

IN THE Supreme Court of South Carolina

10-6-2016

10-6-16

Tref A. Williams # 341036, Petitioner

v.

State of South Carolina Respondant,

Appellant Case No. 2016-001553

Petition to Chief  
Justice in the  
"Interest of Justice"

Pursuant to Rule 15 (a) S.C.R.P., provides that "leave should be ~~given~~ freely given [to amend, file,] when Justice so requires and does not prejudice any party. Again, there was no prejudice to the state see Stanley v. Kirkpatrick, 357 S.C. 169, 592 S.E. 2d. 296 (2004) a party opposing the motion has burden of establishing prejudice. Since Justice in the interest of Justice and Actual innocence is an ascertainment and pipe for preservation because of ineffective assistance of PCS Counsel/counsels of Record etc I ASK that this case entiret and all documents, motions, requests etc by me and the Respondant be heard and a decision rendered preserved for Instant Federal Review etc. *Tref Williams*

**RECEIVED**

OCT 11 2016

S.C. SUPREME COURT

IN THE SUPREME COURT OF SOUTH CAROLINA

10-6-2016

IN THE SUPREME COURT

TREY A. Williams, 341036 )

v. )

State of South Carolina )

Respondent, )

Justin J. Hunter )

In the Supreme Court )

Appellate Case No. 2016-001553

PETITION to DISMISS

Appeal pursuant to Rule

269, Frivolous Appeals,

Petitions, motions of Returns and

Rule 11, SCRPC.

Under Rule 11, SCRPC, A party and or the party's attorney may be sanctioned for filing of frivolous pleadings, motion or the or for making frivolous arguments. Runyon v. Wright (S.C. 1996) 322 S.C. 15, 471 S.E. 2d 160. Law Key 24 Attorney Client Privilege. The PCR transcripts in this case will demonstrate that the PCR Judge asked the attorney General did he feel the waiver of counsel was in compliance with Faretta; the Attorney General J. Rutledge Johnson responded "to be honest your honor, it is not". He further went on to state that it did not have to be if counsel from trial / Pre trial had advised the proper dangers and disadvantages of self representation. Ultimately upon the PCR Judge asking the prior trial / Pre trial or stand by counsel from trial of the communication advisory he had with me prior to the waiver counsel replied "nothing above and beyond what is on the record". Furthermore the Attorney General, J, PCR Judge all agreed ultimately that the waiver is not in compliance with Faretta, Gardner, Prince v. state etc. The record is clear and

incontrovertible, A defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record at hearing and may be accomplished by colloquy between court and defendant, between court and defendant's counsel or both. See *Brannon v. State* (S.C. 2001) 345 S.C. 437, 548 S.E. 2d 866. Law Key 273. 1CS.

The Supreme Court must affirm the PCR court's 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). The hearing court's findings of facts are binding on the appellate court under any evidence of probative value to support the PCR court's 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). "The Sixth and Fourteenth Amendments of our constitution guarantee that a person brought to trial in any state or federal court must be afforded the right to assistance of counsel before he can validly be convicted and punished by law." *Faretta v. California*, 422 U.S. 806, 807 (1975). *Prince v. State*, 301 S.C. 422, 423-24, 392 S.E. 2d 462, 463 (1990). *Wroten v. State of South Carolina*, 301 S.C. 293, 294, 391 S.E. 2d 575, 576 (1990). *Bridwell v. State*, 306 S.C. 518, 519, 413

S.E.2d 30, 31 (1992). Wroten, 301 S.E. at 294, 391  
S.E.2d at 576. Gardner v. State, 351 S.C. 407, 412,  
570 S.E.2d 184, 186 (2002). See waiver hearing  
transcripts, ~~the~~ PCR order, PCR hearing transcripts  
along with this motion and upon this incontrovertible  
evidence I ask the courts to grant this motion/petition.

*Shrey Williams*

To: Chief Justice

X \_\_\_\_\_

**RECEIVED**

OCT-11-2016

**S.C. SUPREME COURT**

The Supreme Court of South Carolina  
In The South Carolina Supreme Court

10-6-2016

Trey A. Williams, Petitioner,

v.

State of South Carolina, Respondant.

Justin J. Hunter

Appellate Case No. 2016-001553

Petition for Appeal Bond  
Pursuant to Rule 243K/  
Motion to Compel the Courts  
to Mediate/ Instruct  
Counsel to Resolve Conflict  
of Interest in the Interest  
of Justice and Federal Law.  
See "Handwritten Judicial  
Notice of Adjudicated Facts  
and entire Case File in every  
Court Agency of the totality  
of this case." Attachments...

I need Justice rendered in resolving this ongoing conflict with  
Counsel of Record not communicating, cooperating, preparing, nor  
emplying qualifications set forth in S.C. Rules of Court  
regarding Lawyer professional conduct/ Client attorney privilege  
and relationship. Counsel has failed to file my 59(c) motion  
when he had my case before the per order was done and he  
failed to obtain or review any of my documents pertaining  
to the case which is why the totality of these documents,

Supreme court records from me, York County Clerk of Court Per records, S.C. Disciplinary Counsel complaints and all my questions, concerns, filings, and things I need obtained reviewed etc has not been done in opposition of merit, Law, Justice, Due process, equal protection 6th and 14th Amendments of our U.S. constitution. Before counsel of record was my counsel in this appeal I had him written up in S.C. Supreme court of Disciplinary Counsel, have write complaints on him to all court agencies etc because he has only lied to me about doing the things I have asked, has lied to me and my power of attorney about not knowing and never doing An Appellate case before. He now is on my case in Appellate court and doing absolutely nothing significant to upholding Professional Lawyer norms. He has not familiarized himself with the totality of my case, has not had any meetings or communications with me about my case, has not reviewed ~~half~~ of the significant documents, motions relevant to my case, has not replied to any of my letters, requests, concerns thus far, is denying me my right to counsel, the courts, to Justice risking my life, limb and liberty. I have wrote these very courts on this matter countless times and I dont see Justice, my documents are not being heard by the courts, not being forwarded to counsel with instruction to comply with merit, no mediation and conflict resolution in the interest of Justice and Im hearing nothing as if im being denied

access to the courts for law, order and justice in a timely manner. I have not asked to remove Counsel because I know the courts have the authority, power, broad discretion to step in and administer justice in the interest of justice. I do not want to be a thorn in the courts

So to speak, I respect the courts and don't expect to continuously remove attorneys when the 8 or 9 appointed attorneys I've had since 2009 have all been the same in ineffectiveness. I must only ask that in the interest of justice when a matter of law, right, constitution is at stake and to prevent a miscarriage of justice from continuing any longer to step in and apply the law, to hear my pleadings, review my records, motions, requests, concerns, issues and administer justice, to instruct and compel and sanction counsel in the interest of justice, I am laymen and should not be sanctioned for not applying the law, framework etc as professional but I ask that the law be applied to the content, merit, facts, words, litigation etc and my entire case be reviewed for appellate bond, all motions, records etc reviewed and obtained and that counsel request obtain and forward the courts all material and consult with me for clarity etc on these matters. Please review all the appellate bond

material that the S.C. Supreme courts have that ive filed over the weeks and months and along with the Frivilous motion and documents I've filed with these motions on this date. I have other material and case law I need and to send to counsel etc regarding my Appeal Bond and I ask that I get in touch with the solicitor to take A plea As soon As possible because I do not wanna Risk going to trial, I only wanna Go home and live life. Counsel of record has said I will not and he feels I will not win certain incontrovertible issues on cross Appeal when he does not even know nor have the mental capacity to spot it on his on most things and other things he knowingly will withhold from me to prevent me from Justice which is why I need the courts to oversea, Instruct this entire case proceeding until this is over. Some of the cases that need to be revealed in my appeal bond need to be U.S. cases, 4th Cir. etc and *Herrera V. Collins*, 506 U.S. 390, 400, 122 L.Ed. 2d 203 (1993) etc. Counsel needs to help me with some material I need to send him etc now. Its A load of information, litigation and preparation for my Appeal and cross appeal that must be perfected if im going to be in prison. In considering All my motions, pleadings, petitions, letters, Requests, concerns etc please apply *Hiott v. State*, 381 S.C. 622, 674 S.E. 2d 491 (2009)

10-6-2016

THE Documents Following this letter of notice consist of just a brief portion of documents that need to be placed in the Appellate Bond Petition, Frivolous Motion Dismissing the States appeal and to be preserved on the record and Appendix for Appellate Review. These Documents, the content and Request of some of the Documents are in the responsibility of Counsel of Record to obtain by a showing of Good Cause in the interest of Justice to prevent procedural default for Federal Review and is of substantial merit raising colorable claims that upon Review will adjudicate and release me who is "actually Innocent." Counsel of Record has been put on notice for over a year now on countless occasions of these very issues, Requests and concerns and has consistently, continuously deliberately ignored the totality of professional Attorney conduct and client attorney privilege and relationship. I have wrote the BAR, Disciplinary Counsel, Administrative Court, S.C. Supreme Court etc about my conflict and Grievances of this attorney of record and all four other attorneys whom have represented me on PCR. It has become clear that all the attorneys are equal in misrepresentation and abandoning their clients legal issues according to legal Law of the state and Federal Constitution. Including all Collateral Appeal, direct appeal and General Sessions Counsel of Procedure. In these brief Documents alone I have demonstrated "Good Cause", meritorious issues, concerns, questions, substantial questions of law, procedure, and due diligence in getting all proceedings, motions etc properly conducted etc. I have showed I've been wrongfully charged, convicted, tried, indicted, a total complete "miscarriage of Justice" has clearly upon the face of the totality of the record been going on to me and I have been denied Access to the courts by court Agencies, Clerks, attorneys etc. My Attorney is not communicating with me and he says he is incompetent so I don't see how he can practice law. Counsel of Record needs to Review these full documents, obtain the full complete totality of my entire case file in every court agency, communicate with me on it immediately and effectively and get me all my copies of documents and file all motions, petitions, issues etc in the interest of Justice. If you Review trial transcripts pg. 32-36, pg. 57-63 you will see prosecutorial misconduct at its worse behavior and trial transcripts pg. 75-89, ~~75-89~~ 89-93 I can prove lies substantial through discovery mechanisms and witnesses and expert witnesses. So I Ask for a S.C. Supreme Court Disposition on these files etc.

