

Trey Williams # 341036

Broad River Correctional Institution/Waterloo #124

4460 Broad River Rd.

Columbia, SC 29210

September, 5 2016

The Honorable Daniel E. Shearouse
Clerk of Court

The Supreme Court of South Carolina

P.O. Box 11330

Columbia, SC 29211

RECEIVED

SEP 12 2016

S.C. SUPREME COURT

RE: Trey Williams v. State

Case No. 2013-CP-46-1797

Appellate Case No. 2016-001553

Dear Clerk Shearouse: I Trey A. Williams have Nikkia Betts as my Power of Attorney to handle all matters in my life as me, being that I have technicalities incarcerated with filing, typings, clerk work and getting case law and getting information to prepare my case. She has gotten the seal and notary and is the effective P.O.A. and I would like written notice to know if you or whomever else disregards her status and will not acknowledge her as the type of power of attorney she is, I think that she forwarded this court, York County clerk of court, Appellate defense the U.S. court house, local court house, S.C. D.O.C. Head Quarters etc. A copy of her power of attorney proof and certification... As well I need you to find enclosed a motion to Dismiss with prejudice my counsel of record/Appellate defense Agency from representation to my case along with detailed evidence, Good cause, concerns colorable claims and issues that puts "Judicial Notice" to the court (Judges) in the S.C. Supreme Court to resolve this "miscarriage of justice", in the interest of justice to one whom is "actually innocent". See pg. 1-11 of the motion and file with the courts and forward a copy of motion on all parties also include the full S.C. Supreme Court records with this motion to the courts. After motion pg. 1-11 see the cover sheet of "supporting documentation of evidence" for the motion and its contents. Note: Its much more complete evidence, litigation etc to present to the courts on the way upon the request and case matter. Post pone these proceedings on...

- ① The Supreme Court must affirm the PCR courts findings if they are supported by any competent evidence of probative value in the records. (e.g., Webb v. State, 281 S.C. 237, 314 S.E. 2d 819 (1984).)
- ② "Appellate was ineffective in failing to raise issue, preserved below, which would have entitled defendant to reversal on appeal." — Simpkins v. State, 303 S.C. 364, 401 S.E. 2d 142 (1991).
- ③ [The hearing courts findings of facts are binding on the appellate court under any evidence of probative value to support the PCR courts findings of facts standard.] — Greene v. State, 276 S.C. 213, 277 S.E. 2d 481 (1981).
- ④ Factual findings in state hearings carry a presumption of correctness in Federal Habeas Corpus proceedings. — Sumner v. Mata, 449 U.S. 539, 101 S.Ct. 764, 662 L.Ed 2d 722 (1981).
- ⑤ The 1-4 mentioned cases shall be used but not limited to being cited to challenge the states notice of appeal. I have been the only person to file any issues, cite any cases, testify to any claim on my behalf throughout the totality of my case exclusively on PCR. Any attorney on my case must communicate with me in the interest of justice and help me continue to address what I want addressed in my case as long as its relevant to the case, laws, etc and if not show with findings of fact. In addition it has been over 30 days since the ordering of PCR transcripts and I do not have a copy of it yet nor a copy of any extension being filed so counsel is ineffective in not providing me such information and documentation. I need copies of my trial, pre trial transcripts as well, direct appeal brief and respondent and the decision, I need a copy of my PCR application and amended application and the states return. I also need to begin discussing my cross appeal with a real attorney who truly knows how to practice law. In addition the motion that follows needs to be clock stamped, forwarded to all parties and to the S.C. Supreme Court Judge Panel and carefully received on docket as well as the Duder Agency as my counsel and Duder puts needs to be held accountable for their organized crime.
@mary_williams

In The South Carolina Supreme Court

State of South Carolina

v.

Trey Williams, #341036

Appellate case no. 2016-001553

Motion to Relieve
Counsel/Representation
from Appellate Defense

Comes Now the Applicant, through his undersigned attorney, and pursuant to the South Carolina Supreme Court Ruling in Hiott v. State, 381 S.C. 622, 674 S.E. 2d. 491 (2009), which held that Rule 11, SCRPC, is not applicable to or in PER Proceedings.

Therefore, this motion should be filed with or without compliance with Rule 11, SCRPC, and this filing should be treated by this court and Appellate Counsel of Record as if it was filed by an attorney at bar in the interest of Justice. Failure by Appellate Counsel of Record to adopt or support this motion would clearly show ill faith representation below constitutional standards. Applicant request that this court direct the entry of this entire motion and supporting evidence and documents into the record, to be heard by the court with a docket # for the judges consideration in the interest of Justice and that until all matters, concerns, issues etc set forth in this motion are resolved with a courts written disposition that this case be placed on "Stay" with a written notice to all parties.

September 5, 2016

To the Supreme Court of South Carolina:

RE: To Prevent Laura R. Baer (Appellate Defender), Robert Dudek (Chief Appellate Defender) and Lanel Cantey Durant (my previous direct appeal attorney) from succeeding in procedurally defaulting me, Violating my 14th Amendment, 8th Amendment, 6th and 14th Amendment, 6th Amendment, 5th and 14th amendment, 1st Amendment of the Federal Constitutional Ground of the United States of America. State constitutional Ground Articles I, Section 3 Equal protection, Article I, Section 15 cruel & unusual punishment, Article I, Section 14 Right to present A Defense, Article I, section 14 Assistance of Counsel, Article I, Section 3 Due Process, Article I, Section 2 speech and Press etc...

I Trey Alexander Williams, Inmate # 341236 Lower Court # 2013-CF-461797 am being denied access to the courts in the "Intrusion of Justice" by Counsel of Record and the South Carolina Commission on Indigent Defense in its totality because of Robert M. Dudek, Chief Appellate Defender. These constitutional claims advanced above and within, calls into question the Accuracy of the proceeding, the Attorneys liscence to practice Law and the petitioners guilt. See, Harris v. Nelson, 394 U.S. 236, 290-291, 89 S. Ct. 1086. The court explained in Engle that Cause and prejudice Standard will be met in those cases where Review of a State prisoners' claim is necessary to correct a fundamental "MISCARRIAGE OF JUSTICE" at 135, 102, S. Ct at 1576. These cases has also established that where a Constitutional violation has probably resulted in the Conviction of one who is actually innocent. A Federal Court may grant the

Writ even in the absence of a showing of cause for the procedural default, see, *Murray v. Carrier*, 477 U.S. 478, 106 S.Ct. 2654. I have showed "Good Cause" "Due Diligence" and given "Judicial Notice," to PCR Counsel, the states PCR Courts and all of parties involved in this matter of the issues and Constitutional Violations that needs to be adequately and sufficiently raised. As to any and all other allegations which were or could have been raised in the Application or at evidentiary hearing or the final act of PCR for preserve purposes for federal Review, the absence of such is of no fault of my own. I could not comply with S.C. Code Ann. § 17-27-90, and is not a voluntary and intelligent waiver of my right to secure relief and should be allowed as the basis for a subsequent Application. Thus, I have shown sufficient reason why said unasserted issues were inadequately raised or abandoned in the original, supplemental or amended application through no fault of my own, see *Coleman v. Thomas*, *Supra*!!!

My current Counsel of Record has written me a letter indicating that it is absolutely no way possible for me to address and or preserve on the record in the Appendix on this appeal/cross appeal the issue of "Ineffective assistance of Post Conviction Relief Counsel" as if I do not have an constitutional right to have effective assistance of PCR Counsel. Laura R. Baer also stated "I have seen the two letters that you sent to my office previously, to which Mr. Dudek, the Chief appellate defender, responded. However there are a few things that I would like to address. You made several references to "the Record on Appeal" in Your letters. A Record on Appeal is filed after the briefs in a direct Appeal.

In a collateral appeal from a post-conviction relief hearing, the collection of documents filed with the court is called an Appendix, which is filed at the same time as the petition for certiorari. Unlike a record on appeal, the materials to be included in the Appendix are specified in Rule 243, SCACR. Thus, Rule 212, SCACR, allowing for supplementation of the record on appeal is not applicable in an appeal from a PCR hearing. Therefore, unless the documents you were writing about were part of the record at your trial, were attached to your PCR application, or were made exhibits at the PCR hearing, they cannot be included in the Appendix. Additionally, as Mr. Dudek explained, I will not file a motion for an appeal bond in your case and such motion would not be granted in your case".

Being that I was in direct appeal from 2010-2013 and was represented by Lanel Cantey Durant whom Wich told me I had no issues but one for direct appeal, who told me that they are not allowed to request discovery nor obtain mental health records and whom ultimately told me I could submit the issues or a brief that I wanted filed on my behalf and she would submit it lied and broke her oath as an attorney through the advisement of Chief Appellate Defender Robert Dudek whom told her that I could not file a motion to the courts for another counsel because I want be appointed another counsel and that the only other remedy I have is to go pro se with eyes wide open and if those are my wishes they will send the necessary affidavit addressing the dangers and disadvantages of proceeding pro se for

me to Review and affix my signature and send back in for the courts. Furthermore I submitted on various occasions my issues to Lanel canty durant whom wrote me back various letters confirming that she obtained these documents and will consider them in Reviewing my case for the initial Brief filing, however she still filed an one issue initial Brief. once I recieved a copy of the brief I wrote an complaint and Lanel C. Durant wrote me back saying that she was waiting on me to send in my issues but she never obtained them so she did one issue. I have all the letters and proof of all that is in the totality of this letter to send in as supporting facts and evidence, further more Lanel durant knew of the adequate warnings of proceeding prose and informed me of what it took to go prose according to the S.C. Supreme Court/ Court of Appeals however she briefed in the initial brief that I was adequately warned to go prose. Robert dudex wrote me over one week ago before I had Appellate counsel telling me what no attorney at his agency want do for me because I have an extensive violent criminal background, because im guilty of the charge in my case, and because he feels my claims are frivolous and he advises me to file a motion to have his Agency be Relieved from my case indicating that he will not object to my motion, this time around. Its no coincidence that my current counsel of record is writing me now indicating exactly what Lanel canty Durant and Robert Dudex did and what

this Agency Aspires and conspires to do in legal practice which is Fraud, mockery of the court, unethical and unconstitutional. It is many protected rights that are being violated on Federal Constitutional Grounds and the Courts Clerks, attorneys etc are turning the blind eye to my case, passing the buck to get me procedurally defaulted, reversed on Appeal in favor of the State and stripped of liberty, protected rights, Civil Rights as A citizen of the United States of America. I have every document, official legal documents, motions, letters, orders etc to prove that every appointed counsel I've had at any stage in this matter is ineffective, I won ineffective assistance of Appellate counsel at my PCR hearing. It is An clear conflict of interest for me to be represented by Appellate defense who clearly upon the face of the record does not want to be effective in representing me. In the interest of Justice - I beg legal authorities, legal personnel, honorable Judges and whom see these letters to preserve these concerns, Issues and claims for federal Review, to Act with legal professional judicial norms and Get me An hearing in front of the court to plead my case and Situation so my Rights and Justice be prevailed. It has been too long, me being ignored, Justice not being served and counsel is so adverse to my Constitutional Rights its me me against counsel As Attorney General, the indeed Attorney General, And other legal, clerk personnel that Gets notice of these documents and do nothing. In the interest of Justice hybrid representation must be disregarded.

When Significant Federal Constitutional Questions Are Raised And or being neglected by counsel. these are colorful constitutional Federal Grounds And Procedural Smoke Screens And hurdles need not prevent Justice And Meritorious issues, concerns etc from being presented at any stage of these proceedings.

I will be getting my Appellate law book back in a few days, I will be preparing an full proof file of all the totality of the proceedings in order of criminal and civil phases, addressing the facts, merits etc for everything that needs to be addressed. I will be submitting all motions, documents etc that needs to be a part of this appeal and everything to be preserved. As of now here is what I briefly want to point out as follows as well as getting effective counsel to help in these matters...

Appellate Bond: I was written by Robert Dudek before I had Appellate Counsel and was told because of my extensive violent criminal record, the crime that I committed that it would be frivolous for anyone at his agency to file an appeal bond.

I have no criminal record at all but the one criminal sexual conduct 1st degree with minor that was over turned in my PCR which leaves me with no criminal record. In addition to that my only plea to this charge was time serve to an lesser included offense offered multiple times by the state in 2009-2010.

I state these things because the nature of the charge and totality of the circumstances

involving the charge/nature of charge would be even more reduced in the consideration of me being granted an Appeal bond. Also the courts consider the totality of the case to consider the bond such as criminal history, (I have no criminal history) flight Risk (I turned myself in, called in to see if it was a warrant for my arrest and fullt cooperated) would I be a danger to the community, victim etc, (this case was family oriented and they as in victims family tried to drop charges, does not object to me being out, and is not cooperating with the state to keep me convicted and community organizations, schools, colleges etc support me coming back home) would I commit another charge while out on bail for poverty issues (I have proof upon bail that I will be fully employed upon release and going to college), Am I most likely to win the appeal (the states appeal is frivolous and the Attorney General present at PCR admitted my PCR claim is valid and he will not appeal this case and a new Attorney General appeals for the purpose of delay and to go on a fishing expedition) The court must still find by clear and convincing evidence that the defendant is not likely to flee or pose a threat/danger to the community and that his appeal is not for the purpose of delay and raises a substantial question of law and fact. I was granted relief in my post conviction relief hearing and I cross appealed raising a substantial question of law and fact. At my appeal bond hearing I'll have college professors to confirm that I was a good citizen and community volunteer

And upon release I'll be furthering my education
At their institution with housing and a job. I'll
have medical records and documents from a
doctor showing I'll be getting surgery redone
on my ankle and that Scott failed to
properly treat me. Also threats against my life
at Scott documents etc which will show its better
for my safety to be on bail being that I'm
innocent etc, the person that is bonding me
out is a business owner, employed and has
no criminal back grounds. I will have
accredited diplomas and accomplishments that I
have obtained incarcerated and I will have
presented the entire total case file showing
I was not indicted when I waived counsel,
jury trial or stood trial. And that the charge
never actually was committed and much more
through official documents etc. I have a good
chance to be granted an appeal bond and its
many cases with people in worse situations have
filed and been granted appeal bonds. For the appellant
defense to say I will not get the appeal bond is
not based off any law, fact, recorded document,
case law or professional judgment, it is a
violation of my rights and access to the courts...
Frustrating Notice of Appeal: My PCR application was filed
around June 2013, Attorney General J. Rutledge Johnson
represented the state in this action. The hearing was
held 11-18-2014 and J. Rutledge Johnson testified
that the validity of my issue were with merit
in conjunction with PCR testimony from all parties.
Later Mr. Johnson ~~was~~ in 2016 was not on my case

And like 3 months before the decision was final ordered by the PCR Judge Attorney General Justin James Hunter was on my case 3 years after I was on PCR and he was not present at my PCR hearing etc, and he files a notice of appeal. he has no federal constitutional or state constitutional grounds to appeal. he does not even know or have a reason to appeal the decision of the judge and I have a protected right from double jeopardy, federal constitutional ground 5th Amendment, state constitutional ground Article I, Section 12 and ~~also~~ violations previously mentioned. This violates my due process and it shows bias, prejudice and discrimination for him to do this and my counsel not object. Mr. Hunter knows he was not present at the hearing so he can affirm what he is saying and I need effective counsel to motion this to be done.

