

For Appellate Bond Filing, Nathan Sheldon Needs to Comply with Rule 240; Rule 241(C, Cd) which is procedure for obtaining lift of stay or supersedeas, stay and supersedeas in Civil Actions. File to Lower Court Honorable Allison Renee Lee etc...

In the South Carolina Supreme Court...

Please stamp, file on the record to show due diligence in preserving all issues, request and concerns in the interest of justice for Appellate and Federal Review so I want be held accountable for any procedural default for any and every issue that should have and could have been properly filed and raised, every thing that should have been filed, requested, obtained and placed in and on the record along with every witness, testimony and document to show my innocence, actual innocence and due diligence and every criminal act of any attorney, clerk, or official government, state or federal office, Agency of the court in the chain of command of law under the Federal Constitution of the United States of America. Any denial to prevent me from safe guarding the U.S. constitutional rights is a total

MISLARRAGE of Justice and Abandonment intelligently, knowingly and voluntarily of the Constitution. I most simply request that Counsel of Record safe guard these rights and obtain all my records and file all things I qualify for in my interest and that the courts know I deserve it and that the law be upheld. *Very unimpaired*

All my records at this Agency should date back to 2010 and I need them official record and York County Clerk of Court PCR Records, Discovery rules etc...

RECEIVED

SEP 27 2016

SC SUPREME COURT

State of south carolina
County of York

Trey Williams, #341036

vs

State v. South Carolina
Respondant

In The South Carolina Supreme
Court

Appellate case No. 2016-00153

Notice of Motion to Dismiss
appeal pursuant to Rule 269.
Frivolous Appeals, Petitions,
Motions, OR Returns, of
South Carolina Rules of
Court / Appellate court Rules

Please take notice that the Applicant, through his undersigned attorney, will move before the South Carolina Supreme Court / Appellate Court, Comes Now the Applicant, through his undersigned attorney, and Pursuant to the South Carolina Supreme Court ruling in *Mott v. State*, 381 S.C. 622, 674 S.E. 2d. 491 (2009), which held that Rule 11, SCR CP, is not applicable to ~~OR IN~~ ^{PCR / FINAL PET ACT.} ~~with Rule 11, SCR CP.~~ and this filing should be treated by this court and PCR counsel as if it was filed by an attorney of bar. Failure for Appellate counsel to adopt or support this motion would clearly show ill faith representation below constitutional standards. Applicant Request that this court Dismiss the State, Respondant's Attorney General Justin James Hunter, Esquire Frivolous Appeal Pursuant to Rule 269 etc stated above just below the appellate case No. Applicant also request that an Appellate bond be granted and instruct counsel of record to help complete the Record for "good faith" and good cause in the "Intrest of Justice". Applicant States that he would be denied due process due to ineffective assistance of appellate counsel in the final PCR proceeding act by counsels failure to Raise adequately and sufficiently petitioners meritorious claims to Withstand Strickland, *Supra* and to make sure that all issues are raised and ruled on for appellate Review. Applicant, asserts that this can not be established in Appellate Court unless he is provided effective assistance of Counsel to demonstrate applicants 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 *Martines v. Ryan*, 2012 WL # 912950. Applicant Request that counsel files everything his client is legally entitled to and has merit to have filed for the S.C. Supreme Court Judge and other appropriate authority to decide and rule on...

The things that need be preserved on the record ~~and~~ for Appellate and Federal Review and filed in this court to be considered or in the lower court are set forth as follows—
① Complete lower court Record including Rules discovery, pretrial transcripts/trial transcripts and all Appellate and collateral briefs, motions, letters, orders, Returns, to include York County Clerk of Court records and South Carolina Supreme Court, clerk of court records.
② An Appellate Bond needs to be filed for adequately having my entire files above mentioned enclosed in along with supporting case law, litigation and facts of my qualification for appellate bond along with statements/Affidavits, documents in my favor and support of litigation.
③ Counsel needs to file and support the dismissal of this frivolous appeal and add all above documents etc in the record on Appeal.