10-16-2016

Documents following this are As Follows

"In ORDER"

- ① A letter filed and received at the York County Clerk of Court dated July, 28, 2014 at 8:31 Am.
- ② A letter to the South Carolina Supreme Court which was received at that agency on October, 20, 2014. Numbered 1-4 in pg. numbers.
- ③ A letter filed and received at the York County Clerk of Court dated March, 2, 2015.
- ④ 10 pages of documents filed and received at the York County Clerk of Court/ part of Rule 5 Discovery.
- ⑤ See a double Jeopardy, indictment/grand Jury and Federal/state violation of two indictments of the same charge both allegedly convened June, 18, 2009 grand Jury term and true billed. Both indictments have diverse elements and one was signed by the foreperson of the grand Jury May, 13, 2010 one month after my waiver of counsel hearing occurred. Which would mean that waiver of counsel could not be deemed valid, nor the waiver of any constitutional right when the record is void of any elements I'd have to meet being instructed to me. I was being held unlawfully in jail since 3-31-09 getting denied bond, preliminary hearing/Jack Denno, suppression of evidence motion and all my rights violated. The trial indictment was certified days after my trial and my trial was 5-26-2010.
- ⑥ See trial transcript pg. 9, lines 8-25 - pg. 10, lines 1-25 as the solicitor introduced the amended indictment to the record for the first time without me being informed of the procedure and my testimony as well as the Judge reply.
- ⑦ See transcript of record APRIL 15, 16 1-16 where the waiver hearing was conducted and the Judge abused his discretion etc.
- ⑧ See hand written judicial notice of Adjudicated facts which was the bases for my per Amended Application ~~that~~ of record that my per counsel ineffectively edited and submitted.
- ⑨ See letters from Direct Appeal counsel and per counsel and how they lied, violated my rights and deliberately misrepresented me.

09-2646

This is Trey Alexander Williams, Inmate # 341036:

I need to know if I have an exact court date or week already scheduled at the mass Justice center. I need to know who the Judge will be also, because I have not had any contact or any correspondences from any Attorney on my case, William Brice ~~III~~ has never wrote or replied to my many letters. My family, Key witnesses, medical experts etc All involved in my case has been striving to reach him, we dont have A # or e-mail Address to reach him, I need my discovery, I need his consent on the legal firm im striving to hire to help with my case, I need case law and various other legal things im needing to get done and the prison want let me without my Attorneys consent. Im not even getting Law library time or able to contact the Agencies that are involved in my case. I have the Paper work in my position. Its not even that I want a new Attorney, I just need some very basic help, I truly want, well I wanted my PCR to have been finish near one year ago, its not my fault, I need a lawyer to write me and let me know something because without the lawyers consent I want be able to contact various medical Agencies etc involved in my case, I want be able to hire legal help, I want get good law study time, I want get my discovery, my case want be prepared properly and I have many people who wants to and are attending my PCR hearing, and I want and still have a chance at getting everything prepared and ready this month, its going to be hard, very hard but its possible, not with the Attorney doing what he is doing now though, I need the PCR Judge next term to read this letter and my many other letters to see my little, reasonable concerns for due process etc. If the Attorney refuses to help then please get me another one, I have doctors, hospitals, etc helping and needing to talk to him, I have records, reports etc to get from Agencies

*am very willing*

FILED-RECEIVED  
 2014 JUL 28 AM 8:31  
 DAVID HAMILTON  
 C.C.P. P.C.S.  
 YORK COUNTY S.C.

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, SC. I wrote this Agency Also Asking who can I write to properly file my "Judicial notice of Adjudicated facts" and various other motions like for 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, letters and concerns to get to the Honorable Lee S. Afford, 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 CSC1st 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 wet prep 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 mom 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 was not a part of the medical findings at Piedmont Medical Center which would take away the evidence from being a CSC1st degree with minor. They will testify that the blood from a microbiology wet prep 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 child's 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 record so much substantial information, PCR amendments, strategies motions, 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 what I need a continuance, 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 don't 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! My sister, dad, 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 male 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, JACEDENO/ PRETRIAL/ PRELIMINARY hearing! ACTUAL Innocence, CSC first degree with minor, lesser included offense since my plea was time serve to ABHAN! prosecutorial misconduct, Cullimative effect, FAuse imprisonment, Ineffective Assistance of Appellate counsel And many other 4th cir cases, Fed cases U.S. 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 Council 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 subpoenas 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 case law, rules of court For PCR etc. effective Attorney help, Access to legal material And to get my discovery And documents I lost by writing 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.

P. 3064

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 JAOC 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 Abridgement 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 improperly 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 request. 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

pg. 4 of 4

09-2646

I REQUEST A COPY OF EVERY MOTION, Document, order, Indictment, court document  
filed under my WARRANT # 0902231135. Any Court document filed under my  
WARRANT #, when I WAS Indicted, when An Amended Indictment WAS filed etc...  
Any and everything from the State !!!

I. Am Troy Alexander Williams

Anything that WAS presented, Waived, Cancelled etc And by Whom...

I Also wish to have Charles Thomas Brooks III removed immediately.  
removed off my case for ~~these~~ threats, Fraud, sexual Abuse etc !!!

And I request All motions, documents, letters I have sent to this Court.  
SABRINA C. Todd is over the investigation At "The Supreme Court of Disciplinary Counsel" !!!  
My life liberty And Limb is Endanger because of Mr. Brooks !!!

*Troy Williams*

DAVID H. MILLON  
C.C. P. & G.S.  
YORK COUNTY, SC

FILED-RECEIVED  
2015 MAR -2 PM 2:03

I Trey Alexander Williams Warrent # 200K 3279-15  
I would like to know who do I contact to request  
Speedy trial. I do know that the speedy trial is n.  
Speedy anymore but I still want to ask for one.  
Also family members of mine 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.

FILED-RECEIVED

2009 JUN 23 AM 11:24  
CB

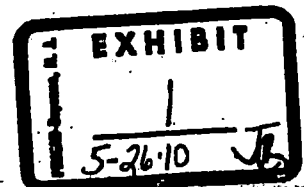
DAVID HAMILTON  
C.C.C.P. & G.S.  
YORK COUNTY, SC

*David Hamilton*  
York County  
Miss Justice  
1675-3A Yo  
29745

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

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327945

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

AFFIDAVIT

STATE OF SOUTH CAROLINA

County/  Municipality of  
Rock Hill Municipal Court

THE STATE  
against

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 23, 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.

Trey Alexander Williams  
Address: 984 Southland Drive  
Rock Hill, SC 29730  
Phone: \_\_\_\_\_ SSN: \_\_\_\_\_  
Sex: M Race: E Height: 5'10" Weight: 235  
DL State: SC DL#: \_\_\_\_\_  
DOB: 09/21/1988 Agency ORI#: SC0460300  
Prosecuting Agency: Rock Hill Police Department  
Prosecuting Officer: William Burris  
Offense: Criminal Sexual Conduct With A Minor First D  
egree. Offense Code: 16-3-655  
Code/Ordinance Sec: 16-3-655

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

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.

Law Yard (L.S.)  
Signature of Judge

Date: 3/27/09

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 23, 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 said  
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 )

Williams (L.S.)  
Signature of Issuing Judge

Judge Code: 6316

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

Issuing Court:  Magistrate  Municipal  Circuit

RETURN  
A copy of this arrest warrant was delivered to  
defendant Trey Williams  
on 3-27-09  
S Blair 3533  
Signature of Constable/Law Enforcement Officer

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

ORIGINAL

K-327945

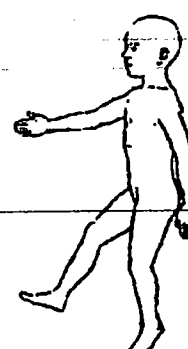
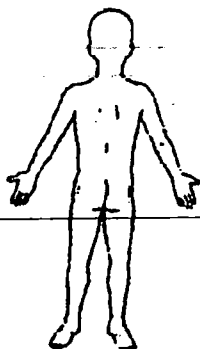
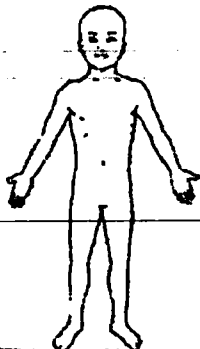
Ref #: 0902031125

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

Child's Name Jada Westbrook

DOB 9-17-02

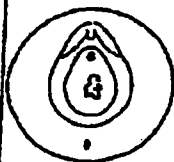
Document findings on appropriate diagrams, as applicable.