Motion to request documents, add to the record/appendix in this appeal to preserve and fairly and fully get considered in the court. I am not a professional attorney so I don't know everything it is to do about law, even attorneys don't know everything however I know that I have documents to prove I'm "actually innocent", that the prosecutor for my trial was vindictive and engaging in misconduct, that the trial judge abused its discretion in various ways, that post-trial counsel/standby trial counsel was both ineffective, that I was not indicted, that I faced double jeopardy indictments, grand jury violations, that I had a total miscarriage of

Pg. 9 of 11

Justice throughout the entire case from 3-31-2009-
September 8 2016 and with the Discovery rule five,
York County Clerk of Court PCR records and S.C.
Supreme court records being requested and placed
in the Appendix on the record along with my
Ineffective Assistance of PCR evidence, Issues
etc, in the "Intruss of Justice" I should get
these things done which on the record I have
clearly wrote the Clerk of Courts, testified at
PCR hearing etc of all these Allegations etc
and attempted to get these things done over
the years and its no fault of my own that
it has not been done, I have letters from
counsel, PCR Judge, Judges office etc
validating and acknowledging these things over
the years. I have been denied Access to the
courts, bannet from writing and getting Clerk
of court services and much more. My PCR
counsel was Charles Brooks, he was my fifth
PCR Attorney, Almost two years after my PCR
Nathan Sheldon was my Attorney and neglected
to do my S9 Aore, or anything for me nearly
because he said he had nothing on my case, he
dont know how he got on my case he said and
he was not my PCR Counsel. That fact and
the fact that the first issue I raised at
PCR was Ineffective Assistance of PCR
Counsel and its filed in my PCR Application
along with all the evidence I have to prove
the claim should get these issues and
concerns in motion. It would be a miscarriage
of Justice, Bad Faith, and a violation of

Due Process etc to not Allow me to properly correct the errors of my case that happened because of professional legal agents. I have "Good Cause" for each thing, concern etc and my mental health records etc. my PCR WAS in 2014 And my decision WAS in 2016, I removed counsel, complained on PCR counsel, filed nearly hundreds of documents since PCR to get my proposed order granting Post conviction Relief, Sje motion, Judicial notice, Rule five Discovery, York County PCR Clerk of Court records filed to the courts etc And received An tremendous Amount of legal Agency Dispositions etc And I have many S.C. Supreme Court Disciplinary Counsel records etc that has been taken place Which is After PCR so what my counsel of record is speaking of in her idiotic, Discriminating letter to me is irrelevant to my case And so is she. She is to Get with the Justice Aspects of LAW or Stop practicing LAW however she needs to be ~~take~~ taken AWAY from my case IMMEDIATELY. She is A criminal, Lanel Cantey Durant is And Robert Dudek, they Are very ugly legal examples of LAW and most likely much more !!! ~~Very serious~~
~~Very serious~~

Notice!!!

The fact that my waiver of counsel was indeed invalid makes the totality of my trial an miscarriage of Justice and it would be no way for proceedings to have all the motions, documents, exhibits etc on the records. The fact that I was not indicted at the time of my waiver of counsel and jury trial further substantiates that I could not have adequately according to the law had a fair trial or waived constitutional Rights lacking material elements and Presentment of Indictments. Furthermore my Indictment was brought to the courts attention minutes before my bench trial begun and it was not brought to my attention also it was not officially a part of the record until after my conviction two days later. My discovery material and need for witnesses at my PCR was preserved At trial on the record and my need for discovery, witnesses, investigator, expert witnesses, mental health records etc were all preserved in my PCR Amended Application and so was Ineffective assistance of PCR counsel for abandoning all those things etc. I testified At PCR to this and I did not get A fair bite of the apple have A Right to Present this fact and provide evidence in the record for the Judge
every thing

"Supporting Documentation of evidence"
For the motion to Relieve counsel/
Representation from Appellate Defense

Ineffective assistance of Appellate Counsel - COLLATERAL APPELLATE
In effective assistance of trial counsel - counsel

In effective assistance of PCR counsel

Prosecutorial misconduct / Brady violation, vindictive prosecution, etc.

Abuse of Discretion

Cumulative error

Actual innocence

MISCARRAGE OF JUSTICE etc

This claims above are all a part of the issues I've raised at PCR, testified to at PCR, had due diligence in striving to get resolved and adjudicated / preserved for federal review and all are part of why I need records, documents, discovery etc added to the appendix on appeal. I have a cross appeal going on as well however please review these small case file to see the merit in my colorable claims and review the hand written "Judicial notice" and 1-4 hand written to the S.C. Supreme court letter and all documents, warrants, invalid insufficient double jeopardy indictments, discovery material proving actual innocence, motions in general sessions proving ineffective assistance of post trial counsel, documents proving ineffective assistance of direct appeal counsel, PCR counsel, collateral appeal counsel, miscarriage of justice, prosecutorial misconduct etc. PCR counsel told me I could not have witnesses, investigator, expert witnesses at my PCR hearing. He also told me I could not raise anything but ineffective assistance of trial counsel in a PCR and he filed frivolous motions, orders, etc and filed for me to have witnesses, mental health records presented etc and (S/C) motion etc however he failed to do those things which denied me a fair bite of the apple. Review documents in its entirety. *Drew Williams*

327945

STATE OF SOUTH CAROLINA

County/ Municipality of Rock Hill Municipal Court

THE STATE against

Trey Alexander Williams
Address: 984 Southland Drive
Rock Hill, SC 29730
Phone: SSN:
Sex: M Race: R Height: 5'10" Weight: 235
DL State: SC DL#:
DOB: 09/21/1988 Agency ORI#: SCA460300
Prosecuting Agency: Rock Hill Police Department
Prosecuting Officer: William Burris
Offense: Criminal Sexual Conduct With A Minor First Degree
Offense Code: 16-3-655
Code/Ordinance Sec: 16-3-655

This Warrant is CERTIFIED FOR SERVICE in the County/ Municipality of York. The accused is to be arrested and brought before me to be dealt with according to law.

Signature of Judge (L.S.)

Date: 3/27/09

RETURN

A copy of this arrest warrant was delivered to defendant Trey Williams on 3-21-09. Signature of Constable/Law Enforcement Officer: S Blair 3533

RETURN WARRANT TO: JANE MODLA, MUNICIPAL JUDGE
120 E. Black Street
Rock Hill, SC 29731-1706
803-329-5695

STATE OF SOUTH CAROLINA
County/ Municipality of Rock Hill Municipal Court

AFFIDAVIT

Form Approved by S.C. Attorney General April 21, 2003 SCCA 618

Personally appeared before me the affiant William Burris being duly sworn deposes and says that defendant Trey Alexander Williams did within this county and state on February 21, 2009 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Rock Hill Municipal Court) in the following particulars:

DESCRIPTION OF OFFENSE: Criminal Sexual Conduct With A Minor First Degree. 355

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

The Defendant did willfully and unlawfully violate the South Carolina Code of Law section 16-3-655 Criminal Sexual Conduct With A Minor, in that he did engage in sexual intercourse with the victim Jada Westbrook, minor child age 6 years, date of birth being 09/17/2002. Defendant did use coercion and intimidation to accomplish the sexual battery. This incident occurred at 984 Southland Drive within the city limits of Rock Hill SC Police Investigation Interview with child Jada Westbrook.

Signature of Affiant

William Burris

STATE OF SOUTH CAROLINA
County/ Municipality of Rock Hill Municipal Court

Affiant's Address 120 E. Black Street
Rock Hill, SC 29731-1706
Affiant's Telephone 803-329-7295

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY: It appearing from the above affidavit that there are reasonable grounds to believe that

on February 21, 2009 defendant Trey Alexander Williams did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Rock Hill Municipal Court) as set forth below:

DESCRIPTION OF OFFENSE: Criminal Sexual Conduct With A Minor First Degree.

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me on 03/26/2009

Signature of Issuing Judge (L.S.)
Judge Code: 62316

Judge's Address 120 E. Black Street
Rock Hill, SC 29731-1706
Judge's Telephone 803-329-7295
Issuing Court: Magistrate Municipal Circuit

ORIGINAL

K-327945

Ref #: 090221125

FILED - RECEIVED
2009 APR -2 PM 12:37
D. D. HAMILTON
C.P. & G.S.
YORK COUNTY, SC

I Trey Alexander Williams Warrent # 2008 3279-15
I would like to know who do I contact to request
Speedy trial. I do know that the speedy trial is no
Speedy anymore but I still want to ask for one.
Also family members of mind would like to get
me a paid lawyer but they don't know
what is going on and I don't know who
my lawyer is.

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2009 JUN 23 AM 11:24
CB

DAVID HAMILTON
C.C.P. & G.S.
YORK COUNTY, SC

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2009 JUN 23 AM 11:20
DAVID HAMILTON
C.C.P. & G.S.
YORK COUNTY, SC

David Hamilton
York County
Moss Justice
1675-3A Yo
29745

EXHIBIT
1
5-26-10 JB

IN THE STATE OF SOUTH CAROLINA

In The Court Of General Sessions

16th JUDICIAL CIRCUIT

FILED-RECEIVED

CERTIFIED TRUE COPY

2009 OCT -5 AM 9:25

2009 OCT -5 AM 9:43

DAVID HAMILTON
C.C.P. & G.S.
YORK COUNTY, SC

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

MOTION
- of -
FAST
- and -
SPEEDY
TRIAL

COUNTY OF: York

State Of South Carolina

Plaintiff,

v. s.

TREY ALEXANDER WILLIAMS

Defendant.

My name is Trey Alexander Williams. I have been charged with Criminal Sexual Conduct in the first degree. This is a bogus charge against me. I did not commit the crime listed above.

I have been incarcerated since March 31st, 2009. I have been ready to go to trial since I've been charged with this. I am innocent. I have sat here for around 5 months now, and I'm ready to leave. I am tired of sitting around, waiting on my lawyer to tell me something. That is why I have filed this motion. I am completely ready to go to trial. This motion will just speed the process up.

I would like this motion to be stamped and notarized. Also, I would like a copy of this motion to be sent to my solicitor and my public defender, after it has been stamped and notarized. I would like a stamped and notarized copy sent back to me as well.

Thank you for all of your help in this matter.

Sincerely,
Trey A. Williams

Piedmont Medical Center - Rock Hill, SC 29732

Patient:	WESTBROOK, JADA D	DOB:	9/17/2002
MR #:	000249534	Age/Gender:	6y F
DOS:	2/23/2009 10:44	Acct #:	018733469
Private Phys:	ED Phys:	Thomas L. Wilkins, MD	

02/23/09 11:00 Chest XRAY to rule out TB:No Entered: <JJ3 2/23/2009 11:00>

02/23/09 11:00 History of positive TB skin test:No Entered: <JJ3 2/23/2009 11:00>

02/23/09 11:00 The patient was not placed in isolation. Entered: <JJ3 2/23/2009 11:00>

02/23/09 11:00 No language barriers identified. Entered: <JJ3 2/23/2009 11:00>

02/23/09 11:00 No special needs identified. Entered: <JJ3 2/23/2009 11:00>

02/23/09 11:00 Patient denies psychosocial/spiritual needs. Entered: <JJ3 2/23/2009 11:00>

02/23/09 12:07 The patient denied any pain when assessed.Monday, February 23, 2009 12:07 Entered: <AWB 2/23/2009 12:07>

02/23/09 12:08 Plan of care: Plan of care discussed with parent(s) . Care plan includes Universal Precautions that include explain procedure/test . The goal for the emergency department visit is participates in plan related to care Entered: <AWB 2/23/2009 12:08>

02/23/09 12:08 **Home medications: Source of medication information: The information was obtained from the patient's family. Patient not taking medications.** Entered: <AWB 2/23/2009 12:08>

02/23/09 12:10 **NEUROMUSCULAR**
Speech is clear / comprehensible, appropriate to age: vision / hearing without deficits; eyes / ears without drainage; active ROM in all extremities appropriate to age, ambulates appropriate to age; pupils are equal.

RESPIRATORY
Respirations are unlabored, breath sounds clear and equal bilaterally

CARDIOVASCULAR
Regular rhythm, free of chest pain / discomfort, extremity pulses are equal, absence of edema

GI / NUTRITIONAL STATUS:
no nausea, vomiting, diarrhea or constipation; appetite good, no unexplained weight loss with in 30 days

GU / REPRODUCTIVE:
Urinate without pain. Pt's mother reports that pt states she was sore in her genital area this am, which led to a discussion regarding pt's cousin touching her w/his genitals and performing oral sex. Pt's mother states last time pt was w/cousin (19 yr old male) was approx 3 days ago.

INTEGUMENT
Skin is warm, dry, intact, turgor elastic, mucous membranes moist and pink, skin without lesions, fontanels are smooth

Entered: <AWB 2/23/2009 12:10>

Note:
<AWB 02-23-2009 12:36>Time- 11:30 Police in room talking to patient. Pt's mother reports DSS was called this am.

02/23/09 12:33 Vaginal swab obtained . Sent to lab.
Entered: <AWB 2/23/2009 12:33>

Child's Name Jada Westbrook

DOB 9-17-02

DIAGNOSTIC WORKUP

Laboratory/Imaging Studies (check all that apply):

- No Laboratory Studies Ordered
- No Imaging Studies Ordered

Sexual Abuse Panel

- Gonorrhea
 - Culture Results: Negative Positive Source (check all that apply): Anus Pharynx Urethra Vagina/Cervix
 - NAAT Results: Negative Positive
- Chlamydia Trachomatis
 - Culture Results: Negative Positive Source (check all that apply): Anus Urethra Vagina/Cervix
 - NAAT Results: Negative Positive
- Herpes Simplex Virus
 - Culture Results: Negative Positive Specify: Type I Type II
 - PCR Results: Negative Positive Specify: Type I Type II
- Trichomonas Vaginalis
 - Wet mount Results: Negative Positive
 - Culture Results: Negative Positive
 - PCR Results: Negative Positive
- HB_s Ab HB_s Ag
- HIV
- Pregnancy test Results: Negative Positive
- RPR Results: Negative Positive
- Other: *Specify* _____

Physical Abuse Panel

- Amylase/Lipase CBC w/ platelets
- AST/ALT PT/aPPT
- Other: *Specify* _____
- Skeletal Survey Bone Scan
- CAT Scan (check all that apply):
 - Head Abdomen Other study: *Specify* _____
- MRI, Brain
- Other imaging study *Specify* _____
- Ophthalmology Exam

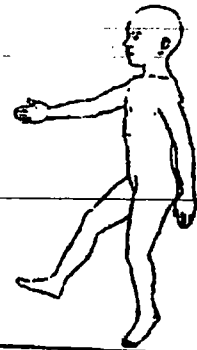
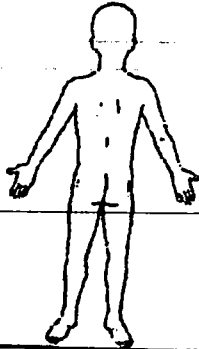
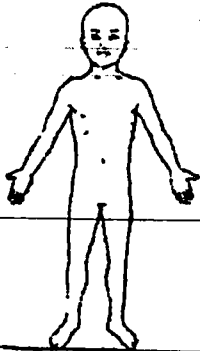
Miscellaneous Panel

- Urine Toxicology Screen
 - Methamphetamine, positive
- Other study: *Specify* _____

Child's Name Jada Westbrook

DOB 9-17-02

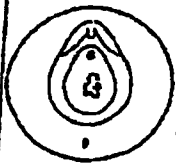
Document findings on appropriate diagrams, as applicable.



Skin Findings/Comments: Photos

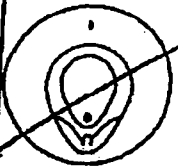
No signif skin pathology

Female Genital Exam Findings



Colposcope: Exam Photos
Positioning: Supine Prone KC
Other

Tanner: PH 1 B 1

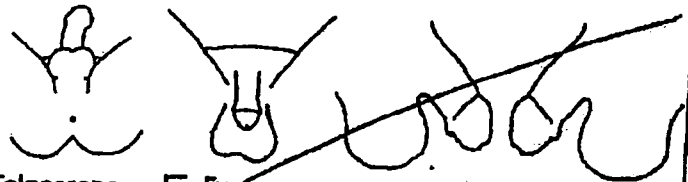


Hymen: Annular Crescentic
 Estrogenized Fimbriated
 Redundant Septate
 Microperforate/Imperforate
 Other: Specify

Comments:

Mom indicates STDs were tested for 2-24 in Rock Hill.