Finally all the supporting evidence for all this to be done and law is in the York County clerk of court PCR records, trial transcripts, pre trial transcripts, discovery, S.C. Supreme court Records and material that is on the way to counsel of record. I Request that the courts have Counsel Review all this information and the record and counsel communicate with me for clarity and then pass judgement professionally on the filings. I Request that any and all dispositions, disagreements on litigation, etc be in writing with supporting law supporting any decision in this matter, however in the S.C. Supreme clerk of court motions, filings etc that I have sent thus far and in the York County clerk of court PCR records etc Counsel will see everything and can only be effective in representing me by Review of the record. Counsel is not even discussing or mentioning the thought of communicating with me about my appeal, my cross appeal etc and clearly has not investigated the details involving in my case and is stalling time keeping me delayed in prison. All the supporting evidence to dismiss the Appeal and get All else done is in the S.C. Supreme court record clerk of court. The PCR hearings attorney general admitted to my the valid issues I got granted in PCR order and will not Appeal and did not. An new Attorney General takes it upon himself in opposition of S.C. and federal law, PCR transcripts etc to appeal/file notice of appeal not even knowing an error of law to warrant an appeal.

I was not indicted at the time of any waivers of constitutional rights or trials. I was denied all my constitutional rights since 3-31-09-9-29-2016.

The Review of everything on the S.C. Supreme Clerk of Court record etc will prove all allegations along with other associated materials I have.

The Supreme court must affirm the PCR Courts findings if they are supported by any competent evidence of probative value in the record. e.g., Webb v. State, 281 S.C. 237, 314 S.E.2d 819 (1984).

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). 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).

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). PCR counsel was ineffective in the totality of my PCR case and is the cause and prejudice of any and all adverse rulings to my interest and for any and all non raised issues and procedural defaults and these corrections of PCR counsels ineffectiveness need to be addressed and preserved and corrected now in the final Act of the PCR for Federal Review etc. See Ps. 4 of 4.

1. Involuntary, unknowing, unintelligent waiver of counsel:

A. Was 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 trial counsel / ~~trial~~ Standby counsel.

A. The record reflects conflict of interest existed with trial counsel and Standby counsel causing waiver to be involuntary and unintelligent.

B. Was counsel and standby counsel ineffective for not recognizing the defendant was not indicted until after trial.

C. Was counsel ineffective for failing to request a lesser included offense.

D. Was trial counsel ineffective in failing to properly investigate the facts and the law of the case, failing to appreciate the meaning of applicable laws and court proceedings.

E. Was counsel ineffective for failing to obtain forensic specialist for defendant's defense.

F. Was counsel and official court officers in error 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, presenting perjured testimony and false documentation to deliberately deceive the courts.

Appellate counsel failed to adequately raise abuse of discretion on the trial court. I had preserved cumulative error, Actual innocence, miscarriage of justice, prosecutorial misconduct, Abuse of discretion, Invalid Jury Waiver, denied public trial, Invalid Indictment etc. I'll address per Judge error in prosecutorial misconduct and ineffective Assistance of counsel in my official Brief to come!!!

I would like to drop my cross appeal if I can get out on appeal bond and get a time serve plea. York County clerk of court has contacted the solicitor in this matter, and close the entire case to be done with this if possible. *Very yours*

I need All copies of Everything, even my PCR Application and Amended Application, every letter I've ever sent you and all files, motions you filed, orders, Briefs, Returns, Filings, Discovery, Transcripts, Clerk of Court files, emails, Fax information etc... I need a written Reply from you on All my issues, concerns and Requests in its entirety...