Skin Findings/Comments:  Photos

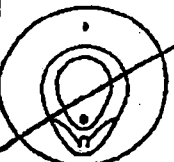
No signif skin pathology

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:

## Piedmont Medical Center - Rock Hill, SC 29732

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

<b>CHIEF COMPLAINT:</b>	<b>Enc. Type:</b>	<b>ACUITY:</b>
Sexual assault	Initial Level 3 - NURSE ALERT	

**Physicians caring for patient:**  
Thomas L. Wilkins, MD

**Height and Weight**  
Weight: 43.0 kg. (94.8 lbs.)

### VITAL SIGNS

Initials/Date/Time	Temp(F)	Rt.	Pulse	Resp	Syst	Diast	Pos.	O2 Sat	FSBS	Pain Sc
RS 2/23/2009 10:51	99.1	O	<u>137</u>	<u>12</u>				99		
RR 2/23/2009 13:37	98.8	O	<u>118</u>	<u>16</u>				99RA		

### TRIAGE

Arrival: Patient arrived ambulatory via private auto <RS 2/23/2009 10:46>

Historian: The history is provided by the mother <RS 2/23/2009 10:46>

Date and/or time symptoms started: Monday, February 23, 2009 <RS 02/23/09 10:51 >

**Chief complaint quote: TOLD HER MOTHER THAT HER COUSIN WAS TOUCHING HER IN THE WRONG WAY PUT HIS PENIS IN HER "TAIL" IN THE PAST NOT RECENTLY COUSIN IS 19 [ POLICE IN QUESTIONING MOTHER AT PRESENT] <RS 02-23-09 10:55> <RS 02/23/09 10:51 >**

Allergies: Amoxicillin <RS 2/23/2009 10:46>

ABC's: The airway is open and patent . Respiration(s) is/are spontaneous <RS 2/23/2009 10:47>

Mental status: The patient is awake with an affect that is appropriate <RS 2/23/2009 10:47>

Initial pain scale: Pain rating: 0 <RS 2/23/2009 10:51>

Pediatric Glasgow Coma Scale. <RS 02/23/09 10:47 >

Validated appropriate bracelet placed on patient. <RS 02/23/09 10:47 >

Bracelet placed on patient. <RS 02/23/09 10:47 >

### PAST HISTORY

#### Past Medical/Surgical History

No significant medical history. <JJ3 02/23/09 10:59 >

No significant surgical history. <JJ3 02/23/09 10:59 >

History of immunizations: Tetanus: Child UTD per caregiver ; Hepatitis B: Child UTD per caregiver ; Pneumonia: Never had ; Flu: Never had <JJ3 2/23/2009 10:59>

Nutritional screen: Diet at home: table food <JJ3 2/23/2009 10:59>

Vaccinations are up to date. <JJ3 02/23/09 10:59 >

#### Past Social History

Lives with parents <JJ3 02/23/09 10:59 >

No significant social history. <JJ3 02/23/09 10:59 >

Child's Name Jada Westbrook

DOB 9-17-02

OUTCOME OF MEDICAL EVALUATION

No injuries identified

Anogenital injuries:

- |  |   |  |   |
|--|---|--|---|
| <input type="checkbox"/> Anus:                 | <input type="checkbox"/> Abrasion                   | <input type="checkbox"/> Erythema/redness  | <input type="checkbox"/> Scar                   |
|  | <input type="checkbox"/> Bruising                   | <input type="checkbox"/> Fissure           | <input type="checkbox"/> Tear/Laceration, acute |
| <input type="checkbox"/> Fossa Navicularis:    | <input type="checkbox"/> Abrasion                   | <input type="checkbox"/> Erythema/redness  | <input type="checkbox"/> Scar                   |
|  | <input type="checkbox"/> Bruising                   | <input type="checkbox"/> Petechiae         | <input type="checkbox"/> Tear/Laceration, acute |
| <input type="checkbox"/> Hymen:                | <input type="checkbox"/> Abrasion                   | <input type="checkbox"/> Cleft/Notch       | <input type="checkbox"/> Petechiae              |
|  | <input type="checkbox"/> Absence of posterior hymen | <input type="checkbox"/> Erythema/redness  | <input type="checkbox"/> Tear, acute            |
|  | <input type="checkbox"/> Bruising                   | <input type="checkbox"/> Hematoma          | <input type="checkbox"/> Transection, healed    |
| <input type="checkbox"/> Labia Majora/Minora:  | <input type="checkbox"/> Abrasion                   | <input type="checkbox"/> Erythema/redness  | <input type="checkbox"/> Laceration, acute      |
|  | <input type="checkbox"/> Bruising                   | <input type="checkbox"/> Hematoma          | <input type="checkbox"/> Petechiae              |
| <input type="checkbox"/> Penis/Scrotum:        | <input type="checkbox"/> Abrasion                   | <input type="checkbox"/> Erythema/redness  | <input type="checkbox"/> Petechiae              |
|  | <input type="checkbox"/> Bruising                   | <input type="checkbox"/> Laceration, acute |   |
| <input type="checkbox"/> Posterior Fourchette: | <input type="checkbox"/> Abrasion                   | <input type="checkbox"/> Erythema/redness  | <input type="checkbox"/> Petechiae              |
|  | <input type="checkbox"/> Bruising                   | <input type="checkbox"/> Laceration, acute | <input type="checkbox"/> Scar                   |

Other: Specify

Cutaneous injuries:

Abrasions: Type: (check all that apply)  Non-Patterned  Patterned

- |                        |                                   |  |                                     |                                     |
|------------------------|-----------------------------------|--|-------------------------------------|-------------------------------------|
| Location:              | <input type="checkbox"/> Abdomen  | <input type="checkbox"/> Chest                 | <input type="checkbox"/> Forearms   | <input type="checkbox"/> Scalp      |
| (check all that apply) | <input type="checkbox"/> Back     | <input type="checkbox"/> Eye                   | <input type="checkbox"/> Lower legs | <input type="checkbox"/> Thighs     |
|                        | <input type="checkbox"/> Breasts  | <input type="checkbox"/> Face                  | <input type="checkbox"/> Neck       | <input type="checkbox"/> Upper arms |
|                        | <input type="checkbox"/> Buttocks | <input type="checkbox"/> Other: <u>Specify</u> |                                     |                                     |

Number of abrasions:  <5  5-10  11-15  >15

Bruises: Type: (check all that apply)  Non-Patterned  Patterned **If pattern present:**  Human Bite

- |                        |                                   |  |                                     |                                     |
|------------------------|-----------------------------------|--|-------------------------------------|-------------------------------------|
| Location:              | <input type="checkbox"/> Abdomen  | <input type="checkbox"/> Chest                 | <input type="checkbox"/> Forearms   | <input type="checkbox"/> Scalp      |
| (check all that apply) | <input type="checkbox"/> Back     | <input type="checkbox"/> Eye                   | <input type="checkbox"/> Lower legs | <input type="checkbox"/> Thighs     |
|                        | <input type="checkbox"/> Breasts  | <input type="checkbox"/> Face                  | <input type="checkbox"/> Neck       | <input type="checkbox"/> Upper arms |
|                        | <input type="checkbox"/> Buttocks | <input type="checkbox"/> Other: <u>Specify</u> |                                     |                                     |

Number of bruises:  <5  5-10  11-15  >15

Child's Name

Jada Westbrook

DOB

9-17-02

**OUTCOME OF MEDICAL EVALUATION (CONT.)**

**Head Injuries:**

- |  |  |   |  |
|--|--|---|--|
| <input type="checkbox"/> Anoxic/hypoxic brain injury | <input type="checkbox"/> Cortical contusion            | <input type="checkbox"/> Retinal hemorrhages        | <input type="checkbox"/> Subarachnoid hemorrhage |
| <input type="checkbox"/> Cephalohematoma             | <input type="checkbox"/> Cortical laceration           | <input type="checkbox"/> Scalp soft tissue swelling | <input type="checkbox"/> Subgaleal hematoma      |
| <input type="checkbox"/> Cerebral atrophy            | <input type="checkbox"/> Epidural hemorrhage           | <input type="checkbox"/> Subdural hemorrhage        |  |
| <input type="checkbox"/> Cerebral edema              | <input type="checkbox"/> Extra-axial fluid collections | <input type="checkbox"/> Acute                      | <input type="checkbox"/> Chronic                 |
| <input type="checkbox"/> Other: <u>Specify</u>       |  |   |  |

