

Ross and Enderlin, PA
Attorneys at Law

Derek J. Enderlin

Susannah C. Ross

June 1, 2016

The Honorable Scott S. Harris
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

RECEIVED

JUN 03 2016

RE: Charles Christopher Williams v. The State of South Carolina
Motion to Proceed In forma Pauperis
Motion for an Extension

S.C. SUPREME COURT


Dear Mr. Harris:

Enclosed, please find the original and ten (10) copies of a motion to proceed in forma pauperis for my client, Charles Christopher Williams, a death row inmate, as well as a copies of the State of South Carolina's order appointing me to represent Mr. Williams, as well as an affidavit in support of the motion.

In addition, there is one original and two (2) copies of a motion for an extension to file a petition for writ of certiorari along with a copy of the State of South Carolina Supreme Court order in the case.

In addition, there is one separate Certificate of Service pursuant to Rule 29.

Sincerely,



Derek J. Enderlin

cc The Honorable Daniel E. Shearouse
Donald J. Zelenka, Esquire
Christopher Williams



330 East Coffee Street
Greenville, SC 29601

Phone: 864-647-7205
Email: derek@rossenderlin.com

CAPITAL CASE

No.

IN THE SUPREME COURT OF THE UNITED STATES OF
AMERICA

CHARLES CHRISTOPHER WILLIAMS
Petitioner,

RECEIVED

vs.

JUN 03 2016

THE STATE OF SOUTH CAROLINA
Respondent.

S.C. SUPREME COURT

MOTION TO PROCEED *IN FORMA PAUPERIS*

Petitioner, Charles Christopher Williams, by his undersigned counsel moves to proceed *in forma pauperis* pursuant to Supreme Court Rule 39 in the above-entitled action. Pursuant to that rule, undersigned counsel attaches a copy of the South Carolina Supreme Court order appointing him to represent Petitioner as well as an original Form 4 Affidavit Accompanying Motion for Permission to Appeal *In Forma Pauperis*. Petitioner has been considered indigent and was appointed counsel during all phases of this case, including trial, appeal, post conviction, and appeal of post conviction.

I so move.

June 1, 2016



Derek J. Enderlin
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864-647-7205
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Attorney for Petitioner

The Supreme Court of South Carolina

Charles Christopher Williams, Petitioner,

v.

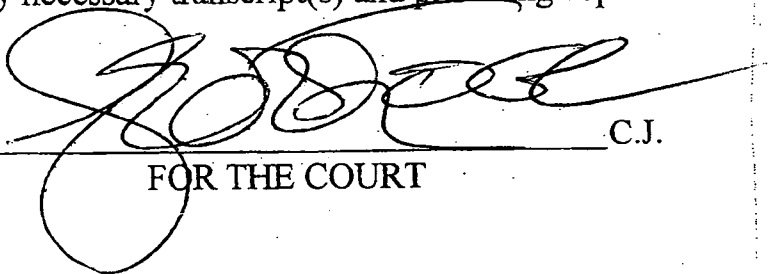
State of South Carolina, Respondent.

Appellate Case No. 2013-001945

ORDER

This matter is before the Court by way of a notice of appeal from an order denying petitioner's application for post-conviction relief. Petitioner's post-conviction relief counsel now moves to be appointed to represent petitioner before this Court as well due to the fact that the Division of Appellate Defense has a conflict of interest. By way of return, Chief Appellate Defender Robert M. Dudek agrees outside counsel should be appointed to represent petitioner.

Petitioner's motion is granted and Derek Enderlin is hereby appointed to represent petitioner in this matter. The Division of Appellate Defense shall be associated for the limited purpose of paying for any necessary transcript(s) and providing copies of the petition, appendix and briefs.


C.J.
FOR THE COURT

Columbia, South Carolina

September 30, 2013

cc:

Derek Joseph Enderlin
Robert Michael Dudek
Alan McCrory Wilson
Donald J. Zelenka

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$0	\$	\$0	\$
Self-employment	\$0	\$	\$0	\$
Income from real property (such as rental income)	\$0	\$	\$0	\$
Interest and dividends	\$0	\$	\$0	\$
Gifts	\$ 50	\$	\$0	\$
Alimony	\$0	\$	\$0	\$
Child support	\$0	\$	\$0	\$
Retirement (such as social security, pensions, annuities, insurance)	\$0	\$	\$0	\$
Disability (such as social security, insurance payments)	\$0	\$	\$0	\$
Unemployment payments	\$0	\$	\$0	\$
Public-assistance (such as welfare)	\$0	\$	\$0	\$
Other (specify):	\$0	\$	\$0	\$
Total monthly income:	\$ 50	\$	\$ 0	\$