Dear Nathan Sheldon, I would think that upon you getting representation of me that you would immediately request all relevant files associated with the case. Along with writing and scheduling a phone conference with me to discuss all aspects of the case and to give clarity, insight and ask or answer questions pertaining to law etc. This way would prove to be most effective in getting us acquainted and certain on all aspects of our client attorney relationship in this case matter. I like litigation and case law to support disagreements and in the interest of Justice as well as an paper trail of letters etc with your consent of knowing that my life and liberty as at stake and your aware with eyes wide open as an officer of the court and government to uphold the United States of America's laws, lines and policy set fourth in the foundation of this country and U.S. Constitution as long as the state of South Carolina is held to obey such laws. You did none of the above mentioned things when you were my PCR attorney for many months before the final order and my record extensively reflect a full body of litigation and requests that you never obtained or addressed and you have not been off my case one month and your my attorney again. You know I have giving you full information and its time for those PCR transcripts from State. Put everything in motion,

NOTICE TO NATHAN SHELDON:

You will need ENTIRE Files of entire Case from 3-31-09 until now in every Agency to Perfect Case And I'll demonstrate why As well As my records have Already....

We can not Proceede nor waiste anytime in conflict or you continuously lying to me and Procrastinating and not handling my case with passion And legal Professional Constitutional competence. You have All the things I have Asked you to do in letters that Are preserved on the record if you truly study the record of letters, motions etc. I have spoke with you, Wrote to you And will be faxing And emailing you these Request And have some one hand deliver to you A motion/ notice As well. I have Good Cause, the U.S. Constitution, S.C. LAW, Qualifications And merit for All my Request to be upheld And done, In fact iss the only way to properly prepare me for Appellate And Federal Review to prevent me from Procedural default etc.

In Federal Courts, I qualify for And deserve An Appellate bond And my Power of Attorney will be putting up "Property" to bond me out her name is NIKKIA Betts (609) 983-8993 and I have A Job waiting for her company ~~to be~~ As soon As im released, I'll then go pro se or hire Another Attorney and drop my cross Appeal And seek A time serve Plea that I was offered in General Sessions. A motion does need to be filed to Dismiss the states frivolous Appeal because its truly frivolous for the purpose of Delay or and it has no merit. Also its too much At Stake for me to be incarcerated in Prison And not have my Appeal And cross Appeal Perfected As this letter Pg. 1-6 and many other letters, motions etc Request so IF Im not out on Bond this is the way my Appeal needs to be handled. If not I need to know

in Writing, with LAW we can go back And forth to see by way of S.C. Supreme Court Judge to see who is right. I wanna see everything or know what it is before filed, I need copies of my full records, I wanna reply in opposition to everything the state does. THANK YOU...

(Direct Appeal)

Facts concerning Ineffective assistance of Appellate Counsel...

It is several letters from direct appeal counsel and the Indigent appellate defense agency indicating that direct appeal counsel (Lanel C. Durant) was going to allow me to get the issues that I wanted preserved on the record in the initial brief and that she would certainly consider my issues upon me submitting to her my own brief. It is also several letters from direct appeal counsel indicating that she has obtained my letters, issues and brief of the issues that I wanted submitted in my initial brief and she would keep it for her initial brief preparation. It is also letters and records of me complaining about the inadequate initial brief that she done and you will see that direct appeal counsel received a letter from me asking her to correct and redo her filed initial brief. Also its letters of me asking to have her removed off my case, its letters with me asking her to get my rule 5 discovery and mental health records and you will see letters with her saying that its not in her job description to obtain any of those documents are records etc. She also said in her letters that her chief Appellate defense attorney Robert Dudek informed her that I will not be getting another attorney for direct appeal and my only other option is to elect to proceed prose with eyes wide open and if that is what I wish to do they would send me the ~~case~~ Affidavit that is needed to properly warn me the dangers and disadvantages of proceeding prose and I

would need to sign it and send it in to remove counsel. Lastly you will see Lanel Cantey Durant lying saying that she never received any letter of issues or a brief from me on the issues that I wanted raised and that is the reason that she filed a one issue brief and she told me to raise ineffective assistance of appellate counsel on her!