**Visceral Injuries:**

- |   |   |                                     |                                       |
|---|---|-------------------------------------|---------------------------------------|
| <input type="checkbox"/> Adrenal gland:                   | <input type="checkbox"/> Contusion            | <input type="checkbox"/> Hematoma   | <input type="checkbox"/> Laceration   |
| <input type="checkbox"/> Amylase/Lipase elevated          |   |                                     |                                       |
| <input type="checkbox"/> Free fluid, peritoneum           |   |                                     |                                       |
| <input type="checkbox"/> Hemoperitoneum                   |   |                                     |                                       |
| <input type="checkbox"/> Kidney:                          | <input type="checkbox"/> Contusion            | <input type="checkbox"/> Hematoma   | <input type="checkbox"/> Laceration   |
| <input type="checkbox"/> Liver:                           | <input type="checkbox"/> Contusion            | <input type="checkbox"/> Hematoma   | <input type="checkbox"/> Laceration   |
| <input type="checkbox"/> Pancreas:                        | <input type="checkbox"/> Hematoma             | <input type="checkbox"/> Laceration | <input type="checkbox"/> Pancreatitis |
| <input type="checkbox"/> Small Intestine:                 | <input type="checkbox"/> Hematoma, intramural |                                     | <input type="checkbox"/> Perforation  |
| <input type="checkbox"/> Stomach:                         | <input type="checkbox"/> Hematoma, intramural |                                     | <input type="checkbox"/> Perforation  |
| <input type="checkbox"/> Transaminases elevated (AST/ALT) |   |                                     |                                       |
| <input type="checkbox"/> Other: <u>Specify</u>            |   |                                     |                                       |

**Other: Specify** \_\_\_\_\_

**Miscellaneous Symptoms/Findings:**

- |  |  |  |   |
|--|--|--|---|
| <input type="checkbox"/> Anal/rectal pain          | <input type="checkbox"/> Labial adhesions      | <input type="checkbox"/> Seizures                    | <input type="checkbox"/> Vaginal foreign body |
| <input type="checkbox"/> Dental caries/disease     | <input type="checkbox"/> Penile discharge      | <input type="checkbox"/> Vaginal bleeding            | <input type="checkbox"/> Vaginal/genital pain |
| <input type="checkbox"/> Dysuria                   | <input type="checkbox"/> Poor physical hygiene | <input type="checkbox"/> Vaginal discharge           | <input type="checkbox"/> Venereal warts       |
| <input type="checkbox"/> Failing growth parameters | <input type="checkbox"/> Rectal bleeding       | <input type="checkbox"/> Other: <u>Specify</u> _____ |   |

**No miscellaneous symptoms or findings identified**

State of South Carolina  
COUNTY OF YORK

IN THE COURT OF GENERAL SESSIONS  
SIXTEENTH JUDICIAL CIRCUIT

FILED-RECEIVED  
2009 JUL 28 AM 11:09

MOTION OF

The State of South Carolina

PLAINTIFF,

V.S.

TREY ALEXANDER WILLIAMS

DEFENDANT.

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

SUPPRESSED

EVIDENCE

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 31<sup>st</sup>, 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 26<sup>th</sup>, 2009

IN THE STATE OF SOUTH

In The Court Of General Sessions  
16<sup>th</sup> JUDICIAL CIRCUIT

FILED-RECEIVED

2009 OCT -5 AM 9:25

CERTIFIED TRUE COPY

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 31<sup>st</sup>, 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

State of South Carolina | Sixteenth Judicial Circuit  
County of York

(State)

Trey Alexander Williams  
(Defendant)

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

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., Moss Justice Center, 1675-3A York Highways IC 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

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

## Grounds for Dismissal

The Applicant now comes, prase, and more CS; this HEILED-RECEIVED to dismiss his charges imposed on (date of arrest), and (date and year of arrest).

1) A (Charge)

Criminal sexual conduct w/ minor

Warrant 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 A. 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- Augusta 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.

Those 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 )

INDICTMENT

COUNTY OF YORK )

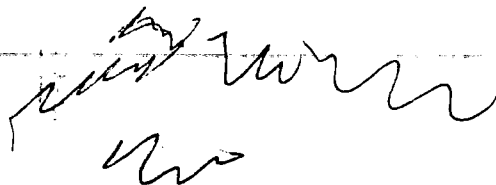
At a Court of General Sessions, convened on June 18, 2009 the Grand Jurors of York County present upon their oath:

**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



STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF YORK )

CERTIFIED TRUE COPY

2010 MAY 28 PM 1:04

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

DAVID HAMILTON  
CLERK OF COURT  
YORK COUNTY, SC

**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**

D\Burriss  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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**

27945  
\_\_\_\_\_  
\_\_\_\_\_

Defendant  
\_\_\_\_\_  
\_\_\_\_\_

**THE STATE**

**vs.**

Witness:  
\_\_\_\_\_

**ACTION OF GRAND JURY**

Jennifer Torsiello  
\_\_\_\_\_  
\_\_\_\_\_

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

-18-09 True Billed

**TRUE BILL**

\_\_\_\_\_  
represent person of Grand Jury 5.13.10  
date: \_\_\_\_\_

**VERDICT**

*Guilty - Sexual battery*

*involved sexual intercourse by*

*the Defendant, Trey Alexander Williams*

*John C. Hanger III*

represent person of Petit Jury

date: *5/26/10* Judge

**Indictment for**

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

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

1 THE COURT: Okay. He's waiving his right to civilian  
2 -- To civies as they are sometimes called civilian clothes.

3 All right. You can be seated.

4 Is the State ready to go?

5 SOLICITOR COLTON: We are, Your Honor.

6 THE COURT: Okay. Is the State going to make any  
7 opening statement?

8 SOLICITOR COLTON: No, Your Honor. We would call the  
9 case in the amended Indictment 2009-GS-46-2646. The State  
10 would waive their opening argument, Your Honor. And it's  
11 criminal sexual conduct with a minor first degree.

12 THE COURT: All right. Mr. Delaney, you looked  
13 exercised out there. What can I do for you?

14 MR. DELANEY: My client has asked me for something to  
15 write with and I'm trying to find see what I can get him.

16 THE COURT: All right. I believe we've got him  
17 something now.

18 MR. DELANEY: All right.

19 THE COURT: Mr. Williams, anything you want to say  
20 before we start taking testimony?

21 MR. WILLIAMS: Yes, sir.

22 THE COURT: All right.

23 MR. WILLIAMS: I would like to say -- See I honestly  
24 believed that I was comfortable with taking a bench trial  
25 and the reason why I changed a lot of people was giving me

1 their advice and opinion on a jury and a bench. I was  
2 okay with a bench trial and I wasn't trying to avoid but  
3 some people was just talking to me and asking me about what  
4 would they rather do but I mean what they thought I could  
5 do and I just thought about it and I was going to ask you  
6 and request to see if you would but I was okay with just  
7 presenting myself in the court today regardless. I wasn't  
8 trying to avoid - I didn't want you to think that I was  
9 just trying to avoid the charge or anything like that. I  
10 understand everything is very serious. I just want you to  
11 know that.

12 THE COURT: All right. How long you been in jail?

13 MR. WILLIAMS: Like a year and two or three months.

14 THE COURT: Well the only reason I'm raising that is  
15 this advice from fellow inmates about whether to go with a  
16 trial or a bench trial or a jury trial you certainly had  
17 time to explore that and think through all those things so  
18 in any event we're going forward with the trial. You want  
19 to make any opening statement or are you ready to go  
20 forward with the presentation of evidence?

21 MR. WILLIAMS: I'm ready for the evidence.

22 THE COURT: Okay. All right, Ms. Colton.

23 SOLICITOR COLTON: Your Honor, there are a few things  
24 I would like to make a part of the record before if we may.  
25 The State in this case has fully complied with discovery.

State of South Carolina., )  
)  
)  
)  
)  
County of York., )

In The General Sessions  
Court of York  
Case No.: 2009-GS-46-02646

State of South Carolina., )  
)  
Plaintiff, )  
)  
-vs.- )  
)  
Trey Alexander Williams., )  
)  
Defendant. )

Transcript of Record

April 15, 16, 2010  
York, South Carolina

B E F O R E:

Honorable John C. Hayes, III.

A P P E A R A N C E S:

Ms. Jennifer Colton  
Assistant Solicitor  
Sixteenth Judicial Circuit  
York, South Carolina 29745  
803-628-3020  
Jcolton@york.countygov.net  
For the Plaintiff

Mr. Eric Delaney  
York County Public Defender's Office  
York, South Carolina  
For the Defendant

Wanda Nelson, CVR  
Circuit Court Reporter  
Sixteenth Circuit  
wnelson@sccourts.org

1 (ON THE RECORD THURSDAY, APRIL 15, 2011 AT 04:36 PM.)

2 MS. COLTON: Trey Williams.

3 And, Your Honor, this is a motion for a speedy trial.

4 (DEFENDANT ENTERING COURTROOM.)

5 THE COURT: All right. Yes, ma'am.

6 MS. COLTON: Thank you, Your Honor.

7 Your Honor, standing before you is Trey Alexander  
8 Williams, he's been indicted by the Grand Jury of York  
9 County on one count of criminal sexual conduct with a  
10 minor in the first degree. True Bill Indictment 2009-GS-  
11 46-02636. He was indicted on June 18th of 2009. He's  
12 represented by Mr. Eric Delaney. I understand there is  
13 some issue, that Mr. Delaney has requested to be put on  
14 the record in this case.