Male Genital Exam Findings



Colposcope: Exam Photos
Positioning: Supine Prone KC
Other

Tanner: PH G

Circumcision: Yes No

Comments:

State of South Carolina
COUNTY OF YORK

IN THE COURT OF GENERAL SESSIONS
SIXTEENTH JUDICIAL CIRCUIT

FILED-RECEIVED
2009 JUL 28 AM 11:39

MOTION OF

The State of South Carolina
PLAINTIFF,

DAVID HAMILTON
C.C.P. & S.S.
YORK COUNTY, SC

SUPPRESSED

V.S.

EVIDENCE

TREY ALEXANDER WILLIAMS
DEFENDANT.

My name is Trey Alexander Williams. I am writing this motion pertaining to all of the suppressed evidence in the case against me.

Through out my whole motion of discovery, every paper that is test-based states that there was no indication of penetration at all. Another piece of suppressed evidence against me, is the occasions that were said, were not said to be at any certain time. No actual day or around a day. Plus I have not been there at all recently. This is a very large piece of suppressed evidence in my case. This is a bogus charge, it didn't happen at all. I have been locked up since March 31st, 2009. The case against me is not sufficient or true whatsoever.

This case doesn't have any evidence. These are suppressed evidence items in my case. I am not guilty of this bogus charge. I would like this motion to be stamped, notarized, and sent to my public defender and solicitor. Thank you for all your help in this matter.

Sincerely,

TREY
ALEXANDER
WILLIAMS

July 26th, 2009

State of South Carolina
County of York

Sixteenth Judicial Circuit

FILED-RECEIVED
2010 APR 09 AM 11:41
DAVID HAMILTON
C.C.P. & G.S.
YORK COUNTY, SC

(State)

Trey Alexander Williams
(Defendant)

Motion of Dismissal

Comes now the Defendant, Trey Williams, Would motion this Honorable Court of South Carolina, for Dismissal and/or disposition of any and all evidence, witness information, or complaints that(s) being held against the Defendant to which it is keeping the Defendant held in the County Jail also any/or evidence(s) having been lodged by the State of South Carolina or any of its agents.

If any witness information or evidence or any additional information regarding the Defendant vs. the South Carolina State, is not being brought to the court(s) attention, and the State of South Carolina has no intention of having any said evidence brought to the courts, then the Defendant asks that the state of South Carolina notify the defendant in writing of the state's intention and copy of the states notification shall be forwarded to the offender records Branch, Y.C.D.C., Mass Justice Center, 1675-3A York Highways, C 29745.

Therefore the Applicant prays that the Honorable Court file, take notice and compel that the appropriate action be taken pursuant to this motion.

4-6-10

Thank you truly
Trey Williams
Trey Williams

YORK COUNTY, SC
DAVID HAMILTON
CLERK OF COURT
2010 APR 09 PM 12:12
CERTIFIED TRUE COPY

Grounds for Dismissal

The Applicant now comes, prose, and move(s) this HELED-RECEIVED to dismiss his charges imposed on (date of arrest), and (date and year of arrest).

2010 APR -9 AM 11:41

1) A (Charge)

Criminal sexual conduct w/ minor, C. Warren (S) DAVID HAMILTON, C.C.P. & G.S. YORK COUNTY, SC

Reason for Dismissal

I Trey Alexander Williams, Case # 0902231135 is hear to bring grounds for Dismissal to the Courts.

A Medical exam was done by medical doctor Dwight R. Reynolds, and the exam came back as normal. The victim in this case is six years of age, my charge and the outcome of the exam is not possible.

The doctor is a professional from Dickerson Center for children on 1615- August rd. West Columbia South Carolina 29169, Phone number (803) 791-1511.

Also at Piedmont Medical Center - Rock Hill SC 29732, medical doctor Thomas L. Wilkins and his staff rules out any physical damage to any area on the victim, however I am accused of penetrating the victim in her vagina and anus numerous times.

The victim's mom says she saw a discharge while washing her daughter but the experts cant see any sign of that being true.

The victims mom also gave untruthful statements to police in the incident report, case summary, and to experts on the job of the case.

These are things that can be proven easily that she lied about where the victim lived, how the charge occurred and she kept the care taker/guardian who the victim lived with out off the picture.

I have been incarcerated for a year and a week waiting on my case to be dismissed based off medical experts, the person who took care of the victim and the courts, nothing adds up to the facts of the case.

These are a few reasons why I ask for the honorable courts to dismiss my charges, and I have been denied my request for trial.

Date: 4/6/10

YORK COUNTY, SC
CLERK OF COURT
DAVID HAMILTON

2010 APR -9 PM 12:12
CERTIFIED TRUE COPY

Yours very truly
Trey Williams

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

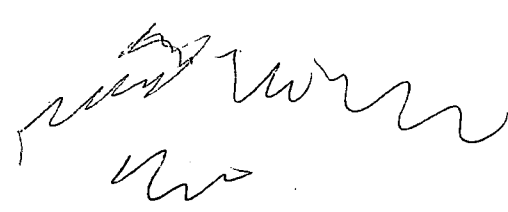
At a Court of General Sessions, convened on June 18, 2009 the Grand Jurors of York County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, FIRST DEGREE

That on or about February 23, 2009, the Defendant Trey Alexander Williams did willfully and unlawfully commit the crime of Criminal Sexual Conduct with a Minor in the First Degree, in that the Defendant Trey Alexander Williams did engage in a sexual battery with a minor victim who, at the time of the incident, was less than eleven (11), to wit: the Defendant Trey Alexander Williams (Date of Birth: September 21, 1988) did commit the sexual battery of cunnilingus (oral intercourse) upon the minor victim Jada Westbrook (Date of Birth: September 17, 2002), in that said Defendant did place his mouth upon the vaginal/genital area of said minor and/or said Defendant did kiss and/or lick the vaginal/genital area of said minor victim. Said incident occurred in York County, South Carolina. Said incident did occur within York County, South Carolina. All in violation of Section 16-3-655(A)(1), of the Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR



DOCKET NO. 2009-GS-4

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

WITNESSES

RHPD Burris

**The State of South Carolina
County of York**

Defendant

COURT OF GENERAL SESSIONS

I hereby appear in my own proper person and plead guilty to the within indictment or to

June 18 Term 2009

ARREST WARRANT NUMBER

K327945

THE STATE

Defendant

vs.

Witness:

C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY

TREY ALEXANDER WILLIAMS

TRUE BILL

Indictment for

**CRIMINAL SEXUAL CONDUCT WITH A MINOR,
FIRST DEGREE**

SC Code: 16-3-655(A)(1)
CDR Code: 0385

VERDICT

For person of Grand Jury
Date: 6/18/09

For person of Petit Jury
Date:

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF YORK)

CERTIFIED TRUE COPY

2010 MAY 28 PM 1:04

At a Court of General Sessions, convened on May 28, 2010 the Grand Jurors of York County present upon their oath:

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

2010 the Grand Jurors of York

CRIMINAL SEXUAL CONDUCT WITH A MINOR, FIRST DEGREE

That on, about or between September 2008 and February 23, 2009, Defendant Trey Alexander Williams did in York County, South Carolina, willfully and unlawfully commit the crime of Criminal Sexual Conduct with a Minor in the First Degree, by engaging in sexual battery with a minor who was less than eleven (11) years of age, to wit: Jada Westbrook (Date of Birth: September 17, 2002). All in violation of Section 16-3-655(A)(1), of the Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR

AMENDED INDICTMENT:
DOCKET NO. 2009-GS-46-2646

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

WITNESSES

The State of South Carolina
County of York

Defendant

COURT OF GENERAL SESSIONS

I hereby appear in my own proper person and plead guilty to the within indictment or to

May 13 Term 2010

ARREST WARRANT NUMBER

Defendant

THE STATE

vs.

Witness:

C.C.C. PLS. AND G.S.

TREY ALEXANDER WILLIAMS

ACTION OF GRAND JURY

Jennifer Torsiello

-18-09 True Billed

TRUE BILL

Representative of Grand Jury

5-13-10

VERDICT

Guilty - Sexual battery

involved sexual intercourse by

the Defendant, Trey Alexander Williams

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A MINOR,
FIRST DEGREE

SC Code: 16-3-655(A)(1)
CDR Code: 0385

Representative of Petit Jury

Judge

5/26/10

2253
990 WISACKY HWY.
BISHOPVILLE, S.C. 29010

MAY 19

SC SUPREME COURT
APPELLATE DEPARTMENT

Ms. Durant
SC CID, APPELLATE DEFENSE
PO BOX 11589
COLUMBIA, SC 29211-1589

DEAR MS. DURANT,

ALLOW MY CORRESPONDENCE TO SERVE AS MY FORMAL REQUEST FOR YOU TO GIVE INCLUSIONS TO MY ISSUES THAT I SUBMITTED TO YOU IN REGARDS TO THE TRIAL JUDGE MAKING ERRORS IN MY TRIAL, AS IT BEING FORCED TO GO PRO SE AND THE CONFLICT OF INTEREST ISSUE WHERE THE RELIEVED ATTORNEY WHOM WAS ADVERSE TO ME WERE MADE THE STANDBY COUNSEL, AS I HAVE SUBMITTED CORRESPONDENCES TO YOU IN THE PAST AND NEVER RECEIVED YOUR RESPONSES LETTING ME KNOW YOUR RESPONSES ACCORDINGLY TO THE UPDATED LAWS OF THIS STATE, I AM UNDERTAKING THE ACTIONS TO MAKE SURE THAT MY ISSUES ARE PERFECTLY PRESERVED ON THE RECORD(S) TO BE RAISED TO THE APPELLATE COURT, I EXPRESSED TO YOU THAT YOUR ISSUE WAS A BRIEFED ONE THAT I KNOW IS APPROPRIATE AND COVERS MY RIGHT BEING DENIED TO A TRIAL BY A JURY AND I HAVE NO PROBLEMS WITH THAT BUT AS YOU HAD REVIEWED THE TRIAL RECORD YOU OVERLOOKED THE FACTS THAT THERE EXISTS AN EK PARTE FORMULATION TO THE RECORD, THERE IS A PORTION OF THE TRIAL TRANSCRIPT MISSING AND THE OMISSION OF THE REASONS GIVEN ARE NOT IN THE COLLOQUY AND AS YOU KNOW THE RULING MUST BE GIVEN ACCORDINGLY TO LAW, THE APPELLATE COURT WILL AGREE THAT THE RECORD IS INCOMPLETED AND HAS MANY OMISSIONS TO IT AND THIS SHOULD HAVE BEEN CORRECTED WELL BEFORE YOU SUBMITTED YOUR ONE ISSUE, AND UNDER THE RIGHTS THAT I WISH TO EXPRESS TO BE EXERCISED WHILE THE APPEAL IS STANDING ARE ONES THAT THE COURT WOULD HAVE ME TO DO BECAUSE THEY ARE ONES THAT PROTECTS ME FROM HAVING ISSUES TO BE ABANDON ON THE APPEAL, I KNOW YOU GAVE YOUR PRESENTATION IN THE INITIAL START OF MY CASE BUT HOWEVER I DID NOT UNDERSTAND THE LANGUAGE IN ITS PARTICULARS AND I AM NOT TO BE SANCTIONED FOR THIS, YOU HAVE STATED THAT THE COURT WOULD NOT ALLOW YOU TO ADD ISSUES AND IN THIS SENSE I WOULD AGREE BUT THE COURT WILL ALLOW YOU TO MAKE CORRECTIONS TO MY APPEAL BEING SUBMITTED SO IT CAN BE COMPLETED WHEREAS ALL OF THE ISSUES BEING BRIEFED AND SUBMITTED FOR AN APPELLATE COURT REVIEWS, THE TIME FOR MY CASE TO BE REVIEW IN SUCH FASHIONS ARE NOW BY THE APPELLATE COURT AND IT IS UPON ME TO PROSECUTE MY CASE WITH DUE DILIGENCES AND AS IT STANDS THE DILIGENCES THAT I AM UTILIZING NOW ARE THE ONES THAT THE APPELLATE COURT DEEMS APPROPRIATE ACCORDINGLY TO WELL SETTLED LAWS BY OUR SUPREME COURT, THE SC SUPREME COURT HAS EXPRESSED THAT MY CASE IS IN THE COURT OF APPEALS AND THEY CAN NOT DEAL WITH IT WHILE IT IS IN THIS COURT BUT THEY HAVE FAR WARNED ME THAT NOTHING CAN BE CONSIDERED OTHER THAN WHAT THE COURT HAD REVIEWED WHILE IT WAS IN THE COURT OF APPEALS, NOW HERE IS WHERE MY CASE ARE PROBLEMATIC TO HOW IT WAS PERFECTED, AND TRULY THIS IS WHAT I AM TRYING TO AVOID, BUT KEEP IN MIND, I HAVE NO PROBLEM WITH THE ISSUE YOU SUBMITTED AND I WILL HAVE IT TO BE REMAINED AS SUBMITTED, BEING PRO SE ON AN APPEAL WILL ONLY CUT MY CHANCES AT PREPARING MY APPEAL AND THE EXPERTISE I DON'T HAVE TO LITIGATE AS YOU HAVE, THERE IS NO COMPUTERS TO DO UPDATED RESEARCHES AVAILABLE TO ME AND THIS IS NOT SOMETHING THAT I WANT TO FACE, AN OBSTACLE... WELL I HOPE THAT YOU REVAMP THE WHOLE SCENARIO OF MY CASE ON APPEAL AND PLACE THE REPORTER ON NOTICE TO HAVE THIS OMITTED PORTION OF THE RECORD PROCURED AND GIVE FURTHER REVIEWING TO THE AVAILABLE ISSUES THAT MUST BE RAISED TO THE APPELLATE COURT AND PLACE MY CASE ADEQUATELY TO THE COURT FOR THE REVIEW AS SHOULD HAVE BEEN, AGAIN EXPRESS MY DESIRES TO NOT HAVE ANY ISSUES ABANDONED DUE TO THE FACTS THAT THIS IS THE COURT FOR MY APPEAL ISSUES TO BE PRESENTED TO FOR A REVIEW FOR ERROR OF LAWS COMMITTED BY THE TRIAL COURT SO THAT IT CAN BE CORRECTED. I APPRECIATE YOUR TIME AND YOUR REPLY AND RESPONSES ARE MANDATORY, PER SE ATTORNEY/CLIENT PRIVILEGES.

THANKING YOU IN THE ADVANCE FOR YOUR TIME AND HELP GIVEN TO ME THUS FAR, I AM LOOKING FORWARD IN HEARING FROM YOU IN THIS VERY NEAR FUTURE.

IN THANK YOU FOR YOUR ATTENTION AND TIME GIVEN TO ME IN THIS CRUX MATTER.

21, 2012

RESPECTFULLY SUBMITTED,
 S/ Trey D. Williams
 TREY D. WILLIAMS
 LEE C.I.
 990 WISACKY HWY.
 BISHOPVILLE, S.C. 29010

Ms. Durant, ESQ.
 SC CID
 PO BOX 11589
 COLUMBIA, SC 29211-1589



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

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

April 27, 2011

Mr. Trey Williams, #341036
Lee Correctional Institution
990 Wisacky Hwy.
Bishopville, SC 29010

Re: Your case

Dear Mr. Williams:

Thank you for your phone call today, April 27, 2011. After we talked I called Mr. Delaney to get the dates for your prior hearings so we can try to obtain those transcripts. Mr. Delaney is out of his office this week, so I will try again next week. In order to obtain a transcript we need to know the date, the court reporter and the judge.

I received two letters you sent me with your list of concerns on April 6, 2011. I had drafted a response but it had not been mailed.

I will consider the concerns you raised in your letters when I read your transcript. If you have any further questions, you may call me collect at (803) 734-1330.