Final conclusion: The direct appeal counsel and agency collaborated in being ineffective in my case. Direct appeal counsel refused to obtain mental health records, rule 5 discovery saying that it was not in her

job to obtain when these things play a major part in me waiving Constitutional Rights such as a Jury trial and trial counsel. She

told me to send in my own brief, I did and she put in writing several times that on several occasions she obtained and will consider the brief then after she files her invalid brief and I complain she says she never obtained it. She also acknowledges the proper way to relieve counsel by her letter to me on sending me the S.C. Supreme court method for relief of counsel but erroneously put in my brief that I knowingly,

intelligently and voluntarily waived counsel. Furthermore she allowed her chief attorney to keep me from having the Judge decide my counsel situation on direct appeal and once I was denied she never advised me I could appeal. I was not indicted until 2010 May after my trial and waiver of Jury trial and trial counsel.

I do have a entire childhood and upbringing in mental health institutions etc and she barred me from a lot of direct appeal issues I need on the record like Actual Innocence,

Miscarriage of Justice, Abuse imprisonment, Cumulative error, Plain error, Invalid Indictment, double Jeopardy Abuse of Discretion, Prosecutorial misconduct etc that I need placed on the record now. All of this and supporting evidence is in official letters, documents, motions, files from legal and official court agencies and attorneys and thus need to be obtained. PCR transcripts will support enough to put all this in as well in the "Interest of Justice" along with ineffective assistance of PCR counsel. Everything in this letter needs to be documented, filed and a written reply from you on these matters as well as all other material I've sent to you and S.C. Supreme Court in this matter on appeal. My indictment situation and the trial judge not allowing me public trial is major to me as well and not having a fair bite of the apple in PCR because of ineffective assistance of PCR counsel...

WAIVER OF Counsel :

See ~~the~~ waiver pre-trial transcripts, See indictments and discovery rules: I was not indicted at the time I had counsel taken unlawfully off my case, I was not advised and had no way of knowing what I was being tried for, of the elements, nature of charge and accusations and both indictments are conflicting with each other. Also I was told by the judge that I had to keep that counsel who was ineffective or go prose unless I could pay for an

attorney and still be forced to go to trial in only 3 days regardless. I WAS denied counsel, and it WAS clear by counsel that we had AN conflict of interest and clear upon the record my waiver WAS because of ineffective assistance of counsel and abuse of discretion, prejudice and bias of the trial judge. no hearing WAS conducted to see if I had good cause to remove counsel and get another attorney and I requested another attorney on the record. the judge told me to convince him to remove counsel. These facts etc along with the cases from my last few letters sent to the Supreme court proves my waiver WAS A result of mistreatment, coercion, ineffective assistance of counsel and my mental health emotionally challenged status which is listed in my rules discovery you should have requested already.

Prosecutorial misconduct:

I was not indicted adequately, and the prosecutor misrepresented the facts by saying a fissure and blood is consistent with rape when a fissure was never a finding. At my PCR hearing I testified specifically of that and the record will reflect. Also my only plea was time serve to abandon and it was criminal and vindictive and malicious for the prosecutor to handle my case in this matter considering the totality of the facts, evidence or lack of in the circumstances of my case...

Ineffective Assistance of trial/Stand by Counsel

At my PCR hearing I testified to the counsels pre trial performance being so unprofessional and ineffective that it forced me to pick between ineffective assistance of counsel or being forced to go prose prejudice. I testified to all the motions etc that I filed to not happen and counsel lying and doing nothing in my favor but to help the state, I testified if they were done what I asked and he had not lied that the outcome of my trial would have been different because my case would have been dismissed. The PCR Judge over looked and did not understand my testimony. The

Question is can counsels pre trial/post trial performance be so ineffective it result to him being relieved and that being the result still of ineffective assistance of counsel.