15 THE COURT: All right.

16 MR. DELANEY: Thank you, Your Honor, may it please  
17 the Court. And I guess my client Mr. Williams does want  
18 to address Your Honor, but I think I will address Your  
19 Honor first and then he can address and go from there.

20 THE COURT: All right. Well, you've told your  
21 client, of course, that he has the right to remain silent?

22 MR. DELANEY: Yes I have, Judge.

23 THE COURT: And you have told your client that the  
24 Court Reporter is taking down everything that's being said  
25 by he, I, and you and Ms. Colton in this matter? Does he

1 understand?

2 MR. DELANEY: He is aware of that, Your Honor.

3 THE COURT: And he understands that whatever he says  
4 can be used at any time later against him, or sometime  
5 later against him if the State so chose?

6 Do you understand all that?

7 MR. WILLIAMS: Yes, sir.

8 THE COURT: Okay. Go ahead.

9 I'm not trying to make you not talk; I just want you  
10 to understand that once you say it, the cat's out of the  
11 bag.

12 MR. DELANEY: I appreciate that, Judge.

13 And mainly what I was going to be talking with Your  
14 Honor about and I told Mr. Williams I would do this for  
15 him; he has been incarcerated since March 31st, 2009. He  
16 obviously has a very serious charge.

17 THE COURT: All right, wait just one minute. I put  
18 down 6/18/09 is when he was indicted.

19 MS. COLTON: That's when he was indicted, Your Honor.

20 THE COURT: Okay. But he's been arrested March - -

21 MR. DELANEY: His date of arrest was March the 31st,  
22 2009.

23 THE COURT: All right. I got you.

24 MR. DELANEY: So obviously he has been incarcerated  
25 now a little more than one year. It is obviously a

1 serious charge. Mr. Williams has been patient and I will  
2 say that Mr. Williams has filed a number of -- on his own  
3 -- a number of speedy trial motions which he sent to me,  
4 he sent to Ms. Colton, he sent to the Clerk of Court. I  
5 believe he said to the judges here.

6 I've explained to Trey that at that time there were  
7 some issues that still were open as far as DNA testing  
8 that was being done, but the State was waiting back on. I  
9 informed Mr. Williams that we were waiting on that and  
10 that the Solicitor does control the docket. Hopefully  
11 we're going to get our day in court as soon as possible,  
12 but with that testing going on, it wasn't a whole lot we  
13 could do at that point.

14 Now, we are at a point where that is done with, we  
15 are ready to proceed with his trial and that's where this  
16 case is going at this point. We've had a last offer  
17 that's been made by the State which was for a ABHAN charge  
18 which Mr. Williams has turned down. And we are ready to  
19 take this to a trial. Next term of court I have been and  
20 I informed Mr. Williams, I have been noticed for trial the  
21 next term of court, April the 26th on another case,  
22 possession with intent to distribute heroin third. I know  
23 in speaking with Solicitor Colton she has, she is planning  
24 to be out of the country next term of court. I have ask,  
25 I would be asking the prosecutor, the court, we are ready

1 to go the term of May the 17th. I know Trey wants to get  
2 in court sooner than that. There has been a number of  
3 conversations we had where Trey has wanted me off this  
4 case and he's wanting to proceed on his own. Now we also  
5 had a lot of conversations about I do not believe that's  
6 in his best interest but obviously that is a decision that  
7 is his. And if that's what he wants to and that's what he  
8 wants, to represent himself here, that's going to be his  
9 decision, so I do not know what he is going to say  
10 regarding that today, but I would want to put on the  
11 record, Trey has written disciplinary counsel here. And  
12 I've told them the same that I would do my best to try to  
13 get a some type of a date in the near future. And again I  
14 would just be letting the Court know that we are prepared.  
15 I would be prepared to go to trial the term of May the  
16 17th to represent him. And that essentially is what I  
17 just wanted to put on the record. And I know Mr. Williams  
18 may want to add a few things.

19 THE COURT: Mr. Williams, do you want to say  
20 anything?

21 MR. WILLIAMS: Uh, Your Honor, yes, sir. I think I  
22 want -- Could I represent myself today? Could I be able  
23 to represent myself through out my case today?

24 THE COURT: Well I would have to relieve Mr. Delaney  
25 and if you want to proceed by yourself and represent

1 yourself, you can't do half and half. You either have an  
2 attorney or you don't.

3 MR. WILLIAMS: Yes, sir.

4 THE COURT: And if I relieve your attorney then you  
5 don't have one. And that's dangerous because you're not  
6 an attorney and an attorney could be of a benefit to you.  
7 And of course you've got an attorney appointed to you at  
8 no expense to you. But you have a right to hire an  
9 attorney and you also have a right to waive your right to  
10 counsel and proceed on your own if you wish. What do you  
11 wish to do?

12 MR. WILLIAMS: Well honestly what I ask was could I  
13 speak with him before I came in here but I wasn't able to.  
14 Right now I don't wish to bother him right now. I had  
15 some things that I wanted to ask him. And he just said  
16 right now some things that I have wanted to ask - -

17 THE COURT: Well I'll give you all a chance to do  
18 that. Would you want me to wait then and not hear  
19 anything further on this until you've had a chance to talk  
20 to your attorney?

21 MR. WILLIAMS: Yes, sir.

22 THE COURT: All right. When can we do that? Can we  
23 do that first thing in the morning?

24 MS. COLTON: Yes, sir.

25 THE COURT: All right. I'll give you -- I'll let you

1 all talk tonight and we'll start back at 9:30.

2 We'll start back at 9:30 and we'll do this first  
3 thing.

4 MR. DELANEY: Okay. Thanks, Judge.

5 THE COURT: All right. Thank you.

6 (COURT IN RECESS AT 04:43 PM.)

7 (BACK ON THE RECORD FRIDAY, APRIL 16, 2010 AT 09:35  
8 PM.)

9 MS. COLTON: Trey Williams.

10 (DEFENDANT REENTERING COURTROOM.)

11 THE COURT: Good morning. All right, we're going to  
12 follow up on what we talked about yesterday.

13 We were kind of in the middle of a speedy trial,  
14 releasing your attorney, and you want to talk to your  
15 attorney. So I gave you the over night to talk to your  
16 attorney, now I'm going to ask Mr. Delaney to kind of tell  
17 me where we are and what I need to be thinking about.

18 MR. DELANEY: Yeah, we're -- I believe we're at, is  
19 that Mr. Williams is going to want me off his case, he's  
20 going to want to represent himself. Now I have, I have  
21 concerns about that. We've been in a process -- and I  
22 think I told Your Honor yesterday that Mr. Williams has  
23 sent me letters, many letters recently in the past, also  
24 the court members, saying he wanted me off the case. And  
25 there have been occasions he's brought up here, we talked

1 in the holding cell before being brought up to the judge,  
2 and ultimately a decision was made by him not to have me  
3 off the case. You know he is at this point going to trial,  
4 and facing a charge that carries a maximum of life  
5 imprisonment, mandatory minimum twenty-five years. And I  
6 told him that I'm really concerned for him as far as  
7 representing himself at that trial. Mr. Williams has made  
8 it clear that he does not trust me, he does not believe me,  
9 he does think that I am not being truthful with him about  
10 his case. He is very disappointed that he cannot or he  
11 feels that he's not going to be able to go to trial next  
12 term of court. I had indicated to him in one of our last  
13 real sit down conversations that I was going to try my best  
14 to get him into court that term. But I've also tried to  
15 make clear to him I don't control the docket. You know  
16 when I came in here yesterday saying that I've been noticed  
17 for trial already and that the Solicitor from my  
18 understanding was not going to be calling the case next  
19 term -- this particular one -- I would be asking for May  
20 the 17th. I believe he feels that I have mislead him  
21 regarding that. I've tried to tell him that, that was not  
22 my intention. But that's kind of where we stand right now,  
23 Judge.

24 THE COURT: Let me get this posture. You indicated  
25 yesterday that you would be able to try him the week of May

1 17th, I thought.

2 MS. COLTON: No, sir. I - -

3 THE COURT: I know you said you couldn't try him the  
4 next term the 26th but you could try him - -

5 MS. COLTON: I don't believe I said that I could. I  
6 was planning on trying him in June once the seven-year-old  
7 is out of school. But right now it's contingent on two  
8 physicians availability. I have not heard back from either  
9 one of them as far as setting a confirmed date. So I've  
10 got two physicians and the issue with the seven year old as  
11 well as one other person who's not going to be problematic  
12 getting here, someone from Safe Passage, I don't believe  
13 that's going to be an issue. My biggest difficulty is the  
14 physician. I've been unable to confirm his schedule.

15 THE COURT: Well, he's really been in jail a year.

16 MS. COLTON: Yes, sir. Your Honor, and also another  
17 concern, I don't think its been an undue delay. SLED  
18 completed the DNA analysis in January and we received a  
19 copy of it in February. I requested probably since  
20 November a copy of the forensic interview that the State  
21 intends to offer into evidence against Mr. Williams, I have  
22 been requesting that we get a protective order signed by  
23 Your Honor controlling the distribution of that or the  
24 potential distribution of that. I do not have a copy of  
25 the protective order. I also have been unable to turn that

1 DVD over. I was hesitant to call this case to trial and  
2 not -- the defense not having all the discovery.

3 MR. DELANEY: Judge, I'll just say on that note, I've  
4 seen that video in her office and I made it clear to Mr  
5 Williams that he has every right to see that video. At  
6 this point he is not interested in watching that video, and  
7 obviously we're going to get that for him and he's going to  
8 have an opportunity to review that.