Thank you.

Sincerely,

LaNelle C. Durant
Appellate Defender



SCCID

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Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

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

December 7, 2011

Mr. Trey Williams, #341036
Lee Correctional Institution
990 Wisacky Hwy.
Bishopville, SC 29010

Re: Your letter

Dear Mr. Williams:

I am in receipt of your letter. Thank you for writing. I will certainly consider the issues you raised when I prepare your case.

If you have any questions, please feel free to contact me.

Thank you.

Sincerely,

LaNelle C. Durant
Appellate Defender

LCD:pds

NEW
Features

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Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

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

February 1, 2012

Mr. Trey Williams, #341036
Lee Correctional Institution
990 Wisacky Hwy.
Bishopville, SC 29010

Re: Your case

Dear Mr. Williams:

I talked with Robert M. Dudek, Chief Appellate Defender, concerning your request to have a different appellate attorney assigned to your case from this office. Mr. Dudek stated I will continue to represent you on your direct appeal. Your other option is to file a motion with the Court to have me relieved as your counsel. However, this agency will not, according to Mr. Dudek, appoint another attorney if the Court relieves me. Consequently, if you understand the dangers and disadvantages of self-representation and you wish to proceed with "eyes wide open" the Court will allow you to represent yourself on appeal. If this is how you wish to proceed then please advise me and I will send you the necessary affidavit and warnings regarding the dangers of self-representation. Your other option is to motion to have the Court relieve me and you can retain outside counsel with the assistance of family or friend. However, Mr. Dudek wanted me to stress to you that you do not have the right to appointed counsel of your choice at trial or now on appeal.

I am happy to continue to represent you. However, I will honor whatever decision you make. If you have any questions, please feel free to call me collect at (803) 734-1330.

Thank you.

Sincerely,

LaNelle C. Durant
Appellate Defender

LCD:pds

EXHIBIT #9

SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

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

April 19, 2012

Mr. Trey Williams, #341036
Lee Correctional Institution
990 Wisacky Hwy.
Bishopville, SC 29010

Re: Your case

Dear Mr. Williams:

Mr. Robert M. Dudek forwarded to me your letter to him, which he received on April 12, 2012, where you spoke of your concerns about the brief I filed on your behalf.

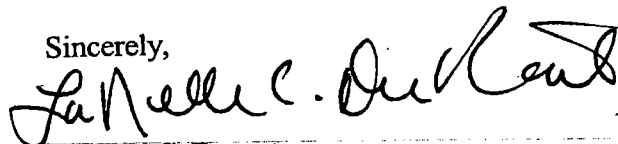
You and I have communicated numerous times via letters and telephone calls. In our telephone conversation on February 29, 2012, I asked you to send me a list of the issues you wanted presented in a brief, or your own brief, which you agreed to do. However, I did not receive this, and I had exhausted my extensions. I did brief the issue you had mentioned several times. Please remember that we can only brief issues where the trial attorney made an objection or a motion.

I am sorry you are unhappy with the brief, but you can file a PCR alleging I was ineffective if the Court does not rule in your favor.

If you have any further concerns or questions, please contact me.

Thank you.

Sincerely,



LaNelle C. Durant
Appellate Defender

LCD:pds



SCCID

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Facsimile: (803) 734-1397

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

March 14, 2013

Trey Williams, #341036
Lee Correctional Institution
990 Wisacky Hwy.
Bishopville, SC 29010

Re: Your case

Dear Mr. Williams:

Enclosed is a copy of the opinion of the Court of Appeals affirming your conviction. Please be advised that our office will be closing your case along with this letter.

Please be aware that there is a **one year statute of limitations for filing an application for post-conviction (PCR) relief**. This is one year from the date of the enclosed opinion. This statute of limitations is **very strictly enforced**, so please be sure that you comply with it. Please understand *it is your responsibility alone to be sure this PCR application is timely filed*. **This application must be filed with the clerk of court in the county of your conviction**. There is also now a **one year statute of limitations for filing for federal habeas**. However, you must **exhaust your PCR claims in state court**, before raising them in federal court.

Please be aware that the time between your direct appeal becoming final, and the date your PCR application is filed **will count against your federal habeas statute of limitations in the future**. I do wish you the best. Feel free to contact me if you have any questions.

Sincerely,

LaNelle Cantey DuRant
Appellate Defender

LCD/mch

Enclosure: Post-Conviction Relief Application

The Brooks Law Offices, LLC

CHARLES T. BROOKS, III,
Attorney

309 Broad Street
Sumter, South Carolina 29150
Post Office Box 3512, Sumter, SC 29151
Post Office Box 291226, Columbia, SC 29229
OFFICE: (803) 418-5708
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792
Email: cbrooks@ctbrooks.com

IRMA R. BROOKS
Attorney

July 29, 2014

Trey Williams, 341036
Lee Correctional Institution
990 Wisacky Highway
Bishopville, South Carolina, 29010

RE: Trey Williams v State of South Carolina

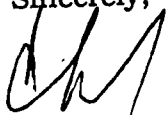
Dear Mr. Williams:

Please be advised that we will try to schedule a phone conference as quickly as possible.

Also, please advise me whether you pled guilty or whether you were convicted after a jury trial.

With kind regards, I am,

Sincerely,



Charles T. Brooks, III
CTB, III/jlb

The Brooks Law Office, LLC

CHARLES T. BROOKS, III, ATTORNEY AT LAW
IRMA R. BROOKS, ATTORNEY AT LAW

309 BROAD STREET ~ SUMTER, SOUTH CAROLINA 29150
POST OFFICE BOX 3512 ~ SUMTER, SOUTH CAROLINA 29151
(803) 418-5708
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792
Email: cbrooks@ctbrooks.com

October 1, 2014

Trey Williams, 341036
Lee Correctional Institution
990 Wisacky Highway
Bishopville, South Carolina, 29010

RE: Trey Williams v State of South Carolina

Dear Mr. Williams:

Please tell me what witnesses you want and how they are relevant to your PCR case.

If you have Amendment(s) that you wish to have filed on your behalf, please provide those to us and we will be happy to take care of that for you.

Also, we will schedule a telephone conference with you.

Sincerely,

Charles T. Brooks, III
CTB, III/jlb

The Brooks Law Office, LLC

CHARLES T. BROOKS, III, ATTORNEY AT LAW

IRMA R. BROOKS, ATTORNEY AT LAW

309 BROAD STREET ~ SUMTER, SOUTH CAROLINA 29150
POST OFFICE BOX 3512 ~ SUMTER, SOUTH CAROLINA 29151
(803) 418-5708

FAX: (803) 934-9618 TOLL FREE: (877) 770-8792

Email: cbrooks@ctbrooks.com

November 10, 2014

Trey Williams, 341036
Lee Correctional Institution
990 Wisacky Highway
Bishopville, South Carolina, 29010

RE: Trey Williams v State of South Carolina

Dear Mr. Williams:

Please allow me to remind you again that you should cease to mail documents to the Clerk's offices. As I am appointed as your attorney the Clerk's offices will not file documents on your behalf.

You will have an opportunity to speak directly with the Judge at your PCR Hearing and request that I be relieved as your attorney at that time. This decision will be left up to the Court's discretion.

Additionally I would like to remind you that the matter for which I represent you is strictly limited to the representation or failure of representation of you at your General Sessions trial. You acted as your own counsel at the time of your General Sessions trial.

I have asked the Court for a Continuance for your scheduled upcoming hearing at your request. This request was denied by the Court. The hearing will move forward and be presented to the Court for a Post Conviction Relief matter.

This is not a new trial of evidence or witnesses. Again, this matter will deal directly with whether or not your trial counsel was ineffective.

I am available to assist you if you have questions or concerns about your PCR matter. If you should require anything additional please do not hesitate to contact my offices.

Sincerely,

~~The Attorney of~~

General

The Brooks Law Office, LLC

CHARLES T. BROOKS, III, ATTORNEY AT LAW
IRMA R. BROOKS, ATTORNEY AT LAW

309 BROAD STREET ~ SUMTER, SOUTH CAROLINA 29150
POST OFFICE BOX 3512 ~ SUMTER, SOUTH CAROLINA 29151
(803) 418-5708
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792
Email: cbrooks@ctbrooks.com

October 15, 2014

Trey Williams, 341036
Lee Correctional Institution
990 Wisacky Highway
Bishopville, South Carolina, 29010

RE: Trey Williams v State of South Carolina

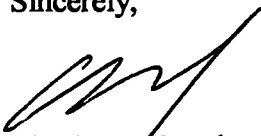
Dear Mr. Williams:

I am again in receipt of a letter you sent to the Supreme Court.

Please be advised that I have not oppressed you in anyway, nor have I destroyed any of your paperwork.

Also, you referred to my having been paid \$15K to handle your case. Please be advised that no money has every been sent nor paid by anyone on your behalf to handle your case.

Sincerely,



Charles T. Brooks, III
CTB III/11

The Brooks Law Office, LLC

CHARLES T. BROOKS, III, ATTORNEY AT LAW
IRMA R. BROOKS, ATTORNEY AT LAW

309 BROAD STREET ~ SUMTER, SOUTH CAROLINA 29150
POST OFFICE BOX 3512 ~ SUMTER, SOUTH CAROLINA 29151

(803) 418-5708

FAX: (803) 934-9618 TOLL FREE: (877) 770-8792

Email: cbrooks@ctbrooks.com

December 17, 2014

Trey Williams, 341036
Lee Correctional Institution
990 Wisacky Highway
Bishopville, South Carolina, 29010

RE: Trey Williams v State of South Carolina

Dear Mr. Williams:

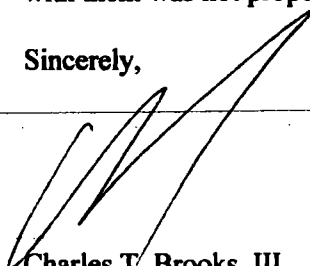
I am once again in receipt of documents you have sent on your own behalf concerning your case. Please be advised, again, that as your PCR attorney any communications should be sent through my offices and not directly to the Courts.

I have informed you several times, as you outline in your letter to the Supreme Court of South Carolina, that I represent you in a PCR capacity only. I have informed you several times that a PCR is limited and these hearing will not entertain "new evidence". A PCR is a limited matter. It is not up to me to set the scope of such things but this has been established by the Courts.

Also, I have submitted a Proposed Order in PROPER format to the Judge for his review and determination. Trial counsel has thirty (30) days from the date of a hearing to prepare such an Order. As you are aware my Order was submitted well before that deadline. The Attorney General's Office will also submit a Proposed Order denying the PCR. The Judge will determine whether or not to grant or deny the PCR Application you filed in this matter.

Enclosed please find the materials you sent to Judge Lee which were sent to me as your contact with them was not proper as indicated in their letter to your attention dated December 12, 2014.

Sincerely,



Charles T. Brooks, III
CTB, III/jlm
Enclosed as stated



The Brooks Law Office, LLC

CHARLES T. BROOKS, III, ATTORNEY AT LAW
IRMA R. BROOKS, ATTORNEY AT LAW

309 BROAD STREET ~ SUMTER, SOUTH CAROLINA 29150
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(803) 418-5708

FAX: (803) 934-9618 TOLL FREE: (877) 770-8792

Email: cbrooks@ctbrooks.com

December 2, 2014

The Honorable Alison Renee Lee

P O Box 192
1701 Main St., Room 324
Columbia, SC 29202-0192

RE: Trey A. Williams, 344266 vs. State of South Carolina
2013-CP-46-1797

Dear Judge Lee:

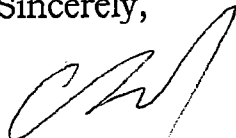
Enclosed herewith you will find a Proposed Order Granting Post Conviction Relief in this matter which was heard before you on November 18, 2014, in York County that I have prepared for your review and consideration.

Please review the proposed Order and if it meets with your approval, please affix your signature where indicated on the Order and return it to me in the envelope I have provided for your convenience.

If you have any questions or concerns, please contact my office at the number stated above.

With kind regards, I am

Sincerely,



Charles T. Brooks, III

CTB/srw

cc: Trey A. Williams

J. Rutledge Johnson, Esquire

Enclosed as stated

STATE OF SOUTH CAROLINA
COUNTY OF YORK

IN THE COURT OF COMMON PLEAS

TREY A. WILLIAMS, 344266,

2013-CP-46-1797

Applicant,

-versus-

ORDER GRANTING
POST CONVICTION RELIEF

STATE OF SOUTH CAROLINA

Respondent.

PROCEDURAL HISTORY

This matter comes before the Court by way of an application for Post-Conviction Relief filed June 2, 2012. The Respondent made its Return on September 12, 2013. An evidentiary hearing into the matter was convened on November 18, 2014, at the York County Courthouse. The Applicant was represented by Charles T. Brooks, III, Esquire. J. Rutledge Johnson, Esq. of the South Carolina Attorney General's Office represented the Respondent.

At the hearing the Applicant testified on his own behalf. The Court also heard testimony from the Applicant's Trial Counsel. This Court had before it the records of the York County Clerk of Court, the transcript of the proceedings against the Applicant, and the Applicant's records from the South Carolina Department of Corrections.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the York County Clerk of Court. The Applicant was indicted at the June 2009 term of the York County Grand Jury for Criminal Sexual Conduct with a minor first degree (2009-GS-46-2646). A motions hearing was convened on April 15th and 16th 2010, wherein the Applicant requested that he be able to represent himself (*Pro-Se*) during the upcoming trial and this was granted by the Honorable John C. Hayes, III. The Applicant's

*3rd Cir. S.C. District Court
S.C. 901 Richland St 29 201*

appointed counsel, Erik Delaney, Esquire was relieved but appointed as stand-by counsel for the Applicant.

On May 24, 2010, the Applicant appeared before Judge Hayes wherein a bench trial was requested and honored. The Applicant again appeared before Judge Hayes on May 26, 2010, and requested to have a Jury Trial, this request was denied. The trial commenced. The Applicant argued his case and was found guilty as indicted by Judge Hayes. The Applicant was sentenced by The Honorable John C. Hayes, III to confinement thirty (30) years imprisonment. A timely Notice of Appeal was filed with the South Carolina Court of Appeals and this was perfected by Lanelle C. Durant, Esquire of the South Carolina Commission on Indigent Defense. The Court of Appeals affirmed the Applicant's conviction and sentences. *State v. Williams*, Op. No. 2013-UP-102 (S.C. Ct. App. Filed March 13, 2013).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record and transcript from the motion hearing and the trial in its entirety and has heard the testimony at this Post-Conviction Relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. § 17—27-80 (1985).

The Applicant was sentenced by the Honorable John C. Hayes, III for Criminal Sexual Conduct with a minor first degree (2009-GS-46-2646). Although, this Court finds that in accordance with *Faretta v. California*, 422 U.S. 806 (1975), that a Defendant does have the constitutional right to refuse counsel and represent themselves in state criminal proceedings, it is that trial Court's duty to ensure that the Defendant in that proceeding is aware of several

different factors to ensure that the Defendant does so willingly and with proper knowledge. The Court finds that the Applicant was not provided with this information properly in this matter and as such his case should be remanded for a new trial in the General Sessions Court.

IT IS THEREFORE ORDERED:

1. That the application for Post-Conviction Relief be granted; and
2. The Applicant is granted a new criminal trial in the General Sessions Court in this matter.