Ineffective Assistance of PCR Counsel / :

See Amended PCR Application titled Judicial Notice of Adjudicated facts, see S.C. Supreme Court letters during my PCR time frame of 2013 until now, see my York County Clerk of Court PCR records and see the opening of my PCR testimony. I raised PCR counsels ineffective at PCR and in my PCR application and that matter needs to be addressed for preserve federal review matters. I have many letters from PCR Counsel proving his criminal intent to get me denied and you Nathan Sheldon will need to work with me and obtain, review and submit my entire case file to collect and preserve all my issues on appeal

In the interest of Justice. That is to raise, preserve, file supporting documentation, letters, motions, Affidavits, Rules, my due diligence documents etc in the record for Federal Review because I do not want A new PCr. I want the S.C. Supreme court / higher court to Review the full record in the interest of Justice on good faith by the showing of good cause we have and to correct it and put law to it. It is in their Authority and upon our request it can be done, further more my extensive due diligence in the lower court resulted to here so this is where we are, if not I need all this for federal Review and PCr Counsel did not get my witnesses, expert witnesses, file for my documents, Get me copies of all the things I asked you to get, file the substantial documents I needed filed or do any of the things he filed to have done in my judicial notice which is all I want and need however he tampered with my filings, case etc. You need to contact my power of Attorney Nikkia Betts # 601-983-8993 so she can send you all the documents etc I have that you need and you have my many letters of requesting you to file for the rest of everything I need and all that needs to be done. Nothing advances until you complete all that has been justly requested as of now and I'll give you more clarity upon your requests. If Im granted my appeal bond Im dropping my cross appeal and going pro se in my appeal and trying to plea time serve... ~~winning~~

The States Appeal (Filings from Trey Williams in ~~the Supreme Court of South Carolina~~)
is frivolous as well The Supreme court of South Carolina.
and per Attorney

general
admitted
to the
validity
of my
issues

Nathan Sheldon, my Power of Attorney Nikkia Betts
Needs to be Reached at 601-983-8993. She has documents
that you need to Review and Understand As well As Place
in the Appellate Bond petition and Appendix on Appeal
and cross Appeal. You also have great knowledge of All
the other things that you need to Request Adequately
and obtain for the Appendix in Appeal And cross Appeal
which also is to be included in the Appellate Bond
petition!!! In the interest of Justice I most likely will
win all Appeal & cross Appeal and its no conflicting rulings
in the Supreme or federal Court in opposition to my finding
of facts and conclusions of law that I have in documents
you will have/should have etc for filing. We need to

communicate before you submit the Appellate Bond petition
and any document etc in my case to be sure it is done
adequately, sufficiently, completely addressing all substantial
essential aspects outlining the case with supporting affidavits,
motions, legal authorities and litigation. The Appeal Bond needs
to be filed in compliance with Rule 241(c) and d of Appellate
courts. I have local community political members, college professors,
business owners, citizens, family members of alleged victim in
my case and care givers of alleged victim all saying they
are in favor of me returning home, that I'm innocent, that
I'll be enrolled in college programs etc, and proof of me being
employed at a company upon my release. I have medical
records and grievance records in SCDC proving I have had
inadequate medical care and doctors who will treat me upon
release, I have proof of my life being in danger back here
which I'll be safer out of prison since I am innocent, was not
properly indicted, my only plea was time serve to a lesser charge
& I have no history of flight risk, no criminal record and
property will be put up for bail etc etc. All this and more needs
to be in Appellate bond, and I wish to Plea...

Trey A. Williams, #341036, Wateree#124

B.R.C.I. / Wateree
4460 Broad River Rd.
Columbia, SC 29210

THE Supreme Court of South Carolina
1231 Gervais Street
Columbia, SC 29201



RECEIVED

SEP 23 2016

BRCI
MAILBOOM

Christmas
Packet