2. List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
None			\$
			\$
			\$

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
N/A			\$
			\$
			\$

How much cash do you and your spouse have? \$ 0

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have C.W. 1,300	Amount your spouse has
Prison Account		\$Less than 1,000	\$
		\$	\$
		\$	\$

if you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home	Other real estate	Motor vehicle #1
(Value) \$	(Value) \$	(Value) \$N/A
N/A	N/A	Make and year:
		Model:
		Registration #:

Motor vehicle #2	Other assets	Other assets
(Value) \$ <i>N/A</i>	(Value) \$ <i>N/A</i>	(Value) \$ <i>N/A</i>
Make and year:	None	None
Model:		
Registration #:		

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
None	None	N/A
	\$	\$
	\$	\$
	\$	\$

7. State the persons who rely on you or your spouse for support.

Name [or, if under 18, initials only]	Relationship	Age
None		

8. Estimate the average monthly expenses of you and your family. Show separate amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your Spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$N/A	\$
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		

Utilities (electricity, heating fuel, water, sewer, and telephone)	\$0	\$
Home maintenance (repairs and upkeep)	\$0	\$
Food	\$0	\$
Clothing	\$0	\$
Laundry and dry-cleaning	\$0	\$
Medical and dental expenses	\$Varies	\$
Transportation (not including motor vehicle payments)	\$0	\$
Recreation, entertainment, newspapers, magazines, etc.	\$0	\$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's:	\$N/A	\$
Life:	\$	\$
Health:	\$	\$
Motor vehicle:	\$	\$
Other:	\$	\$
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$N/A	\$
Installment payments		
Motor Vehicle:	\$N/A	\$
Credit card (name):	\$	\$
Department store (name):	\$	\$
Other:	\$	\$
Alimony, maintenance, and support paid to others	\$N/A	\$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$N/A	\$
Other (specify):	\$N/A	\$
Total monthly expenses:	\$ <i>Varies</i>	\$

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes No

If yes, describe on an attached sheet.

10. Have you spent — or will you be spending — any money for expenses or attorney fees in connection with this lawsuit? Yes No

If yes, how much? \$ _____

11. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

On Death row.

12. State the city and state of your legal residence. *SCDC, Lieber, Ridseville, SC*

Your daytime phone number: () None _____

Your age: 33 Your years of schooling: 9

Last four digits of your social-security number: 5084

CAPITAL CASE

No.

IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA

CHARLES CHRISTOPHER WILLIAMS
Petitioner,

vs.

THE STATE OF SOUTH CAROLINA
Respondent.

APPLICATION FOR EXTENSION OF TIME IN WHICH TO FILE PETITION FOR
A WRIT OF *CERTIORARI* TO THE SUPREME COURT OF THE STATE OF
SOUTH CAROLINA

TO: THE HONORABLE JOHN G. ROBERTS, JR., CHIEF JUSTICE OF THE
UNITED STATES SUPREME COURT AND CIRCUIT JUSTICE FOR THE
FOURTH CIRCUIT:

Pursuant to United States Supreme Court Rule 13.5, Petitioner requests a
60-day extension of time in which to file his Petition for a Writ of *Certiorari* in this
Court up to and including September 9, 2016 (60 days from the current deadline of
July 11, 2016). In support of this Application, Petitioner states:

1. Petitioner, Charles Christopher Williams, is a South Carolina death
row inmate currently housed at Lieber Correctional Institute, Ridgeville, South
Carolina. He seeks review in this Court of his State Post Conviction Relief case, in
which the petitioner was denied relief as to his conviction and death sentence.

2. The judgment of the Supreme Court of South Carolina, was entered on April 13, 2016 and is attached.

3. Petitioner's time in which to petition this Court for a writ of *certiorari* expires on July 11, 2016 (90 days calculated from April 13, 2016).

4. Pursuant to United States Supreme Court Rule 13.5, this Application is being filed more than ten days before July 11, 2016.

5. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1257(a).

6. This case involves the appeal of the denial of relief in a post conviction capital case. Petitioner, Mr. Williams, is indigent. Derek J. Enderlin was appointed to represent Mr. Williams in his post conviction case and appeal and is continuing to represent him in this petition for certiorari.