AND IT IS SO ORDERED this ____ day of _____, 2014

_____, South Carolina

Honorable Alison Lee

- ① ERIK DANIEL DELANEY ESQUIRE - WAS COUNSEL, MADE STAND BY COUNSEL OF CASE...
- ② ANNIE DACUS - WILL TESTIFY THAT CASE WAS AN BIG MISUNDERSTANDING THAT DEFENDANT TREV WILLIAMS WAS NOT AROUND VICTIM ALONE TO COMMIT CRIME ALLEGED DURING THAT TIME AND ANNIE DACUS WAS AT TRIAL AS A SUBPENNAED WITNESS, SHE IS AND WAS THE CARE GIVER OF VICTIM AND WILL TESTIFY THAT SHE WASHED AND BATHED VICTIM THAT WEEK EVERY NIGHT AND IT WAS NOTHING WRONG WHEN VICTIM LEFT.
- ③ JAMES PAGE - THE SON OF ANNIE DACUS, WILL TESTIFY THAT IT WAS NEVER A PLAN TO GO TO THE BEACH AS THE NEW DISCOVERY INFORMATION WAS INTRODUCED INTO THE RECORD BEFORE TRIAL. WILL ALSO TESTIFY THAT CLUEBA, THE VICTIM'S MOM HAD NO JOB AT THAT TIME, AND THAT VICTIM'S MOM DID HAVE HER BOYFRIEND AROUND THE VICTIM THAT WEEKEND AND THAT CLUEBA HAD TRANSPORTATION AND SOMETHING WAS GOING ON WRONG THAT WEEKEND IN COLUMBIA NOT INVOLVING ME. HE WILL ALSO TESTIFY TO THE FAMILY DRAMMA AND THAT HE WAS COMING TO MY TRIAL BUT CLUEBA GAVE HIM THE WRONG COURT DATE.
- ④ WILL CARL DAVIS - WILL TESTIFY THAT COUNSEL HAD NEVER CONTACTED HIM AND THAT I HAD MORE TIME THAN A DAY IN BETWEEN TRIAL TO GET COUNSEL I WOULD HAVE GOTTEN COUNSEL.
- ⑤ DETECTIVE WILLIAM BURRIS - WILL TESTIFY THAT CLUEBA DID TELL HIM THAT VICTIM LIVED WITH HER AND ONLY VISITED WITH ANNE WHILE CLUEBA WORKED WHICH CLUEBA DENIED AT TRIAL.
- ⑥ OFFICER HYLAND, ANGELA - WILL TESTIFY TO THE SAME AS DETECTIVE WILLIAM BURRIS INCLUDING THE FACT THAT CLUEBA TOLD HER THAT THAT MORNING 2-23-09 SHE WAKE UP THAT MORNING AND NOTICED VICTIM WALKING FUNNLY ETC WHICH LED TO ACCUSATION AND SHE CONTACTED ANGELA IMMEDIATELY WHICH CLUEBA DENIED AT TRIAL AND ADMITTED THAT SHE DELAYED REPORTING ABUSE FROM SATURDAY TO MONDAY.
- ⑦ MICHELLE STOWE - DSS OF YORK COUNTY WILL PROVIDE THE DSS RECORDS THAT CLUEBA IN FACT HAD NO JOB AND LIED AND THAT CLUEBA TOLD DSS THAT SHE WAS GETTING VICTIM UP FOR SCHOOL IN REPORTS AND DIALOGUE BEGAN THAT LED TO ACCUSATION.
- ⑧ KIM TAYLOR - DSS WORKER WILL TESTIFY TO THE SAME AS MICHELLE STOWE.
- ⑨ ROBERT COPELAND - MY OLD PSYCHOLOGIST / COUNSELOR WILL TESTIFY TO MY MENTAL HEALTH ISSUE AND BEING LABELED EMOTIONALLY CHALLENGED IN DISCOVERY ALSO.
- ⑩ DR. DWIGHT REYNOLDS - WHO DID EXAMS AGREED TO ALSO COME IN REPLY TO SUBPENNA TO TESTIFY THAT TIME FRAMES PREJUDICED POSSIBLE RESULTS, BUT IT COULD HAVE ALSO BEEN NO SEXUAL ABUSE BASED ON FACTS OTHER THAN ABUSE ALLEGATIONS. HE IS IN DISCOVERY ALSO...
- ⑪ JANE PRICE ALSO FROM DISHERSON CHILD CARE CENTER - WILL TESTIFY TO THE VIOLATION OF GOVERNMENTAL STATE PROCEDURE OF SUCH A CASE AND HOW EXAMS, AND PROCEDURES WAS SUPPOSE TO BE DONE AND THE SIGNIFICANCE OF IT SINCE IT TOOK OVER 30 DAYS AFTER REPORTED TO GET ANY EXAMS DONE AND ALL EXAMS NORMAL.
- ⑫ AMBER W. BAILEY, RENEE SHAWART, JEFFERY ZACHZO, PATTY ANDERSON, ROBERT ROBERTS, DR. SUSAN LARSEN AND MACRO BIOLOGY WET PREP SPECIALIST OF THE PIEDMONT MEDICAL CENTER TESTIFY THAT A FISSURE WAS NEVER A FINDING, BLOOD WAS UNSEEN TO THE HUMAN EYE AND IRRITATION. THE SPECIALIST HAS TO CONFIRM BLOOD, THAT WAS HEARSAY HEARD AT TRIAL.
- ⑬ TONITHA - WILL TESTIFY THAT BLOOD ALONG WITH OTHER DOCTORS RN'S LISTED - FINDING IN FEMALES AT ALL AGES OF THAT MAGNITUDE... GOOD CAUSE IS SHOWN, AC. IS AN TRUE CLAIM FOR DEFENDANT. DEFENDANT WAS NOT INDICTED WHEN INVALID CONV.

Dear Supreme court of South Carolina,
Daniel E. Shearouse (Clerk of court)

10-16-14
EMERGENCY MAIL

RECEIVED

This is Trey Alexander Williams case No. 2013-CP-46-1797, York County
I wrote this Agency Also Asking who can I write to properly file my
"Judicial notice of Adjudicated facts" and various other motions like
expert witnesses, investigator and witness subpoena's also for various S.C. PCR
Rules, laws and options and for case law! I need all the motions, **SC SUPREME COURT**
concerns to get to the Honorable Lee S. Alford, the chief Administrative
Judge at the York County Moss Justice center in York, SC! As I have
stated before I can not write the York County Clerk of Court and my
motions, substantial detailed legal letters, expert witness letters and
reports etc that I send to my Attorney of record is being misplaced
and held from me. My Attorney is not communicating properly with me.
And I have lost most of my paper work by sending it to him. I need to file
these documents and motions to the best of my ability and get some substantial
factual information on the record concerning the totality of the relationship between
me and my PCR counsel and my case!!! Dr. Dwight Reynolds who was involved in
my case and Janice Price both from the Dickerson Center for children have key
substantial testimony of the proper protocol/procedure that was suppose to come into
immediate action once police authorities was notified of a possible CSC 1st degree
with a minor crime was committed. exams, specialist etc was suppose to had
been conducted immediately and it was not. They will also testify on how
that erroneous delay harmed the Dr could have and did prejudice the
findings and exams that was conducted and its the state/medical/govern-
mental police fault which should not count against me. Nothing from that Agencies
findings is proper to place me as the criminal to do such a crime or that shows
that the crime ever happened... Amber W. Bailey, Renee S, Susan Larsen,
Dr. Thomas L. Wilkins, the microbiology wetprep specialist and other assisting
medical personnel who wrote down alleged reports from mother of victim and
helped in examinations will also give testimony substantial to why they did
not do all proper exams on the day that the victim came into care, they will
explain and confirm the reports that they got from the victims man which the
victims man denied in trial and it would confirm that the crime never
happened or some one other than me did it. It is preserved in my trial records
that I did not get to properly use my reports from discovery in trial because
the people from the Agencies was not present at trial. The medical personnel
from Discovery and Piedmont Medical Center will also testify that a figure
would take away the evidence from being a CSC 1st degree with minor. They
will testify that the blood from a microbiology wetprep test is common in
females of all ages for various reasons other than rape and according to
the evidence/facts in my case No. 2013-CP-46-1797 a rape was not found,
or evidence consistent with rape, nor did exams and proceedings from the
start go properly or procedurally because of the states failure. They will
testify that it was alleged that I did this in the past and not recently from the

victims mom At the hospital AS the chief complaint. And Along with various other facts would throw away the possibility of me or the evidence being consistent of rape in my case matter. michelle stowe And Kim Taylor from the child care/ York County dss Agency will confirm that they was given reports from the Childs mom that is in conflict with other reports given by victims mom to police, medical specialist And trial. They will also testify that the victims mom did not have a job to work And support the victim etc AS the victims mom lied At trial to cover up the largest story that she had to get me wrongfully convicted. The victims mom said dss had records of her work job At the time, michelle stowe was her food stamp dss case worker. Officer Angela Hyland on 2-23-09 unit # 04409 was the police first called to be informed of the crime. She was giving reports in conflict And opposition with the other discovery reports All from the victims mom And so was detective William Burris on the case. The York County Clerk of Court record will show that since case No. 2013-CP-46-1797 I have been writing to get All these mentioned in court for PCR to All the PCR Attorneys I have had, And I have explained in fine detail, filed motions etc to get expert witnesses And Investigator And subpoena's issued, And case laws, And my full discovery And none of my Attorneys have done nothing. I sent my Attorney of ASked for help And cases And discovery etc And All has come up missing. he chooses to say what he received And what he has not. I have proof I'm working on presenting this And waiting on disciplinary counsel now, my Attorney has now wrote me As you will see Attached AS if he has now received my "Judicial notice of Adjudicated facts" however he has not filed it And I now have two copies of the Judicial notice And I need to file it to At least show on the record now. Because my Attorney will not file it. I need this very letter here to also And most importantly get to Chief Administrative Judge Alford of York County so he can see wht I need A continuence, investigator, expert witnesses, witness subpoena's And I need to know where to file my Judicial notice Along with other substantial motions And reports And requests And concerns because I'm Afraid to loose anymore documents. I have to now redo A lot of work And Get it filed since I truly have no effective or lawful Attorney. I have sent And shared And requested substantial, sacred, information, documents, of Almost every aspect of my case And I have not gotten any feed back, I dont even have Any copies of the documents, my Attorney has been very evil And unjust to me And I'm Afraid to have him represent me. I have the so called victim of my case care giver At the time And who stood At trial ready to give testimony that I'm never Alone with Jada And that this was A big mistake And misunderstanding of my sister, dAdo, Cousins etc will testify that our family has been broken, we had many problems with each other not related to this And that it was A rape Around the victim that weekend. the victims mom said At trial that she new of the crime two days before she notified Any police or dss or Any doctor. While reports in my discovery says that she found out on the same day AS she told police And went to

the hospital. I have An expert witness Tonetha dubose who will testify that the entire proceeding of this case As far As medical exams etc was very wrong And that the evidence shows that it would be anything other than rape And that the police And doctors made the mistakes! I have Given letters that she sent me to my Attorney, I told my Attorney All the reasons And facts to Show "Good cause" to Get my discovery As he said in the continuence form that he needed to review, to Get funds for An investigator, expert witness, to Get me Another continuences, I Asked for Cases on INVALID WAIVER OF COUNSEL, JURY TRIAL, JACEDENOT PRETRIAL/ PRELIMINARY HEARING! ACTUAL INNOCENCE, CSC FIRST DEGREE WITH MINOR, LESSOR INCLUDED OFFENSE SINCE MY PLEA WAS TIME SERVE TO ABHAIN! PROSECUTORIAL MISCONDUCT, CULLIMATIVE EFFECT, FAULSE IMPRISONMENT, INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL AND MANY OTHER 4th CIR CASES, FED CASES USU CASES AND STATE CASES! I have Asked him is he Going to Amend Some issues for me, or help REVAMP MY PCR APPLICATION ISSUES etc! My Attorney HAS NOT DONE ANY OF IT, NEVER DISCUSSED THE ASPECTS OF MY CASE. HE IS MAKING ME DO ALL THE WORK MYSELF AND I HAVE A LOT OF WORK TO DO. I ASKED MY ATTORNEY TO GET ALL THE DOCUMENTS / LETTERS / CORRESPONDENCES THAT I HAVE SENT TO THE CLERK OF COURT SINCE 2009, FOR MY PCR EXHIBITS, FROM THIS AGENCY AND S.C. SUPREME COURT DISCIPLINARY COUNSEL I GET ZERO HELP OR REPLIES AND HE LIES. I ASK THAT SINCE I HAVE ZERO HELP FROM ATTORNEY IN ALL IM DOING THAT CHIEF JUDGE ALFORD BLESS ME WITH "GORDON V. LEEKE, 574 F.2D 1147, 1153 (4th CIR. 1978) WHICH STATES - IF IT IS APPARANT TO THE DISTRICT COURT THAT A PROSE LITIGANT HAS A COLORABLE CLAIM BUT LACKS THE CAPACITY TO PRESENT IT THE DISTRICT COURT SHOULD APPOINT COUNSEL TO ASS'IST HIM!! THE ATTORNEY OF RECORD IS ONLY DOING WHAT IM ASKING HIM TO DO IN PART. HE IS LEAVING OUT MY KEY FACTS OF EVIDENCE, GOOD CAUSE, ETC AND NOT TALKING WITH ME AT ALL, NOT HELPING ME PROPERLY LITIGATE IT OR NOTHING. I NEVER COMPLETED THE 9th GRADE, I WAS AND AM EMOTIONALLY CHALLENGED, GREW UP IN MENTAL HEALTH, WAS NOT PROPERLY OR GIVING A MENTAL EVALUATION WHEN I GOT CHARGED TO STAND TRIAL. I NEED THE HONORABLE CHIEF JUDGE ALFORD TO KNOW I ONLY WANT AN ATTORNEY TO HELP ME, IF THIS ATTORNEY WILL APOLOGIZE TO ME, BE HONEST AND HELP I'LL STILL WORK WITH HIM BECAUSE IM POOR, AFRAID AND ACTUALLY INNOCENT. I NEED HELP. PLEASE LET THE CHIEF JUDGE KNOW I HAVE A JUDICIAL NOTICE, MOTIONS AND EVIDENCE TO MAIL HIM NOW FOR CONTINUENCE, INVESTIGATOR, EXPERT WITNESSES, WITNESS / EXPERT WITNESS SUBPENNA'S AND A FAIR AND FULL BITE AT THE APPLE FOR AN EVIDENTIARY HEARING TO NOT HAVE TO BE IN HIGHER COURT USING "TOWNSEND V. SAIN, 372 U.S. 293, 313, 9 L.ED. 2D 770 (1963), CONAWAY V. POLK, 453 F.3D 567, 582 (4th CIR. 2006)... I NEED TO WRITE THE CHIEF JUDGE AND GET HIM ALL MY FULL CONCERNS BEFORE NOVEMBER. I NEED CASELAW, RULES OF COURT FOR PCR ETC, EFFECTIVE ATTORNEY HELP, ACCESS TO LEGAL MATERIAL AND TO GET MY DISCOVERY AND DOCUMENTS I LOST BY WRITTING MY ATTORNEY OF RECORD AND OTHER ATTORNEYS AND THIS INSTITUTION JUST MISPLACED MORE OF MY PAPERWORK !!! PCR AMENDMENTS. I NEED TO PROTECT MYSELF FROM PROCEDURAL DEFAULT TO GET A FULL PROPER EVIDENTIARY HEARING BASED ON THE ELEMENTS OF THE FACTS AND ONLY WITH PROPER EFFECTIVE ASSISTANCE OF COUNSEL.