9 But the video isn't really isn't as far as being an  
10 issue - -

11 THE COURT: Mr. Williams, I talked to you yesterday  
12 and told you about the dangers of self representation and  
13 the benefits of having an attorney and your right to have  
14 an attorney. And of course your right not to have an  
15 attorney. I told you that it would be in your benefit to  
16 have an attorney and it's dangerous not to have an  
17 attorney. And if my memory serves me correctly you said  
18 you thought your family was arranging to have - -

19 Mr. Wellborn?

20 MR. DELANEY: No. That was a different client.

21 THE COURT: That was a different one. Okay. All  
22 right, so if you release or if you convince me that I  
23 should let Mr. Delaney cease to represent you, you will be  
24 without an attorney and you will have to go to trial on  
25 your own. All right, anything you want to say, keeping in

1 mind what I told you also yesterday that everything's being  
2 taken down on the record.

3 MR. WILLIAMS: Yes, sir. Do you know -- can I get a  
4 date set today in the courtroom when I can go to trial?

5 THE COURT: Unfortunately not, because in this state  
6 not only to Mr. Delaney as a public defender to not set  
7 your trial date, a judge cannot either. It is very clear  
8 in South Carolina that the Solicitor controls the docket.  
9 I have certain ways I can assist them in picking a time but  
10 I can't pick a time. So right now it looks like it would  
11 be in the June term which is June 7th. So I'm going to  
12 encourage the State to try you the week of June 7th. Do  
13 you have a bond?

14 MR. WILLIAMS: That's what I was going to ask. Could  
15 I be eligible for some kind of a bond?

16 THE COURT: Well, here's what I'm gonna do. I'm going  
17 to tell the State to try you in June. If they do not try  
18 you in June, you can come before the Court, either me or  
19 another judge, and see about getting a bond set because  
20 you've been in jail for over a year. We'll either see  
21 about getting you tried or maybe let you out on bond. Now  
22 I'm not promising that. And I'm not promising if we set  
23 bond, obviously it would be something you could make. We  
24 wouldn't intentionally at least I wouldn't try to put it in  
25 a situation where I give you a bond but it would be hollow

1 because I know you couldn't make it. But I will certainly  
2 give you the right if you are not tried in June to come  
3 back before the Court and seek a bond being set.

4 MR. WILLIAMS: The reason why -- See when I came in  
5 here yesterday I had no idea about the 26th and my lawyer  
6 having another court case because he told me specifically  
7 that he would give me his all to fight for the 26th of this  
8 month. And that Ms. Colton was trying to get May the 17th  
9 changed for trying to push away because she was about to go  
10 out of town on a vacation. So the May 17th I didn't know  
11 that, that was what he was trying to do because I had no  
12 idea that the 12th is first what my lawyer was telling me  
13 that I would go to trial for. But he said he wouldn't be  
14 able to so the 26th was going to be the only -- that's what  
15 I didn't know that until he came in here and said and was  
16 speaking as everybody knew. And I didn't understand who  
17 was in on those terms.

18 THE COURT: Well the bottom line is, it looks like it  
19 will be June and do you want the Court to relieve Mr.  
20 Delaney? And of course I remind you that means you -- I'm  
21 not going to appoint another attorney, you don't get to  
22 pick -- if you get an attorney appointed to you at the  
23 State's expense you don't get to chose that attorney. The  
24 State chooses, or the Judge does. And if I relieve Mr.  
25 Delaney then you are without an attorney and you will have

1 to go to trial what they call pro se. That is without an  
2 attorney.

3 MR. WILLIAMS: All right. Yes, sir.

4 THE COURT: Is that what you want to do?

5 MR. WILLIAMS: Yes, sir.

6 THE COURT: All right. Mr. Delaney, I am going to go  
7 ahead now and appoint you as standby counsel for Mr.  
8 Williams.

9 That means that during the trial, not that does not  
10 mean he has to do anything at this point to help you  
11 negotiate a plea or do any investigations. Of course  
12 you're your own lawyer. But during the trial I will have  
13 him sit at the table with you or behind you and you can  
14 turn to him for questions of procedure. He won't be  
15 talking for you but he will be there to be a resource  
16 during the trial. Do you understand that?

17 MR. WILLIAMS: Yes, sir.

18 THE COURT: Okay. Thank you.

19 MS. COLTON: Your Honor, if I may just to be sure.  
20 He's representing himself and he's received all discovery.  
21 Mr. Delaney will be giving him the discovery that he has.  
22 We still have the issue of the video and at this point my  
23 understanding is he's waiving receiving that discovery,  
24 that item of discovery?

25 THE COURT: I don't believe he's really waiving it.

1 He's just - -

2 MR. DELANEY: He has all of the -- everything in my  
3 file Mr. Williams has at this point as far as discovery.  
4 Now I was still would like to get the video from the State  
5 and have -- give that to Mr. Williams and give him  
6 obviously the opportunity, if he chooses, to watch that  
7 video.

8 MS. COLTON: I would ask that Mr. Williams also sign  
9 the protective order.

10 THE COURT: All right.

11 MR. DELANEY: I will get him to do that, Judge.

12 THE COURT: Who is going to do that?

13 MS. COLTON: Generally I think we leave it in the  
14 hands of the defense attorney.

15 THE COURT: Well he doesn't have an attorney now, I'm  
16 relieving him. All right, so would you do a protective  
17 order? And I'll ask Mr. Delaney to at least look at it and  
18 Mr. Williams you will end up signing the protective order.  
19 Basically what the protective order says is that you're  
20 entitled to have this and entitled to have the State make  
21 arrangements for you to be able to see it. I know you  
22 can't see it -- you might not even be able to possess it in  
23 your cell -- but the State will have to make arrangements  
24 for you to see it. But while you physically have it in  
25 your hands you cannot share it with any other persons. That

1 is what the protective order means. It's just something  
2 that involves a child and we don't want it spread all over  
3 the world so to speak. Now with Youtube and all these  
4 things if somebody has a video by one person gets it the  
5 next day everybody in the world has it and we don't want  
6 that to happen. You can certainly have access to it but  
7 you understand that after the trial it will be turned back  
8 over to the state.

9 You can put that in the protective order.

10 MS. COLTON: Yes, Your Honor.

11 THE COURT: But you can't share it with anybody other  
12 than your attorney. Of course you have a right to hire  
13 another attorney if you wish but otherwise you will be  
14 going on your own.

15 MR. WILLIAMS: Yes, sir.

16 THE COURT: All right. Thank you all.

17 MS. COLTON: Thank you, Your Honor.

18 (END OF TRANSCRIPT)

19 (COURT IN RECESS AT 09:47 AM.)  
20  
21  
22  
23  
24  
25

CERTIFICATE OF REPORTER

State of South Carolina )  
  )  
County of York                  )

I, Wanda Nelson, Official Court Reporter for the Sixteenth Judicial Circuit for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for York County, South Carolina, on the 15th and 16th days of April 2010.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

Wanda Nelson

Wanda Nelson, CVR

Certified Verbatim Reporter,  
Official Court Reporter,  
Notary Public in and for the  
State of South Carolina  
My Commission Expires: 01/21/2021

DATE: 12-1 / 1 / 2011

State of South Carolina

County of York

Trey Williams # 394266

v.

State of South Carolina

In the Court of Common Pleas

Sixteenth Judicial Circuit

2013-CP-46-1797

### 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 make shift 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 court that a theory may be lurking will not suffice, see, *Kornahrens v. Evatt*, 46 F.3d 1259, 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.L. 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, *Carable 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 questions 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. Perhaps, 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 one fair bite of the apple, in his initial review collateral proceedings, which will be the "cause" and "prejudice" to any future procedural defaults. (1) Inadequate assistance of counsel at initial review collateral proceedings may establish "cause" for a person'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, 83 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 proceedings, see, 28 USC A.S 2243 1f:

- 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 proceedings if counsel's PCR performance is ineffective. Even where 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's findings and take evidence anew. When a evidentiary hearing is required because of unresolved factual dispute, State court record (to include this Judicial 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 "perched" and "decided" the issues presented. If initial review collateral counsel was ineffective, that compliance would be impracticable, and would constitute "cause" under this Standard. Where a petitioner debunks 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 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 misconduct / 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 appraise the State court of the Federal Constitutional claim 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 allege facts that fall well within the purview of Constitutional litigation. As a strategic matter, counsel should prepare a final brief summarizing the evidence, introducing the court to the issues presented in the PCR application and make explicit Constitutional argument. These counsel 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*, 331 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's allegations 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 State's 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; *Carey v. Cochran*, 369 U.S. 506, 92 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*, 536 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 *Cardner v. State*, 351 S.C. 407 (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 complaints)