7. Evaluating the issues to present in Petitioner's petition for writ of *certiorari* is a complex process.¹ The PCR trial court and the State Supreme Court failed to address a number of issues, including the fact that trial counsel admitted they failed to recognize and present evidence of petitioner's fetal alcohol syndrome disorder to the jury and that they would have wanted such evidence before the jury. There were also numerous constitutional challenges to the conviction and death sentence, including the fact that trial counsel failed to realize petitioner is a dual German and American Citizen; that South Carolina law does not allow jury

¹ The record in this case is extensive. The transcript is over 5,000 pages long. Mr. Williams' raised numerous issues at his post conviction trial and on appeal to the South Carolina Supreme Court, many with several subparts.

sentencing if a defendant pleads guilty; that the state statute fails to limit cases in which the death penalty can be sought as well as other issues. There is also a potential issue regarding the proper standard of review.

8. In order to determine which of these issues is appropriate for presentation in a petition for writ of *certiorari*, counsel is conducting extensive research and analysis of the decisions of the United States Courts of Appeals and of state courts of last resort. Such research and analysis is time-consuming but necessary in order to comply with United States Supreme Court Rule 10.

9. Although Petitioner's counsel has given Mr. Williams' case priority, the following factors make it difficult for the undersigned to complete Mr. Williams' petition before the July 11 deadline. My wife and I are the sole attorneys in our office. Our sole support staff is a receptionist shared by many other offices. I have only had one prior experience with this Court, *Turner v. Rogers*, 564 U.S. 431 (2011), where co-counsel did the vast majority of the work. I have accepted a position as a city attorney and have changed my practice considerably. I have significantly reduced my criminal case load, and this is my last capital case. While the city attorney position is not full time, it consumes a significant part of my practice. Furthermore, the City Administrator resigned on May 27 and the new administrator does not start until July 11. Based on past experience when I worked for the city many years ago, I believe there will be significant demands on my time due to not having an administrator. Knowing that I was reconfiguring my practice, I intended to spend the month of June and first half of July with my two sons, 13

and 10. I felt this might be one of the last opportunities I had to spend most of the summer with them. That may not be possible if my time with the city increases as expected, but I still hope to travel with them over the next 6 weeks, often without internet and phone service. If an extension is not granted, I will have to not only cancel vacation plans, including 10 days visiting my elderly parents out of state, I will also have to find alternative care for my children during the day.

10. Petitioner has not previously petitioned this Court for an extension of time in which to file a Petition for a Writ of *Certiorari*.

11. Counsel for Petitioner aver that this Application is made in good faith and not for the purposes of delay.

12. Counsel for Petitioner has conferred with Donald J. Zelenka of the Attorney General's office of the State of South Carolina. Mr. Zelenka has informed counsel for Petitioner that they have no objection to Mr. Williams' request for a sixty-day extension of time to file his Petition for Writ of *Certiorari*.

WHEREFORE, Petitioner requests an order extending the time for filing his Petition for a Writ of *Certiorari* to and including September 9, 2016.

Dated: June 1, 2016

Respectfully submitted,



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864-647-7205

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

Charles Christopher Williams, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2013-001945

ON WRIT OF CERTIORARI

Appeal from Greenville County
G. Edward Welmaker, Post-Conviction Relief Judge

Memorandum Opinion No. 2016-MO-012
Heard March 22, 2016 – Filed April 13, 2016

DISMISSED AS IMPROVIDENTLY GRANTED

Derek Joseph Enderlin, of Ross & Enderlin, PA, of
Greenville, for Petitioner.

Attorney General Alan M. Wilson, Chief Deputy
Attorney General John W. McIntosh, Senior Assistant
Deputy Attorney General Donald J. Zelenka, all of
Columbia, and William W. Wilkins, III, of Greenville,
for Respondent.

Louis O'Neill, of White & Case, LLP, of New York, New York and John S. Nichols, of Bluestein Nichols Thompson & Delgado, LLC, of Columbia, for Amicus Curiae, The Federal Republic of Germany.

PER CURIAM: We granted a writ of certiorari to review the decision of the post-conviction relief judge. We now dismiss the writ as improvidently granted.

DISMISSED AS IMPROVIDENTLY GRANTED.

**PLEICONES, C.J., BEATTY, KITTREDGE, HEARN and FEW, JJ.,
concur.**