

The state of South Carolina

In the court of Appeal

APPEAL From Lexington County

Court of General session

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OCT 16 2015

SC Court of Appeals

Honorable William P Keeley Circuit Judge

Case No: 2013001849

James Chester Williams 282929 Appellant

The state of South Carolina . . . V. Respondent

Final Brief of Appellant

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STATE OF ISSUE ON APPEAL

Whether The Court error by Not Informed
Appellant 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 2000-65-32-689 and Possession of a Weapon during The Commission of a Violent Crime Indictment 2000-65-32-688. 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 Guilty Plea. The Honorable Mark H. Westbrook sentenced The APPELLANT to confinement for a period of Thirty (30) year 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-UP-329/decided May 15, 2003 Remittitur was issued on June 17, 2003 APPELLANT Then filed a Post-Conviction Relief Application on May 26, 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 Jame W. Johnson Jr APPELLANT was Represented by Robert N. Boarda Esq Respondents Represented by Sabrina C. Todd The Attorney General 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 Constitution Right he is waiving the accuser must be aware of The Privilege a Gainist 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 Silen Record Appellant Four-Ten Amendent 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 a Gainist 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 a Gainist Self-Incrimination The Right To a Jury Trial and The Right To Confront one Accusers Please See Transcript of Record R.P.P. 41-46 line 1-25) Please See The Transcript, of The Guilty Plea R.P.P. 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 Id specifically The accused

Must be aware of The Privilege Against Self
Incrimination The Right to a Jury trial and The
Right To Confront one accusers Id 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 Const-
itutional Right being waived Pittman v. State
337 S.C. 597 524 S.E 2d 623 (1999)

A Criminal defendant 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 were made in his case

Respectfull submitted

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Appellant Prose

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The State of South Carolina, Respondent

Certificate of Appellant

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

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This 13 day of October 2015

CERTIFICATE OF SERVICE

I James C Williams 282929 do hereby certify that I have this date served all document that contain To designation of matter to be included in the Record on appeal along with one copy of the final brief also on the below addressed by depositing the same in the US mail

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This 13 day of October 2015

Respectfully submitted

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cc J. Anthony Mabry EQ

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