5) Whether he was attempting to delay or manipulate the proceedings; (The Record is void of any attempts at either);  
6) Whether the court appointed Stand by counsel; (The Record reflects the trial court instructing Stand by  
counsel to do nothing See trial transcript pg #) 13; 7) <sup>16</sup> 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 explanations);  
9) Whether the exchanges between the accused and the court consisted merely of pro forma answers to pro  
forma questions; (The Record reflects <sup>like wise</sup> ~~and~~) 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 Counsel, PCR Courts, and this Record of Judicial notice to Stand by  
Counsel's failure to comply with the States independent and adequate state ground "Contemporaneous objection  
requirement at 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, *Whannwright 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 claims when the Record and  
Recollections of witnesses are freshest; and

3) it enables the judge who observes the demeanor 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 allowed to be viewable  
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 hole  
and, and even if the prosecution 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; *Menderson v. Kirke*, 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 could prevent direct Review

of his Constitutional violation. Said failure to comply with the States' Contemporaneous objection Rule was ~~plus cause~~ 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 (Stoned by). See, U.S. V. Olano, Supra; U.S. V. Young, Supra; U.S. V. Atkinson, Supra and Chapman V. California, 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. Ore 1985 Jeep Cherokee VIN 1JCNB378285-T1200, 322 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 (Ct 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, 402, 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 Stoned by Counsel's failure to comply with the State Contemporaneous objection Rule is the "Cause" and "Prejudice", See, Martinez V. Ryan, 2012 Wb 912950, and Coleman V. Thomas, Supra; U.S. V. Frady, 456 U.S. 152, 102 S.Ct. 1584 71, L.E. 2d 812; Engle V. Isaac, 456 U.S. 102 S.Ct. 1558, 71 L.Ed.2d 783; State V. Duttani, 304 S.C. 347, 404 S.E.2d 316; U.S. V. David, 83 F.3d 683 (C.A.4 V.A May 6 1996); Atkins V. Bordenkircher, 674 F.2d (4th Cir) and many other cases support petitioners' stand. See, Meadows V. Legursky, 904 F.2d 923 (C.A.4 W.Va 1990), held, it had to waive the States' procedural requirements to meet the ends of justice, waived the contemporaneous objection requirements when the denial of Constitutional Rights deprives the defendant of a fair trial.

Indeed, the purpose of stand by Counsel is to help a defendant whom intelligently, knowingly and willfully 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 involve 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 petitioner's waiver of Counsel was unintelligent, 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 petitioner assistance at this critical stage in the trial, and petitioner was abandon by stand by Counsel could failed to recognize pretrial issues, present meritorious defenses, and or challenge testimony and evidence.

Nevertheless, petitioner raised trial counsel's ineffectiveness to the trial court, filed many complaints on counsel's untruthfulness, conflict of interest about his concern 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 of this on going conflict of interest with counsel. This per 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 held, 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 objection 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 proceedings.

These Constitutional Claims advanced above and without, 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 proceeding'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 "Federal Notice" reflect petitioner's assertion of Actual Innocent on the charges.

This is petitioner's federal request to have his PCR Council sufficiently and adequately raise the following claims to the State Court, in compliance with the PCR Mandates of P.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 Area 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 Council after Review. If the Higher courts Review, and maintains claims are found to exist, then Ineffective Assistance of PCR Counsel is the "Cause" and "preparer" of any future defaults on these claims, in Federal Court. PCR Council 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

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

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's 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. 740. 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 raising of petitioner's defense. See, *Lombard v. Lynaugh*, 868 F.2d 1475, held counsel ineffective for filing Anders brief when New-Franklin 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 Stand by 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 initiated 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 adversarial system. See, *ARE 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*, 810 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 defendant may derive deficient performance and prejudice a defendant by initiating a dead bang waiver, even though counsel may have presented strong but unsuccessful claims on appeal. See, *Page v. U.S* 884 F.2d 300, 302; *Matire v. Wainwright*, 811 F.2d 1430, 1438; *U.S. v. Alerre*, 430 F.2d 681; *U.S. v. Addison*, 2001 WL 409453.

G) Was Trial Counsel and Standby Counsel ineffective in failing to properly investigate the fact and the law of the case, failing to appreciate the meaning of applicable laws, and Court proceedings.

H) Failing to object to the insufficiency 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 petitioner's 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 prejudicial testimony and false documentation, to the deliberate deceive the Courts.

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

Respectfully, Request for an appeal on any <sup>over</sup> objections. All Stated Plans and More In this Judicial Notice for the Court Record and Consideration, along with due diligence, "cause" and "regular" Standards and exhausting Requirement.

### Cumulative 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 relation 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 not deprive 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 harmfulness determination can be made, collective error will mandate reversal, just as surely as will individual error that cannot be considered harmless. The harmfulness 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*, 183 F.3d 874 (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*, 322 S.C. 267 (S.C. 2007); *State v. Blank*, 955, 50, 2d. 90/29 Apr 11 2007; *Kaestem V. McLary*, 157, 111. App 3d. 1 (111 App. Ct. 2d Dist 1987); *United States v. Rivera*, 907 F.2d 1462 (9th Cir. Oct 14 1990); *United States v. Lane*, 474 U.S. 438 (U.S. 1986); *Taquesa v. Board of Directors*, 633 F.2d 1309, 9th Cir. Nov 1980; *United States v. Acosta*, 476 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), and 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 charged a fundamentally fair trial, or waiver of counsel. Cumulative errors can be waived in this State.

Abdullah

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

## Conclusion

Petitioner has given judicial notice, to PCR Council, the State 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 raised upon is due to ineffective assistance of the State appointed PCR Council, which failed to comply with the PCR Mandates of this State. PCR Council should submit a proposed order Granting PCR Relief with finding of facts and conclusion of law which support these allegations. PCR Council should file a S.C.R. Civ.P. Rule 59(A) and (E) to assure that all issues raised are raised upon and preserved for appeal. PCR Council 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 said involuntary, unknowing and unintelligent waiver of trial counsel and the complete abandonment of Stand by Counsel

### List of People to be Subpoena

- 1) Erik Daniel Delany Figuee - Stand 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 Stearn - DSS case worker, will testify to conflicting statement from alleged victim mother
- 5) Annie Davis - 803-324-8115, 984 South land drive Rockhill S.C. 29732 (vital testimony)
- 6) Teritha Dubose - 240-605-0823 Medical specialist will testify regarding proper procedures not followed
- 7) All Medical staff, examiners, ect from the Pennington medical center to include all reports, side notes, agencies documents and test results
- 8) Janice Price, and Dwight Royalists from South Carolina Children's Advocacy Medical Response System, 1615 Augusta Road W. Columbia South Carolina 29119, # 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 defense and evidence in his trial to have these people testify. Further, because this testimony will show petitioner's innocence, it would be ineffective and a complete miscarriage of justice if PCR Council does not investigate, ascertain and present this favorable evidence to the PCR Court for consideration. PCR Council 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 waiver of these defenses.

TREY Alexander Williams 341036

J. J. Williams



# 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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Columbia, South Carolina 29201-3332  
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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

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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,

A handwritten signature in cursive script that reads "LaNelle C. Durant".

LaNelle C. Durant  
Appellate Defender

LCD:pds

TREY D. WILLIAMS, #341056  
LEE C.I. / 18-2253  
990 WISACKY HWY.  
BISHOPVILLE, S.C. 29010

Janelle S. 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 EX PARTE FORMULATION TO THE RECORD, THERE IS A PORTION OF THE TRIAL TRANSCRIPT MISSING AND THE OMISSION OF THE RECORD IS CRUCIAL TO THE FACT THAT THE JUDGE'S RELIEVING TRIAL COUNSEL AND 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 REVIEW, 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 LOOK FORWARD IN HEARING FROM YOU IN THIS VERY NEAR FUTURE.  
I THANK YOU FOR YOUR ATTENTION AND TIME GIVEN TO ME IN THIS CRUX MATTER.

21, 2012

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C. DuRANT, ESQ.  
ES/TDW

RESPECTFULLY SUBMITTED,

S/ *Trey D. Williams*

TREY D. WILLIAMS

LEE C.I.  
990 WISACKY HWY.  
BISHOPVILLE, S.C. 29010  
APPELLANT



# SCCID

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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.

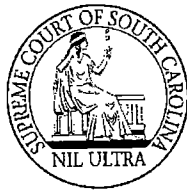
Please be aware that the time between your direct appeal becoming final, and the date your PCR application is filed **will count against your federal habeas statute of limitations in the future**. I do wish you the best. Feel free to contact me if you have any questions.

Sincerely,

LaNelle Cantey DuRant  
Appellate Defender

LCD/mch

Enclosure: Post-Conviction Relief Application



# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT  
BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211  
TELEPHONE: (803) 734-1080  
FAX: (803) 734-1499

TO: Mr. Trey Alexander Williams # 341036  
FROM: Daniel E. Shearouse, Clerk <sup>DES</sup><sub>AS</sub>  
DATE: March 2, 2015

This Court has received your recent correspondence.

\_\_\_\_\_ This Court cannot provide legal advice or assistance. Therefore, we will not be able to provide legal advice and you should consult an attorney.

\_\_\_\_\_ Since you are represented by counsel in this matter, no action will be taken on your pro se filing. Miller v. State, 388 S.C. 347, 697 S.E.2d 527 (2010); Jones v. State, 348 S.C. 13, 558 S.E.2d 517 (2002); State v. Stuckey, 333 S.C. 56, 508 S.E.2d 564 (1998); Foster v. State, 298 S.C. 306, 379 S.E.2d 907 (1989).

