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The State of South Carolina  
In the Court of Appeal

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SC Court of Appeals

Appeal From Lexington County  
Court of General Session

Honorable Williams P. Keesley Circuit Court Judge

Case No: 2013-00-1849

James Chester Williams 282929 . . . . . Appellant  
The State of South Carolina . v . . . . . Respondent

Fine Brief of Appellant

James Chester Williams 282929  
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Appellant Pro se

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## TABLE OF AUTHORITIES

Boykin v. Alabama 395 U.S. 238 89 S.Ct 1709 (1969) \_\_\_\_\_ 5.6

Pittman v. State 337 S.C. 597 324 S.E. 2d 623 (1999) \_\_\_\_\_ 6

STATEMENT OF ISSUE ON APPEAL

Whether the Court error by not informing Appellant of his Right against self-Incrimination

## STATEMENT OF CASE

Appellant was indicted at the January, 2000 term of the Lexington County Grand Jury for murder, Indictment 2000-GS-32-689 and Possession of a Weapon during the Commission of a Violent Crime 2000-GS-32-688. Appellant was represented by William F. Gorski, Esq. on March 21, 2002 the Appellant pled guilty to murder. The Possession of a Weapon during a Violent Crime charge was dismissed in exchange for Appellant's guilty plea. The Honorable Mark H. Westbrook sentenced the Appellant to confinement for a period of thirty (30) years with the South Carolina Department of Corrections. The Appellant appealed and was represented on appeal by Robert M. Dudek. After a review pursuant to Anders v. California 386 U.S. 738 (1967) the South Carolina Court of Appeals dismissed the appeal State v. Williams, Op. No. 03-UP329 (decided May 15, 2003). The remittitur was issued on June 17, 2003. Appellant then filed a Post-Conviction relief application on May 21, 2003. In his application Appellant alleges his trial counsel was ineffective by not being prepared for trial due to his failure to do an adequate investigation of the facts of this case. On June 27, 2005, an evidentiary hearing was held before the Honorable James W. Johnson Jr. Appellant was represented by Robert N. Boarda, Esq. Respondent was represented by Sabrina C. Todd of the Attorney General's Office. Appellant testified in his own behalf and he called William F. Gorski. On August 1, 2005 Judge Johnson issued an order denying and dismissing the application. This appeal follows.

# ARGUMENT

The Court error for not informed Appellant of his three Constitutional Right he is waiving The accuser must be aware of the Privilege against self-Incrimination the Right to a Jury trial and the Right to Confront one accusers These Three Constitutional Important Federal Right Cannot be Presumed From a silent Record Appellant Four-Then amendment Right of the Constitutional and his Right of due Process were Violated in Boykin v. Alabama Fact

AT The hearing / status Conference for after discovered Evidence was held on June 20, 2013 The Appellant told The Court according to Boykin v. Alabama (Right) he was never advised of his Privilege against self-Incrimination Appellant Guilty Plea was Involuntary and Not knowingly and Intelligently made in Constitutional sense because the Court never advised Appellant of his Privilege against self-Incrimination the Right to a Jury Trial and the Right to Confront one accusers Please See the Transcript of Record R. PP. 41-46 line 1-25) also Please See the Transcript of the Guilty Plea R. PP. 60-71 line 1-25)

## Discussion

Boykin v. Alabama 395 U.S. 238 89 S.Ct 1709 (1969) In Boykin The United State Supreme Court held before a Court can accept a Guilty Plea a criminal defendant must be advised of The Constitutional Right he is waiving

It specifically the accused must be aware of the Privilege against self-incrimination the Right to a Jury and the Right To Confront one's accusers It moreover a criminal defendant entering a Guilty Plea must be aware of the nature and crucial Elements of the offense the maximum and any mandatory minimum Penalty, and the nature of the Constitutional Right being waived Pittman v. State 337 S.C. 597, 524 S.E. 2d 623 (1999) a Criminal defendant's knowing and voluntary waiver of statutory or Constitutional Right in a Guilty Plea must be established by a Complete Record and may be accomplished by colloquy between Court and Appellant between Court and Appellant counsel or both

### Conclusion

Therefore For the foregoing Reasons Appellant Guilty Plea Should be vacated due to the Constitutional error that was made in his case

Respectful Submitted

James C. Williams  
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Appellant Pro Se

This 22 day of May 2015

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Certificate of Appellant

The undersigned certifies that this Final Brief Complies  
with Rule 211(b) SCACR

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The state of south Carolina, v. . . . . Respondent

Proof of service

I James C Williams 282929 do hereby certify that i have served  
The motion to File my Final briefs out of time and the  
original COPY of my Final briefs with this motion on the south  
Carolina Court of Appeals Jenny Abbott Kitching Clerk by depositing  
a COPY of it in the United State mail Postage Pre Paid on may  
22, 2015 addressed to Jenny Kitchings Clerk Post Office Box  
11629 Columbia South Carolina 29211

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briefs with this motion on J. Walter Whitmire by depositing a  
COPY of it in the United State mail Postage Pre Paid on may 22, 2015  
addressed to J. Walter Whitmire Assistant Attorney General 11549  
Columbia S.C 29211-1549

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This 22 day of may 2015