  
ATTORNEY GENERAL

April 16, 2015

Honorable Daniel E. Shearouse  
Clerk, South Carolina Supreme Court  
P. O. Box 11330  
Columbia, SC 29211

Re: Charles Christopher Williams v. State  
Appellate Case No. 2013-001945  
Drafting Error in Return, p. 80  
Corrected page 80

Dear Mr. Shearouse:

I am in receipt of the Reply to Return received April 3, 2015. In the Reply, counsel for Mr. Williams correctly refers to page 2 to a sentence in Respondent's Return concerning a sentence including the phrase "petitioner's mother drank a few while pregnant with petitioner and his twin sister." This sentence, due to a drafting and clerical error is inaccurate. It was intended to be a parathetical citing to Sells v. Thaler, 2012 Westlaw 25666 (W.D.Tex. June 28, 2012), which was also cited in Respondent's Return on p. 78.

This particular sentence does not directly relate Petitioner Williams or his mother. I would request the Court to accept an amended page 80 with the sentence struck through. A copy of the amended and corrected page 80 is attached.

I apologize to the Court and opposing counsel for this drafting error on my part.

Sincerely,

Donald J. Zelenka  
Senior Assistant Deputy Attorney General

DJZ/lbb

Enclosure: Corrected Page 80

cc: Derek J. Enderlin, Esquire

the punishment phase of petitioner's capital murder trial. ~~In all reasonable probability, the brutal facts of petitioner's offense were simply too compelling to be overcome by a naked emotional appeal for mercy premised upon meager evidence showing petitioner's mother drank a few while pregnant with petitioner and his twin sister.~~ The evidence regarding petitioner's fetal alcohol syndrome and fetal alcohol effects presented by petitioner to this Court is, at best, clearly double-edged in nature because it necessarily led to a conclusion that petitioner would forever be unable to control his aggressive, anti-social, impulses and would never be able to learn from his mistakes.

The record reveals the multi-state defense team in the penalty phase focused on development of the traumatic and troubled family background and mental background of Williams - beginning with John Mauldin's opening statement in the penalty phase. ROA 2122-2130. Particularly, he emphasized that Williams had accepted responsibility for his actions and made no excuse for what he did, but noted the defense would present evidence about "the presence of a mental illness, . . . the lack of family support or family support systems and how the combination of those two things combined to create a very very horrible and difficult situation." ROA 2131. Supporting this argument was the actual presentation of evidence in mitigation. Viewing the entirety of the Petitioner's planned and aggravated murder of the victim, and the entirety of the case in mitigation placed in the 2005 trial<sup>45</sup> with the additional evidence

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45 2005 CASE IN MITIGATION

*The Defense Mitigation*

**A. Guilt Phase.**

Counsel Nettles confirmed at the PCR hearing that he was it was a decision by the defense team to call Dr. Richards in the guilt phase of the trial. PCR 122-123. He stated they felt it was a good idea to go ahead and introduce the psychological issues that were going to be relevant to the penalty phase. PCR 123. This is a concept of front-loading the mental health issues in a capital case.