Ps. 30f4

In PCR, the focus is usually on Alleged errors made by prior counsel and other errors of LAW or fact that occurred outside the record below. The South Carolina Supreme Court said that when asserting the erroneous admission of evidence, a violation of a Constitutional Right or other errors in a proceeding the PCR Applicant generally must frame the issue as one of ineffective assistance of counsel. This assertion is both overbroad and underinclusive - not all errors appropriate for PCR constitute IACPC nor must they be stated as such to be viable PCR claims - but it is correct that post conviction relief is not a substitute for direct appeal! Cognizable claims a PCR applicant can raise almost any allegation relevant to any phase of the previous court proceedings. Specifically, an applicant can raise virtually every alleged denial of a Constitutional Right with the exception of sufficiency of evidence. The PCR Act also recognizes almost any abridgment of a state created right. Specifically the statute permits the following six categories of claims. (1) the conviction or sentence was in violation of the constitution of the United States, the S.C. constitution or S.C. state law, there is evidence to material facts, not previously presented and heard that requires vacation of the conviction or sentence in the interest of justice. (2) The conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error previously available under any common law, statutory or other writ, motion, petition, proceeding or remedy. (Jackson v. Virginia, 443 U.S. 307, 313-16 (1979) Holding that insufficiency of evidence is a federal constitutional error. With this being said I will show letters from my attorney saying that I do not have any issues valid to raise for PCR and telling me that I can only raise ineffective assistance of counsel. Ignoring my clear evidence and claims and findings of facts. I have some substantial, serious information to send to the chief judge now, documents, reports, contacts, parts of discovery, etc to go along with my judicial notice of adjudicated facts so I can get my case properly prepared for and heard ASAP! I request that this be sent to the chief judge and my attorney of record and that both contact me regarding this letter. My substantial information must go to the judge so I can be heard. And since today is 10-16-14 and I just got a letter from my attorney showing he filed for a continuance up properly without full substantial evidence on 10-7-14. I don't wanna get denied before the judge gets my full documents that explains why I should be granted all my requests. And the clerk of court record will show I have been writing PCR attorneys since 2013 showing good cause, on all of this!!! Please get me the address to write the chief judge. I truly must have honest just counsel to help with my PCR. Please do not force me to have my PCR in November and with such counsel. Please!!! I need to write the chief judge to show good cause on every aspect of my case...

Very willing 341036
enclosure as stated

cc: THE Honorable Lee S. Alford Chief Administrative Judge
Charles Brooks III

The Brooks Law Offices, LLC

CHARLES T. BROOKS, III,
Attorney

309 Broad Street
Sumter, South Carolina 29150
Post Office Box 3512, Sumter, SC 29151
Post Office Box 291226, Columbia, SC 29229
OFFICE: (803) 418-5708
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792
Email: cbrooks@ctbrooks.com

IRMA R. BROOKS
Attorney

September 16, 2014

Trey Williams, 341036
Lee Correctional Institution
990 Wisacky Highway
Bishopville, South Carolina, 29010

RE: Trey Williams v State of South Carolina

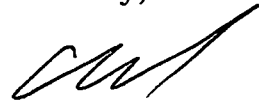
Dear Mr. Williams:

We are in receipt of your letter asking that some investigations be done on your case.

Please be more specific as to what you need investigated so that we may submit a request for funding to the Judge. Please be advised that you need to be very specific in order to try and get funding approved.

With kind regards, I am,

Sincerely,



Charles T. Brooks, III
CTB, III/jlb

The Brooks Law Office, LLC

CHARLES T. BROOKS, III, ATTORNEY AT LAW
IRMA R. BROOKS, ATTORNEY AT LAW

309 BROAD STREET ~ SUMTER, SOUTH CAROLINA 29150
POST OFFICE BOX 3512 ~ SUMTER, SOUTH CAROLINA 29151
(803) 418-5708

FAX: (803) 934-9618 TOLL FREE: (877) 770-8792

Email: cbrooks@ctbrooks.com

September 30, 2014

Trey Williams, 341036
Lee Correctional Institution
990 Wisacky Highway
Bishopville, South Carolina, 29010

RE: Trey Williams v State of South Carolina

Dear Mr. Williams:

I am again in receipt of a letter you sent to the York County Clerk of Court which was received in my offices on September 26, 2014. As I indicated in my September 17th and 18th letters to you please do not submit correspondence regarding the above matter to any other offices or agencies. As I have accepted the appointment as your attorney in this matter all correspondence in this case should be directed to my attention.

I have spoken with you by telephone (08/05/2014) and in person (08/07/2014 while in Court) and have spoken to your fiancée at your request on your behalf with reference to your case.

I secured a Continuance in August for your hearing and you were informed by the Court at that time that another Continuance in this matter would not be granted.

On September 18, 2014 I forwarded several case law summaries at your request and for your review. On September 17, 2014 I forwarded to your attention a copy of the Motion To Allow Applicant (yourself) to Conduct Discovery. Additionally on September 2, 2014 a copy of the signed and Court filed Order of Continuance from your August hearing was sent to your attention.

Your PCR hearing is scheduled for November and I would like to remind you at this time that a PCR is a civil matter in which you allege your trial counsel failed in his duty of representing you. As you are aware you represented yourself at your trial.

The only relief the Court can afford at a PCR hearing is to have your case re-tried in the lower courts based on a determined error of trial counsel.

The Brooks Law Office, LLC

CHARLES T. BROOKS, III, ATTORNEY AT LAW
IRMA R. BROOKS, ATTORNEY AT LAW

309 BROAD STREET ~ SUMTER, SOUTH CAROLINA 29150
POST OFFICE BOX 3512 ~ SUMTER, SOUTH CAROLINA 29151
(803) 418-5708
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792
Email: cbrooks@ctbrooks.com

October 1, 2014

Trey Williams, 341036
Lee Correctional Institution
990 Wisacky Highway
Bishopville, South Carolina, 29010

RE: Trey Williams v State of South Carolina

Dear Mr. Williams:

Please tell me what witnesses you want and how they are relevant to your PCR case.

If you have Amendment(s) that you wish to have filed on your behalf, please provide those to us and we will be happy to take care of that for you.

Also, we will schedule a telephone conference with you.

Sincerely,

Charles T. Brooks, III
CTB, III/jlb

The Brooks Law Office, LLC

CHARLES T. BROOKS, III, ATTORNEY AT LAW
IRMA R. BROOKS, ATTORNEY AT LAW

309 BROAD STREET ~ SUMTER, SOUTH CAROLINA 29150
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(803) 418-5708
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792
Email: cbrooks@ctbrooks.com

November 4, 2014

Catawba Community Mental Health Center
448 Lakeshore Parkway, Suite 205
Rock Hill, South Carolina, 29730

RE: Trey A. Williams vs. The State of South Carolina
2013-CP-46-1797

Dear Sir or Madam:

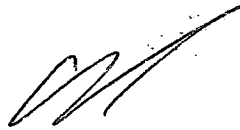
Enclosed you shall find a Medical Release form on Mr. Williams requesting a copy of his medical records from your facility.

Please provide this information as soon as possible as Mr. Williams has requested a copy of these documents and we need this to prepare for his PCR trial.

Thank you for your prompt attention to this matter.

With kind regards, I am,

Sincerely,



Charles T. Brooks, III
CTB, III/jlb
cc: Trey A. Williams

REQUEST FOR ACCESS/AUTHORIZATION TO PROTECTED HEALTH INFORMATION

I request Catawba Community Mental Health Center to disclose Protected Health Information (PHI) as described below.

Name of Patient (First, Middle, Last): Trey A. Williams DOB: 09/21/1988

Name of Patient at time of treatment if different from above: _____

Patient Street Address/City/State/Zip Code: (Inmate) 990 Wisacky Hwy, Bishopville, SC 29010

Date(s) of Service: 1997-2006

Name and Address of Recipient of PHI if different from above: Charles T. Brooks, III, 309 Broad Street, Sumter, SC 29150 The Brooks Law Offices, LLC, Attorney

Purpose of Disclosure: For use in Court Proceeding

Expiration of Disclosure: 01/15/2015

PHI Requested:

- Itemized Bill
 - Discharge Summary
 - History and Physical
 - Consultation Report
 - Operative Report
 - Pathology Report
 - Emergency Room Report
 - Entire Record **
 - Other WORK DSS And mental health records etc.
- Laboratory Reports _____
Specified type or all _____
Radiology Reports _____
Specified type or all _____

REVOCAION: I may revoke this authorization in writing except for uses or disclosures of PHI made by Catawba Community Mental Health Center relying on this authorization. To revoke this authorization, I must deliver a signed, written statement clearly stating that I revoke this authorization to the Privacy Official of Catawba Community Mental Health Center at the following address:

Catawba Community Mental Health Center
448 Lakeshore Parkway, Suite 205
Rock Hill, South Carolina 29730

RIGHT TO RECEIVE COPY: I will receive a copy of the signed authorization if Catawba Community Mental Health Center requests the authorization individual specifies an earlier date. Upon the conclusion of that time period, this authorization is automatically revoked and no further use or disclosure of the patient's PHI is permitted beyond that date.

I understand that the information described above may be redisclosed by the person or group that I hereby give Catawba Community Mental Health Center and its contract representatives permission to share my information with, and that my information would no longer be protected by the federal privacy regulations. Therefore, I release Catawba Community Mental Health Center, its workforce members, and its contract representatives from all liability arising from the disclosure of my health information pursuant to this agreement. I understand that I may inspect or request copies of any information disclosed by this authorization if Catawba Community Mental Health Center or its contract representatives initiated this request for disclosure. I understand that I may revoke this authorization by notifying Catawba Community Mental Health Center its contractor representatives, in writing, knowing that previously disclosed information would not be subject to my revocation request. I understand that I may refuse to sign this authorization and that my refusal to sign will not affect my ability to obtain treatment, payment or eligibility for benefits.

SIGNATURES:

Patient: Trey Williams Date: _____

Reason patient unable to sign: _____ Date: _____

Personal Representative: _____ Date: _____

Relationship: _____ Verification Source: _____



State of South Carolina
The Circuit Court of the Fifth Judicial Circuit

ALISON RENEE LEE
JUDGE

1701 MAIN ST., ROOM 324
POST OFFICE BOX 192
COLUMBIA, SOUTH CAROLINA 29202-0192
TELEPHONE: (803) 576-1765
FAX: (803) 576-1768

March 18, 2016

Trey A. Williams, SCDC #341036
Lieber Correctional Institution, B-Pod #266
990 Wisacky Highway
Bishopville, South Carolina 29010

RE: Case No. 2013-CP-46-01797

Dear Mr. Williams:

I write this letter in reference to a Rule 59(e) Motion and associated materials you submitted to Judge Lee on, or about, March 16, 2016. Judge Lee has not yet signed any order on this PCR. Accordingly, your Rule 59(e) Motion is premature. Moreover, you are represented by an attorney and should not send any materials directly to Judge Lee. Accordingly, please find enclosed the materials you submitted to Judge Lee.

Sincerely,


Chadwick S. Devlin

ARL/csd

State of South Carolina
County of York

In the Common Pleas Court

Docket No.: 2013 CP 46-1797

Trey Williams, 344266
v.

State of South Carolina

Notice of Motion and Motion
for Rehearing pursuant to Rule
59(a), S.C.R.C.P., and for Motion
to Alter or Amend pursuant to
Rule 59(a), S.C.R.C.P.

Please take Notice that the Applicant, through his undersigned attorney,
will move before the Honorable ~~Robert Stewart~~ ^{Allison Renee Lee} to direct an entry of a new judgment
and/or alter or amend the judgment signed 7-14-2016, which was filed on
7-18-2016.

A copy of the filed order has not been prepared by the State, at
the time of this motion. This Motion is to give notice to PER Counsel and the Courts of my
due diligences and attempts to have this issues address, presented and preserved, for
State and Federal Review.

Given that the Applicant, through his undersigned attorney, and pursuant to
the South Carolina Supreme Court's ruling in *Hiatt v. State*, 381 S.C. 622, 674 S.E.2d
491 (2009), which held that Rule 11, S.C.R.C.P., is not applicable to or in PER proceedings.
Therefore this Motion should be filed with or without compliance with Rule 11, S.C.R.C.P.
and this filing should be treated by this Court and PER Counsel as if it was filed
by an attorney at law. Failure for PER Counsel to accept or support this Motion
would clearly show ill faith representations below Constitutional Standards.

Applicant Request that this Court direct the entry of a new judgment, pursuant
to Rule 59(a), and/or amend the findings of fact and conclusions of law in the
States Order of Dismissal, pursuant to Rule 59(e), S.C.R.C.P.

This matter comes before the Court by way of an application for Post Conviction Relief filed on November 18th 2014. An extraordinary hearing was conducted on at the York County Courthouse. The applicant was present at the hearing and was represented by Charles T. Brooks, III, esquire. The State was represented by Rutledge Johnson, Assistant Attorney General.

In *Marlar v. State*, 373 S.C. 407, 653 S.E. 2d (2007), also *William V. Taylor* the South Carolina Supreme Court, and Federal Court made it clear that a post conviction relief judge must make specific findings of fact and state expressly the conclusions of law relating to each issue presented. See also S.C. Code Ann. § 17-27-80. Therefore, the applicant would respectfully request this Court to ensure that specific findings of fact and conclusions of law are entered on each issue and that the testimony of each witness is properly addressed, ruled on and preserved properly for appeal.

The applicant submits that the State's Order will, or has failed to properly address the totality of the pleadings, testimony of the witnesses, exhibits, arguments, and case law provided to this Court. Therefore, the applicant would respectfully request that this Court review the "evidentiary hearing transcript", the applicant's Proposed Order, and the applicant's subsequent motions, which were properly filed with the York County Clerk of Court. The applicant would respectfully request that upon said review this Court would reconsider its decisions in this matter.

The applicant would direct the Court's attention to the following issues from Applicant's PRR, Proposed Order (Courtney Relief), Amendment to PRR Applications, and Judicial Notice of Adjudicated Facts, all properly filed with the Clerk of Court.

1) Involuntary, unknown, uninformed waiver of Counsel

A) Was the waiver in compliance with due process of law.

B) Does the Record reflect threats, coercion or duress in this alleged waiver violation.

C) Was the waiver based on ineffective assistance of plea counsel.

D) Can Counsel's behavior before a plea or waiver, or which lead to the plea or waiver be considered under the Sixth Amendment.

2) Ineffective Assistance of Counsel (trial counsel and standby counsel)

A) Conflict of interest existed with trial counsel and standby counsel causing the waiver to be involuntary and uninformed.

B) Was the waiver the product of ineffective assistance of Counsel, coercion or duress of standby counsel.

C) Was standby counsel ineffective for failing to object and preserve for appeal, ~~and~~ involuntary and unadvisedly waiver of a Jackson v. Denno hearing.

D) Was counsel and standby counsel ineffective for failing to object and preserve for appeal involuntarily, unknowingly and unintelligently made waiver of a jury trial.

E) Was counsel and standby counsel ineffective for failing to request a lesser included charge.

F) Was trial counsel and standby counsel ineffective in failing to properly investigate the facts and the law of the case, failing to appreciate the meanings of applicable laws and court proceedings.

G) Failing to object to the insufficiency of evidence to support a conviction when the verdict was read.

H) Was trial counsel and standby counsel ineffective for failing to object to the prosecutorial misconduct by way of misrepresenting the forensic evidence in to the courts, fraud upon the court by official court officers of the State, peremptory procured testimony and false documentation to deliberately deceive the courts.

I) Cumulative error doctrine. Also my Testimony on Indictments were detailed. Ineffective assistance of PCR counsel and Testimony on "Fissure" Prosecutorial misconduct.

For the above stated reasons and those contained in the above recited Motion, the applicant would respectfully request that this court review the evidentiary hearing transcript to ensure that all the testimony and arguments are fully addressed by this court.

The applicant would further request this court to reconsider the proposed Order Granting PCR Relief and Judicial Notice, which were properly filed with or without counsel's signature on the accompanying cover sheet, served upon the Clerk of Court.