If you believe you have good cause to seek to have your current counsel relieved then you should file a motion in the lower court in which this matter is pending.

Since you are represented by counsel in this matter, we are forwarding a copy of your letter to counsel so that he can be aware of your concerns.

cc: Office of the Attorney General (with copy of correspondence)  
Charles Brooks, Esquire (with copy of correspondence)

# 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

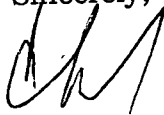
Dear Mr. Williams:

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 Offices, LLC

---

**CHARLES T. BROOKS, III,**  
Attorney

309 Broad Street  
Sumter, South Carolina 29150  
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Email: [cbrooks@ctbrooks.com](mailto: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

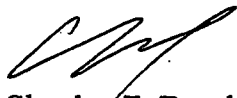
Dear Mr. Williams:

Please be advised that I have either sent you everything or you already had your trial transcripts from your previous PCR attorneys.

I will contact the Solicitor for any other discovery and we will schedule another phone conference to discuss.

With kind regards, I am,

Sincerely,



Charles T. Brooks, III  
CTB, III/jlb

# The Brooks Law Offices, LLC

**CHARLES T. BROOKS, III,**  
Attorney

309 Broad Street  
Sumter, South Carolina 29150  
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**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

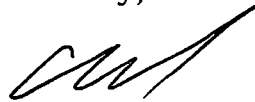
Dear Mr. Williams:

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  
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(803) 418-5708

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

Email: [cbrooks@ctbrooks.com](mailto: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 17<sup>th</sup> and 18<sup>th</sup> 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](mailto: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  
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Email: [cbrooks@ctbrooks.com](mailto: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

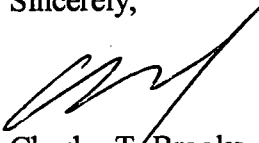
Dear Mr. Williams:

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/ctb

# 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](mailto:cbrooks@ctbrooks.com)

October 23, 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:

Enclosed please find a properly completed Medical Release for your records from Catawba Mental Health. Please sign and date this form and return it to my attention in the envelope provided.

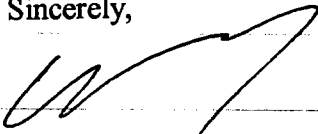
I represent you for a Post Conviction Relief matter and the issues to be determined in a PCR hearing are limited to the assistance of your counsel during your General Sessions trial. There is not an offer from the Attorney General to "plea out" in this matter. Again, this is a civil trial dealing with the legal representation you received at the criminal level.

I have requested the Continuance you asked me to request. You were present in the courtroom with me when the Judge informed us that he would not grant another Continuance in this PCR matter. The Judge has denied this request and I have sent you a copy of that decision.

I understand that you wish to speak with me and I have instructed my staff to schedule a telephone conference in the coming days so that we can discuss your PCR case and how I can assist you in this PCR matter. I look forward to the opportunity to discuss your case with you soon.

If you should require anything additional please do not hesitate to contact my offices.

Sincerely,



Charles T. Brooks, III  
CTB, III/jlm

*For MAIL ROOM USE  
To MAIL out documents  
with proof of verification  
of sender to RECIPIENT  
etc!!!*

# 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](mailto:cbrooks@ctbrooks.com)

October 28, 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:

Once again we have received documents form the Clerk's office at the Supreme Court. We would again advise you that you need to discontinue writing them as they will only forward your correspondence to me as I am your attorney of record.

Also we received documents that were sent to Judge. We are returning these to you as well. Again, it is ineffective for you to contact anyone other than your attorney as they will just forward document/information they receive on to my office.

Also, we sent you a release form for your signature so that we could obtain your medical records. Please sign and return to us so that we may get these.

We are still trying to get a telephone conference scheduled. We originally tried to schedule for last week, however, we were informed by the institution that they would be on lockdown Thursday and Friday.

If you should require anything additional please do not hesitate to contact my offices.

Sincerely,



Charles T. Brooks, III  
CTB, III/jlb

# 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

November 4, 2014

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

RE: PCR


Dear Mr. Williams:

We are in receipt of the signed Medical Release Form for Catawba Community Mental Health Center and we will get this out to them immediately.

In your note, you also gave us the names of some additional facilities that you needed medical records from. Since the release you signed was strictly for Catawba, we have enclosed releases for your signature for the additional facilities. Please return them to us as soon as possible.

With kind regards, I am,

Sincerely,

  
Charles T. Brooks, III  
CTB, III/jlb

Enclosure

**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 Wsacky 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 YORK DSS And mental health records as ar.

Laboratory Reports

Specified type or all

Radiology Reports

Specified type or all

**REVOCATION:** 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

Reason patient unable to sign: \_\_\_\_\_

Personal Representative: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Relationship: \_\_\_\_\_ Verification Source: \_\_\_\_\_

Request Permitted

Request Denied

Denial Letter Sent

Privacy Official Notified

# 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](mailto: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:

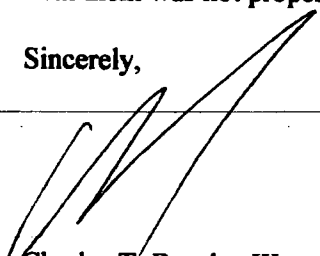
I am once again in receipt of documents you have sent on your own behalf concerning your case. Please be advised, again, that as your PCR attorney any communications should be sent through my offices and not directly to the Courts.

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

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**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](mailto:cbrooks@ctbrooks.com)

March 18, 2016

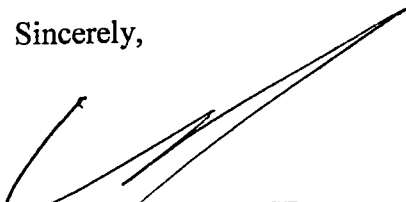
Trey Williams, 341036  
Lee Correctional Institution  
990 Wisacky Highway  
Bishopville, South Carolina, 29010

RE: Trey Williams v State of South Carolina

Dear Mr. Williams:

Per your conversation with my assistant, enclosed please find a Consent Order to Relieve me as your counsel. Please sign where indicated, and return it to me in the envelope I have provided. Once I receive this document, I will forward it to Judge Hall and present you with an executed, filed copy for your records.

Sincerely,



Charles T. Brooks, III  
CTB, III/srw

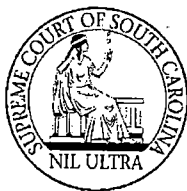
# CONCLUSION

Nathan Sheldon

10-16-2016

All York County Clerk of Court PCR Records, Full Rules  
Discovery, Pre-trial transcripts of record, transcripts of record,  
Indictments, Direct Appeal Briefs, Respondants, orders,  
Rulings, PCR Application, Amended Application, Returns,  
PCR transcripts, Counselors of record documents, orders  
of removal, emails, faxes, letters, PCR order,  
Appellate documents etc Along with the documents my  
power of attorney has needs to be filed with Appellate  
Bond, Appendix and Record for Appellate and Federal  
Preservation and Review, I need copies of All  
Documents etc... *Very urgent*  
Need Appeal Bond Case Law etc, nothing filed without  
my approval, Review, knowledge, consent etc!!!

*Very urgent*



**South Carolina Court Administration**  
South Carolina Supreme Court  
Columbia, South Carolina

1220 SENATE STREET, SUITE 200  
COLUMBIA, SOUTH CAROLINA 29201

September 7, 2016

Trey A. Williams, #341036  
Broad River Correctional Institution, Wateree #124  
4460 Broad River Rd.  
Columbia, SC 29210

Dear Mr. Williams:

We received your correspondence on September 1, 2016, requesting an appellate bond, requesting Post-Conviction Relief records from the York County Clerk of Court, and expressing concerns about your appellate defense. The office of Court Administration is an administrative office and not a court of law. Any requests of a court must be properly filed with the Clerk of the appropriate court. Also, this office does not have supervisory authority over the South Carolina Commission on Indigent Defense. If you feel an attorney has acted unethically you may contact the South Carolina Commission on Lawyer Conduct at 1220 Senate St., Suite 305, Columbia, South Carolina 29201.

Ultimately, it may be in your best interest to discuss your issues with an attorney. By copy of this letter and your correspondence to this office, I am forwarding your concerns to your appellate attorney of record, Mr. Nathan J. Sheldon, Esquire.

Sincerely,

Staff Attorney  
Court Administration

/tkk

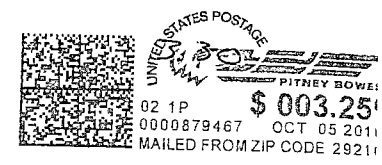
cc: Mr. Nathan J. Sheldon, Esquire  
Enclosures to Mr. Sheldon as stated

**RECEIVED**

OCT 11 2016

**S.C. SUPREME COURT**

Trey A. Williams, # 341036  
B.R.C.F. / Wateree # 124  
4460 Broad River Rd.  
Columbia, SC 29210



South Carolina Supreme Court  
Chief Justice  
1231 Gervais Street  
Columbia, South Carolina 29201

LEGAL MAIL

RECEIVED  
OCT 04 2016  
BRCI  
MAILROOM