Therefore, the applicant moves before this court to direct the entry of a new judgment, pursuant to Rule 59(e)(2), and/or amend the findings of fact and conclusions of law in the State Order of Dismissal, pursuant to Rule 59(e) S.M.C.P.

v. Trey A. Williams

v. Jeremy Williams

Date 7-26-16

The Brooks Law Offices, LLC

CHARLES T. BROOKS, III,
Attorney

309 Broad Street
Sumter, South Carolina 29150
Post Office Box 3512, Sumter, SC 29151
OFFICE: (803) 418-5708
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792
Email: cbrooks@ctbrooks.com

IRMA R. BROOKS
Attorney

October 21, 2014

Office of the Attorney General
Attn: Rutledge Johnson, Esquire
PO Box 11549
Columbia, SC 29211-1549

RE: Trey Williams vs. State of South Carolina
Case No. 2013-CP-46-1797

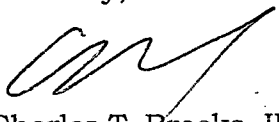
Dear Mr. Johnson:

Please find enclosed a filed copy of Judicial Notice of Adjudicated Facts being sent to you for your records on behalf of Mr. Williams.

If you should have any question, please do not hesitate to contact me.

With kind regards, I am,

Sincerely,



Charles T. Brooks, III
CTB, III/jlb

cc: Trey Williams, 341036

State of South Carolina

County of York

Terrell Williams # 344266

v.

State of South Carolina

In the Court of Common Pleas

Sixteenth Judicial Circuit

2013-CP-46-1747

Judicial Notice of Adjudicated Facts

Respectfully, the sole purpose of this Notice of Adjudicated Facts is to show petitioner's diligence in attempting to have PCR Counsel adequately and sufficiently address and fairly inform the PCR Court of all the relevant facts and the claims Federal Constitutional basis. See, *Mallory v. Smith*, 27 F.3d 991, 995, held the exhaustion requirement demands that PCR Counsel do more than scatter some wide shaft needles in the haystack of the State Court Record. The grounds relied upon must be presented free up and squarely, the Federal questions must be plainly defined, and that bleak references which hint that a theory may be lurking will not suffice, see, *Kornahrens v. Evatt*, 66 F.3d 1359, 1362. PCR Counsel was informed of these principles in the PCR application, Amendments, letters sent to counsel and by way of this "Judicial Notice of Adjudicated Facts". The Rules S.C.R. Civ. P. 71.1(d), also specifically mandate that counsel must be permitted a reasonable time to confer, to evaluate the application and to insure that all available grounds for relief are included in the application, and allow use of discovery and all other civil rules, see, *Cramble v. State*, 379 S.E.2d 118, which include the use of interrogatories, depositions and other discovery mechanisms such as subpoenas.

Petitioner states that he would be denied due process due to ineffective assistance of counsel under the (PCR) mandate S.C. Code ANN § 17-27-30, through § 16D by counsel's failure to raise adequately and sufficiently petitioner's meritorious claims to withstand *Strickland*, supra and to make sure that all issues are raised and listed on for appellate review. Petitioner asserts that this can not be established in (PCR) unless he is provided effective assistance of counsel.

to demonstrate petitioner's due process violations. "All counsel must perform up to professional standards in all criminal proceedings, even in collateral review" under the U.S. Supreme Court ruling in *Martinez v. Ryan*, 2012 WL # 912950.

Despite the importance of PCR Remedies as safeguard against unjust, unconstitutional, and erroneous confinements, the systemic devaluing of the importance of PCR process is widespread. Convicted persons in South Carolina raising post-conviction challenges rely almost exclusively on appointed counsel, most of whom have little experience in this area of the law. The purpose of the PCR Act is to provide a comprehensive mechanism to the State's courts attention to any unresolved and previously not mentioned question of facts and laws relevant to their conviction or sentence. The application must allege particular grounds for relief and the specific defects in the trial or criminal proceedings that warrant a reversal or revision including the legal basis for the claim supporting facts; and Relief desired to include affidavits, Court Records, or other Material Relevant. Petitioner asserts that he is a lay person and cannot be held responsible for PCR counsel inadequately presenting, developing, investigating, ascertaining and or eliciting any of petitioner's due process violation claims. Such a blatant failure by PCR counsel at this critical stage is outside the range of competent attorney in criminal cases, and hence, will have operated to deny petitioner his due fair bite of the apple, in his initial review collateral proceeding, which will be the "cause" and "prejudice" to any future procedural defaults. (1) Inadequate assistance of counsel at initial review collateral proceeding may establish "cause" for a prisoner's procedural defaults

(2) A.E.D.P.A. did not bar petitioner from using ineffective assistance of his Post conviction attorney to establish "cause" and "prejudice" from his procedural defaults; and.

(3) Remand was required to determine whether petitioner's attorney in the first State collateral proceeding was ineffective, whether underlying ineffective assistance of trial counsel's claims was substantial. In The Supreme Court in *Townsend v. Sain*, 372 U.S. 293, 93 S.Ct. 745, stated that Federal Courts on habeas Corpus must hold a evidentiary hearing if applicant did not receive a full and fair evidentiary hearing in State Court either at time of trial or in collateral proceeding, See, 28 USCAS 2243 if:

- 1) Merits of factual dispute were not resolved in State hearing;
- 2) Factual determinations not fairly supported by the record as a whole;
- 3) Trial hearing procedure not adequate;
- 4) Substantial allegation of newly discovered evidence

5) Not offered a full and fair State hearing, Petitioner will be able to meet all fair prongs if counsel PCR performance is ineffective. Even those procedures employed does not violate Constitutional Standards, if it appears to be seriously inadequate for ascertainment of truth, it is Federal Judge's duty on habeas corpus, or at the State's Supreme Court to disregard State findings and take evidence anew. When a evidentiary hearing is required because of unresolved factual dispute, State court Record (to include this Affidavit Notice) of criminal prosecution is competent evidence, and either party may choose to rely solely upon evidence therein.

It is for the above reasons that there could not have been even the semblance of a full and fair hearing unless the State Court actually "searched" and "decided" the issues presented. If initial review collateral counsel was ineffective, then compliance would be inoperative, and would constitute "cause" under this Standard. Where a petitioner defaults a claim as a result of the denial of the right to effective assistance of counsel, the State which is responsible for the denial as a Constitutional matter, must bear the cost of any resulting default and the burden to the State's interest that Federal habeas review entails. In other words it is not the gravity of the attorney's errors that matter, but that it constitutes a violation of petitioner's right to counsel, so that the errors must be seen as an external factor, imposed to the State.

In Petitioner's PCR application the following allegations have been made to PCR Counsel:

- 1) Petitioner's waiver of trial counsel was invalid and not in compliance with due process of law
- 2) Standby trial counsel provided ineffective assistance of counsel
- 3) Appellate Counsel provided ineffective assistance of counsel
- 4) Prosecutorial harassment / vindictive prosecution
- 5) Petitioner's waiver of the Jackson v. Denno hearing was not intelligently made
- 6) Petitioner's waiver of Jury trial was invalid and unintelligently made
- 7) In sufficient evidence

PCR Counsel should answer the PCR application, and fairly apprise the State court of the Federal Constitutional claims by defining our Federal and State cases that employ a Constitutional Analysis, asserting the claims in terms that call to mind the specific right protected by the Constitution, and other facts that fall well within the mainstream of Constitutional litigation. As a strategic matter, counsel should prepare a trial brief summarizing the evidence, introducing the court to the issues presented in the PCR application and make explicit Constitutional argument. These correct methods of raising and presenting claims would be invaluable to the Court's understanding of the relevant facts and law, and compliance with the exhausted requirements, See, *Rose v. Lundy*, *supra*, and *Picard v. Connor*, *supra*.

PCR Counsel should use interrogatories, and Subpoenas, because the moving party presents his evidence first and has the burden to prove by a preponderance that petitioner is entitled to relief. See, S.C.R. Civ. P Rule 71 (c); Cobbs v. State, 408 S.E. 2d. 223, 225 citing Beckett v. State, 294 S.E. 2d. 482; and Butler v. State, 334 S.E. 2d 813. Petitioner asserts that it is because of this burden that PCR Counsel should view the PCR hearing in the same manner as Counsel would view any Non-Jury trial, even more so in this case at bar because of the petitioner allegation that the waiver of trial counsel was involuntary, unknowing and unintelligently made. As such petitioner was denied the opportunity to present meritorious defenses by way of his own forensic specialist, or to cross examine the States forensic specialist, to challenge other testimony, witnesses, and evidence presented by the State. Petitioner asserts that the Record is void of the courts or Stand by Counsel ever explaining to petitioner what, why, when and how to object to testimony or evidence, or likewise with cross examining witnesses, See trial transcript pg # 5 to 13 Line 1-25, this Record does not reflect petitioner being voluntarily knowingly and intelligently being properly informed of the advantages or disadvantages of proceeding pro se and therefore is not compliance with due process and Constitutional Standards, See, Johnson v. Zerbst, 304 U.S. 458, 58 S.Ct. 1019, 82 L.Ed. 1461; Cooney v. Cochran, 369 U.S. 506, 82 S.Ct. 884, 8 L.Ed. 2d 70; Gideon v. Wainwright, 372 U.S. 335, 83 S.Ct. 792, For the courts have made it clear that this right cannot be foregone without deliberate choice by the defendant. See Stevenson v. State, 522 S.E. 2d 343 S.C.(1999) To establish a valid waiver of counsel the accused must be advised of the right to counsel and adequately warned of the dangers of self-representation; in the absence of a specific inquiry by the lower court addressing the dangers and disadvantages of proceeding pro-se. See, Watts v. State, 556 S.E. 2d 368 (SC 2001) If the Record fails to demonstrate an informed choice to proceed pro se with eyes open, then the defendant did not make a knowing and voluntary waiver; Trial judge failed to make a meaningful inquiry into defendant's background to determine whether he had sufficient experience or knowledge to waive counsel.

Petitioner asserts that the trial court did not ask petitioner for his age, educational level, criminal history or competency. See Gardner v. State, 351 S.C. 404 (2002), When determining if an accused has a sufficient background to understand the dangers of self-representation, the courts must consider 1), Age, educational background, and physical and mental health; (Petitioner is requesting PCR Counsel to gather mental records for PCR hearing); 2), whether he was previously involved in criminal trials; (Petitioner first offense); 3), Nature of the charges, possible penalties; (Record is void of counsel or the court explaining to petitioner the elements of the charges); 4), whether counsel explained to him the dangers, (Petitioner had conflict of interest with counsel and made several bargains)

- 5) Whether he was attempting to delay or manipulate the proceedings; (The Record is void of any attempt at either);
- 6) Whether the court appointed Stand by counsel; (The Record reflects the trial court instantaneously Stand by counsel to
See trial transcript pg #) (13); 7) Whether he knew he would be required to comply with the Rules of procedure at trial; (The Record is void of petitioner being informed); 8) Whether he knew of legal challenges he could raise in trial (Again the Record is void of any explanation);
- 9) Whether the exchanges between the accused and the court consisted merely of pro forma answers to pro forma questions; (The Record reflects ^{11:50} ~~11:50~~) and 10) Whether his waiver resulted from either coercion or mistreatment; (The Record reflects the trial courts tone and demeanor was aggressive and hostile to defendant.)

* Furthermore petitioner points PCR Council, PCR Courts, and this Record of judicial notice to Stand by Counsel's failure to comply with the States independent and adequate State general "Contemporaneous objection" requirement of trial to the below listed meritorious issues. Petitioner was deprived from complying with the States procedures "Solely due to ineffective assistance of Stand by counsel. See, *Wainwright v. Sykes*, 433 U.S. States, a State procedural rule which requires that a "Contemporaneous objection" be made deserves great respect from Federal Courts, because of the fact that;

- 1) it is a rule employed by a procedural jurisdiction within federal system and for the many interest it serves in its own right;
- 2) it enables the Record to be made with respect to the federal Constitutional norms when the Record and Recollections of witnesses are fresh; and
- 3) it enables the judge who observes the occurrence of these witnesses to make the factual determinations necessary for properly deciding the federal Constitutional question.

A Contemporaneous objection may lead to the exclusion of evidence or behavior objected to, thereby making a major contribution to finality in criminal litigation; without the evidence claimed to be vulnerable on federal Constitutional grounds, a jury or judge may acquit a defendant, and that would end the case, or a jury or judge may nonetheless convict, and he will have one less federal claim to assert in his Federal petition. Furthermore, an objection on the spot may force the prosecution to take a look hard at its back track, and even if the prosecutor thinks that the State trial judge will admit the evidence he must contemplate the possibility of reversal by the State appellate court or the ultimate issuance of a federal writ based on the impropriety of the State courts rejection of the federal Constitutional claim. See, *Stone v. Powell*, 428 U.S. 465; *Henderson v. Kibbe*, 431 U.S. 145, 157.

Petitioner, asserts that there can be no dispute of the prejudice he suffered because of ~~the~~ the involuntary, unknowing and unintelligent waiver of trial counsel and Stand by counsel's failure to comply with the independent and adequate State procedural ground which would prevent direct Review

of his Constitutional violation. Said failure to comply with the State's Contemporaneous objection Rule was plain error which affected substantial rights, and thereby, may be noticed although they were not brought to the attention of the courts due to ineffective assistance of Counsel (Stand by). See, U.S. v. Olano, Supra; U.S. v. Young, Supra; U.S. v. Atkinson, Supra and Chapman v. Califormia, Supra. Petitioner cites many cases which shows that counsel was ineffective for failing to preserve any issue at a full trial for appeal by way of contemporaneous objection; See, Medlock v. OMC 1985 Jeep Cherokee VIN 1JCB7828F11900, 332 S.C. 127, 134, 470 S.E.2d 375, 378 (1996) (To preserve an issue for appeal, a contemporaneous objection is necessary and specific grounds must be clearly stated); State v. White, 311 S.C. 289, 428 S.E.2d 740 (1st app 1993); State v. Lynn, 277 S.C. 228, 226, 284 S.E.2d 786, 789 (1991) (Concluding defense counsel's failure to contemporaneously object did not preserve the issue for appellate review); In re L.L.C. v. Town of Mt. Pleasant, 338 S.C. 406, 422, 526 S.E.2d 716, 724 (2000); and State v. Williams, 303 S.C. 410, 411, 401 S.E.2d 168, 169 (1991).

Thus, it is clear that Stand by Counsel's failure to comply with the State's Contemporaneous objection Rule is the "Cause" and "Prejudice", See, Martinez v. Ryan, 2012 WL 912950, and Coleman v. Thomas, Supra; U.S. v. Frady, 456 U.S. 152, 102 S.Ct. 1584 71 L.E.2d 816; Engle v. Isaac, 456 U.S. 102 S.Ct. 1558, 71 L.Ed.2d 783; State v. Dutiani, 304 S.C. 347, 404 S.E.2d 516; U.S. v. David, 83 F.3d 683 (C.A.4 V.A May 6 1996); Adkins v. Bordenkircher, 674 F.2d (4th Cir) and many other cases support petitioners Stand. See, Meadows v. Leqursky, 904 F.2d 903 (C.A.4 W.Va 1990), held, it had to waive the States procedural requirements to reset the ends of justice, waived the contemporaneous objection requirements when the denial of Constitutional rights deprives the defendant of a fair trial.

Includ, the purpose of Stand by Counsel is to help a defendant whom intelligently, knowingly, and willingly waived right to trial counsel, and whom is not familiarized with the Rules of procedure of a trial, to direct, consult, advise and inform him on when and how to protect his Constitutional rights under due process of the law. If trial court instructs Stand by Counsel to do nothing, See trial transcript pg # 13, then defendant is without such Stand by Counsel and therefore denied the chance to test the prosecution's case to ensure that the proceeding serves the function of adjudicating guilt or innocence while protecting the rights of the person charged, See, Powell v. Alabama, 287 U.S. 45. The defendant requires the guiding hand of Counsel and or Stand by Counsel at every step in the proceedings against him. Without Stand by Counsel's help, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence, even more so important when petitioners waiver of Counsel was uninformed, unknowing, involuntary and through coercion, and trial court instructing Stand by Counsel to do nothing. This action of trial court and Stand by Counsel denied petitioners assistance at this critical stage in the trial, and petitioner was abandon by Stand by Counsel and failed to recognize numerous issues, present numerous defenses, and or challenge testimony and evidence.

Nevertheless, petitioner raised trial counsel's ineffectiveness to the trial courts, filed many complaints on counsel's unavailability, conflict of interest about his awareness that counsel was unprepared, unwilling and incompetent to represent him at trial, thus the reason petitioner felt forced to proceed pro-se. Petitioner explained to the court that he had no faith in trial counsel's ability to protect any of his rights at trial based on this on going conflict of interest with counsel. This pro trial unprofessional performance of counsel violated petitioner's due process to a fundamental fair proceeding, and was the reason petitioner was forced and coerced to an involuntary, unknowing and unintelligent waiver. See, *Eady*, supra, at 170, 120 S.Ct. at 1596. A Constitutional claim that implicates fundamental fairness... Compels Review Regardless of possible procedural defaults. It also holds, the Sixth Amendment itself requires that responsibility for default be imputed to the State, "which must not conduct trials at which persons who face incarceration must defend themselves without adequate legal assistance, *Cuyler v. Sullivan*, 446 U.S. 335, 109 S.Ct. 1708. Ineffective assistance of counsel, is then the "cause" for a procedural default. Thus in order to establish "cause" the courts stated a Federal Habeas petitioner need only satisfy that the failure to object or to be advise to object was the product of his counsel (Stand by counsel) ignorance or oversight, not deliberate tactic, See, *Murray v. Carrier*, 477 U.S. 485. Petitioner asserts it was solely because of Stand by Counsel's failure to advise, suggest, or inform petitioner on what, when, why and how to object which is ineffective assistance of counsel that petitioner was denied a fair trial. It therefore, was Stand by counsel's cumulative errors that were sufficiently egregious and prejudicial. No objections thus out a entire trial that petitioner's due process was violated. The law makes plain that the controlling consideration must be whether petitioner was denied fundamental fairness in the State court proceeding. See, *Rose v. Lundy*, 455 U.S. 509, 102 S.Ct. 1192.

Petitioner asserts that Stand by counsel's failure to advise, suggest or inform petitioner on what, when, why and how to object and comply with the States Contemporaneous objection Rule was a complete abandonment at a critical stage. See *Maples v. Thomas*, 132 S.Ct. at 912, Abandonment by counsel or Stand by counsel constitutes cause to excuse a procedural default when petitioner has no notice that he effectively lacks representation or a legal advisor at the relevant time. This breach of duty and the on going conflict of interest was antagonistic to petitioner's stance, and a complete disloyalty with serious prejudicial effects which forced petitioner to stand trial not knowing how to protect any trial rights or procedures.

These Constitutional claims advanced above and within, calls into question the accuracy of the proceeding and petitioner's guilt. See, *Harris v. Nelson*, 394 U.S. 236, 290-291, 89 S.Ct. 1086. The Court explained in *Engle* that cause and prejudice standard will be met in those cases where review of a State prisoner's claim is necessary to correct a fundamental Miscarriage of Justice at 135, 102 S.Ct. at 1576.

These cases has also established that where a Constitutional violation has probably resulted in the conviction of one who is actually innocent. A Federal Court may grant the Writ even in the absence of a showing of cause for the procedural default, See, MURRAY V. CARRIER, 477 U.S. 478 106 S.Ct. 2654.

Let this "Judicial Notice" reflect petitioner's assertion of Actual Innocence on the charges. This is petitioner's formal request to have his PCR Counsel sufficiently and adequately raise the following claims to the State Court, in compliance with the PCR Mandates of S.C., and State and Federal, exhaustion Requirement.

Issues Presented To The PCR Courts

1) Involuntary, Unknowing, Unintelligent waiver of Counsel

- A) Was the waiver in compliance with due process of Law
- B) Does the Record reflect threats, coercion or duress in this alleged waiver violation.
- C) Was this waiver based on ineffective assistance of PCR Counsel.
- D) Can Counsel's behavior before a plea or waiver, or which lead to the plea, or waiver be considered under the Sixth Amendment.

Begin

Others to be Amended by PCR Counsel after Review. If the Higher courts Review, and maintains claims are found to exist then Ineffective Assistance of PCR Counsel is the "Cause" and "prejudice" of any future defaults on these claims, in Federal Court. PCR Counsel must assure that this issue is addressed properly, and Ruled upon accordingly, in compliance with the Constitutional Standard of due process and equal protection of Law.

2) Ineffective Assistance of Counsel / trial Counsel and Stand by Counsel

- A) The Record reflects Conflict of interest existed with trial Counsel, and Stand by Counsel, causing the waiver to be involuntary, and unintelligent made due to ineffective assistance.
- B) Was the waiver the product of ineffective assistance, coercion or duress, of Stand by Counsel
- C) Was Stand by Counsel ineffective for failing to object and preserve for appeal, Involuntary, unknowing waiver of a Jackson V. Denno hearing.
- D) Was Counsel and Stand by Counsel ineffective for failing to object, and preserve for appeal Involuntary, unknowing and unintelligently made waiver of a Jury trial
- E) Was Counsel, and Stand by Counsel ineffective for failing to request for a lesser included charge

F) Was Trial Counsel and Standby Counsel ineffective in failing to properly investigate the fact and the law of the case, failing to appreciate the meanings of applicable laws, and court proceedings.

G) Failing to object to the insufficiencies of evidence to support a conviction when the verdict was reached.

H) Was Trial Counsel and Standby Counsel ineffective for failing to present Forensic Specialist for petthouse defense

I) Was Trial Counsel and Standby Counsel ineffective for failing to object, to the Prosecutorial Misconduct, by way of misrepresenting the Forensic evidence in to the court, fraud upon the court, by official court officers of the State, presenting perjured testimony and false documentation, to the deliberate deceive the Courts.

Petitioner is requesting his PCR Counsel, to investigate, ascertain, and elicit all of petitioner's due process violation claims listed above, to ensure that they all are properly raised and ruled on accordingly, in compliance with Constitutional Standards, to include S.C.R. Rule 59(a) or (E) motion.

Respectfully, Request for an appeal on any ^{case} adverse decisions. All Stated Plain and Plain In this Judicial Notice for the Court Record and transcription, along with due diligence, "cause" and "prejudice" Standards and exhausting Requirement.

Cumulate Error

Harmless Error

When an error "could" have been and was the subject of an objection at trial, the appellate Courts have three (3) possible standards of review:

- 1) Harmless beyond a Reasonable doubt,
- 2) High probability of harmlessness;
- 3) More probably than not harmless

An error is harmless if it is unimportant in relations to the whole and the verdict rendered was surely unattributable to the error. A reviewing appellate Court need only conclude that the error claimed did preclude a defendant from receiving a fair trial. "It is important to have a trial free of those errors which might influence a verdict when the evidence on the issue of liability is so close that the jury might reasonably return a different verdict."

The cumulative effect of two or more individually harmless errors has the potential to prejudice a defendant to the same extent as a single reversible error. The purpose of a cumulative error analysis is to address that individually have been found to be harmless it is not reversible. It analyzes whether their cumulative effect on the outcome of the trial is such that collectively they can no longer be determined to be harmless. Unless an aggregate harmlessness determination can be made, collective error will mandate reversal, just as surely as will individual error that cannot be considered harmless. The harmlessness of cumulative error is determined by conducting the same inquiry as for individual error, courts look to see whether the defendant's substantial rights were affected:

"An involuntary, unknowing, and unintelligent waiver" of a Constitutional right and a total deprivation of effective assistance of counsel at trial is not subject to the harmless error analysis." An involuntary waiver is such the intention it can never be treated as harmless error.

See, *United States v. Manner*, 185 F.3d 574 (6th Cir. Ky 1999); *ARIZ. V. FULMINANTE*, 499 U.S. 279 (U.S. 1991); 28 U.S.C. § 2111; *Chapman v. Cal.* 386 U.S. 18 (U.S. 1967); *Cooper v. California*, 386 U.S. 58 (U.S. 1967); *Haddad v. Lockhead California, Corp.* 720 F.2d 1434 (9th Cir. Cal 1983); *State v. Northcutt*, 327 S.C. 267 (S.C. 2007); *State v. Blank*, 955, 50, 2d. 90/29 Apr 11 2007; *Karsten v. McLain*, 157, 111. App 3d. 1 (111 App. Ct 2d Dist 1987); *United States v. Rivera*, 900 F.2d 1462 (9th Cir. Okla 1990); *United States v. Lane*, 474 U.S. 438 (U.S. 1986); *Togusa v. Board of Directors*, 633 F.2d 1309 (9th Cir. Nev 1980); *United States v. Acosta*, 475 F.3d 677 (5th Cir Tex 2007)

In *Beckman v. State* (2013) S.C. the cumulative error doctrine provides relief to a party when a combination of errors, insignificant by themselves, has the effect of preventing the party from receiving a fair trial or proceeding and the cumulative effect of the errors affects the outcome of the trial or proceeding. See, *State v. Johnson*, 334 S.C. 78, 93, 510 S.E.2d. 795, 803 (1999), an appellant must demonstrate more than error in order to qualify for reversal pursuant to the cumulative error doctrine; rather, he must show the errors adversely affected his right to a fair trial to qualify for reversal. Id. See, *State v. Gardner*, NO 69726-91 (July 28 2013) Multiple errors may combine to deprive an accused person of a fundamentally fair trial, in violation of due process clause of the Constitution. In light of the cumulative effect of the errors assigned above, Petitioner was deprived a fundamentally fair trial, or waiver of Counsel. Cumulative errors can be noticed in this State.

~~Additional~~

Additionally, Petitioner makes the following allegation against his Appellate Counsel's ineffectiveness

3) Appellate Counsel was ineffective, in failing to raise meritorious issues of involuntarily and unintelligent waiver of trial counsel, waiver of jury trial, and ineffective assistance of Counsel claim.

A) Appellate Counsel failed to adequately raise abuse of discretion on the trial court, for the above mentioned issues.

Petitioner is alleging that appellate counsel's representation fell below an objective standard of reasonableness, and that there is a reasonable probability that, but for counsel's errors, the result of the proceeding would have been different. Therefore because of counsel unreasonable standard of representation, petitioner was severely prejudiced because petitioner was denied a chance to raise meritorious issues raised above, See, *Smith v. Robbins*, 528 U.S. 239, 120, S.Ct. 744. The highest court have stated; Counsel, however, can also deprive petitioner of the right to effective assistance, simply by failing to render adequate legal assistance; See, *Cuyler v. Sullivan*, 446 U.S. at 344, 100 S.Ct. at 1716. It also stated if counsel does not conduct a substantial investigation into each of several plausible lines of defense, assistance may nonetheless be ineffective, counsel's errors resulted in actual actual and substantial disadvantage to the course of petitioner's defense. See, *Lombard v. Lynaugh*, 868 F.2d 1475, held counsel ineffective for failing to raise here if when New-Forever issues existed for appeal.

Petitioner contends that the record does not contain any probative evidence to support the notion that the waiver was knowingly and intelligently made, or that counsel was effective in protecting petitioner's Constitutional rights. Counsel appointed to represent an indigent appellate, ordinarily should consult with his client at least once to ascertain his clients desires with regards to the alleged trial errors which the appellant wishes to press, because counsel has a duty to press arguments dictated by his client which may arguably be supported even though counsel does not personally espouse them. Counsel must act in the role of an active advocate in behalf of his clients appeals to the best of their ability. Fundamental fairness entitled indigent defendant to an adequate opportunity to present their claims fairly within the adversary system. See, *AKE v. Oklahoma*, 470 U.S. 68. When a claim of ineffective assistance of appellate counsel is based upon failure to raise viable issues, the courts must examine the record to determine whether appellate counsel failed to present significant and obvious issues on appeal, See, *Gray v. Greer*, 800 F.2d 644, 646. Generally, the presumption of effective assistance of counsel will be overcome when the alleged ignored issues are clearly strong or meritorious issues. Conversely, an appellate advocate may deliver deficient performance and prejudice a defendant by presenting a dead horse winner, even though counsel may have presented strong but unsuccessful claims on appeal, See, *Page v. US* 884 F.2d 300, 302; *Mature v. Wainwright*, 811 F.2d 1430, 1438; *U.S. v. ALERRE*, 430 F.2d 681; *U.S. v. Addison*, 2001 WL 409453.

Conclusion

Petitioner has given judicial notice, to PCR Counsel, the State's PCR Courts and all of parties involved in this matter of the issues and Constitutional violations that he wanted adequately and sufficiently raised. Any failure to have these issues presented and ruled upon is due to ineffective assistance of the State appointed PCR Counsel, which failed to comply with the PCR Mandates of this State. PCR Counsel should submit a proposed order Granting PCR Relief with findings of facts and conclusion of law which support these allegations. PCR Counsel should file a S.C.R.Civ.P Rule 59(a) and (e) to assure that all issues raised are ruled upon and/or preserved for appeal. PCR Counsel should subpoena the following list of people which will help support petitioner's allegations, and bring before the PCR Courts any unresolved and previously not mentioned questions of fact, law, and evidence, because of and involuntary, unknowing and unintelligent waiver of trial Counsel and the complete abandonment of Grand Jury by Counsel.

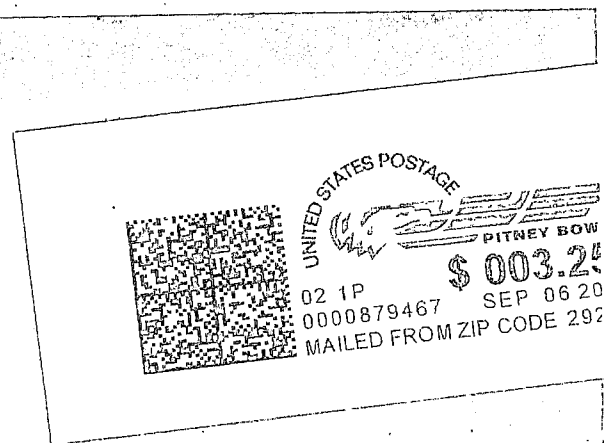
List of People to be Subpoena

- 1) Erik Daniel Delany Esquire - State by Counsel
- 2) Angela Hyland (Rock Hill police depart) First officer before medical personnel was called
- 3) Detective William Burgess (Rockhill police depart) conflicting statement from alleged victim mother
- 4) Michelle Stone - DSS Case worker, will testify to conflicting statement from alleged victim mother
- 5) Annie Davis - 803-324-8125, 984 South land drive Rockhill S.C. 29732 (vital testimony)
- 6) Terriha Dubose - 240-605-0823 Medical specialist will testify regarding proper procedures not followed
- 7) All Medical staff, examiners, ect from the Penitentiary medical center to include all reports, side notes, agencies documents and test results
- 8) Terriha Pearce, and Dwight Royalolds from South Carolina Children's Advocacy Medical Response System, 1615 Augusta Road W. Columbia South Carolina 29169, # 803-791-1513
Dickerson Center for Children # 803-791-1511, will testify to the overall medical assessment reports
(Will testify to no such crime based on medical evidence)

Petitioner asserts that he was denied the Dubose and evidence in his trial to have those people testify. Further, because this testimony will show petitioner's innocence, it would be ineffective and a complete miscarriage of justice, if PCR Counsel does not investigate, subpoena and present this favorable evidence to the PCR Court for consideration. PCR Counsel has an moral and ethical duty to diligently investigate each person requested to be subpoena, to ascertain if any evidence or testimony would help his client's defense. Any failure, or delay or excuse will be the "cause" and the "prejudice" to any source of these defenses.

TREY Alexander Williams 341036
J. Treay Alexander Williams

Trey Williams, # 341P36
B.R.C.J. Wateree #124
4460 Broad River Rd.
Columbia, SC 29210



THE SUPREME COURT OF South Carolina
The Honorable Daniel E. Shearouse
1231 Gervais Street
Columbia, SC 29201

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