

Trey A. Williams, # 341036

v.

State of South Carolina

IN THE Supreme Court

Appellate Case No.:

2016-00/553

Lower Court No.: 2013-CP46-1797

**RECEIVED**

1-5-2017 JAN 09 2017

**S.C. SUPREME COURT**

Subsequent  
Application For Relief,  
Motion To Relieve Counsel/  
Conflict of interest and  
Violations of professional  
conduct + S.C. Rules of  
Court / Appellate Court  
Rules ... New Counsel Request

See the five  
Attachments As  
evidence Also...

Petitioner Asserts that he is entitled to have counsel of record Relieved And New counsel Appointed to effectively represent this case pursuant to S.C. Supreme Court And U.S.C.A. Rules. All counsel must perform up to professional norms/standards in all criminal proceedings, even in collateral review under the U.S. Supreme Court Ruling in Martinez v. Ryan, 2012 WL # 912950, Strickland v. Washington, supra, Lafler v. Cooper, 132 S.Ct. 1376 (2012), Missouri v. Frye, 132 S.Ct 1399 (2012), and Padilla v. Kentucky, 130 S.Ct. 1473 (2010) all of which support petitioners stand. Petitioner points out that despite the importance of PCR Remedies as safe guard against unjust, unconstitutional, and erroneous confinements, this systemic devaluing of the importance of PCR process by way of ineffective assistance of PCR counsel is widespread. convicted persons in south carolina raising post conviction Relief challenges rely exclusively on the states appointed counsel, most of which is evident here today have little experience in this area of Law. The purpose of the "PCR Act" is to provide a comprehensive mechanism to the state courts attention to any unresolved and previously not mentioned questions of Law and facts relevant to their conviction or sentence. Nathan Sheldon WAS my PCR Counsel After my PCR hearing And I had the opportunity to correct and add to the record before the order was issued per circuit court Judge Alison Renee Lee, see my Amended PCR Application titled "Judicial Notice of Adjudicated Facts" see the South Carolina Supreme Court file and records I sent in relations to my prior relief of counsel motion that The clerk

Daniel E. Sherouse obtained and put somewhere but those full files are and were intended to be under review in the consideration of me relieving Nathan Sheldon, to get Appeal bond and to dismiss the states Appeal. Furthermore my PCR Applications and on S.C. Supreme Court file with the clerk prior to my PCR hearing it was filed to have expert witnesses, witnesses, discovery, exhibits, files, mental health records, DSS records etc to be presented and added to the PCR hearing by me and my PCR Attorney Charles Brooks. None of those things were done or present at PCR hearing and Nathan Sheldon had an opportunity to correct that/investigate into that matter and he neglected to do so by telling me and my power of Attorney that he has know knowledge of how he is even on my case and he does not know what to do. I then wrote him up at the disciplinary lawyer Agency and we have a pending matter now. He also neglected to review any of my files that needed to be reviewed, he did not obtain them and because of his ignorance of my case he failed to file and preserve my 59(c) motion that I had on court file to have submitted. Nathan then been appointed on my Appeal creating a conflict of interest and taking advice from the Agency I had believed as Appellate Counsel for conflict of interest on how to handle my case. Nathan told me and my power of Attorney that he has never done an Appeal in this stage before and he said that he will file whatever he wants to file in this case without working with me. He also wrote this court on the record in return to my initial request to relieve him saying and confirming that he feels that our client attorney relationship is broken beyond repair. That is confirmation that he will not attempt to mediate our situation and should not be on this case, Nathan obtained my PCR hearing transcripts on 9-29-2016 and waited days before one full month later to get them to me which undue delayed me from challenging the accuracy of the transcripts and now the records are lost after the 30 day deadline according to court reporter Director Desiree Allen at the S.C. Supreme Court Administration. My PCR transcripts

Are missing substantial testimony of me Addressing At the PCR hearing how I will not be able to have A fair bite At the Apple, my issues with counsel, Actual innocence, prosecutorial misconduct, cumulative error, Abuse of Discretion, ineffective Assistance of Appellate Counsel and Counsel, my invalid Indictment situation because I Invalidly relieved counsel in general Sessions in April and waived jury trial but I WAS Indicted MAY AFTER trial. It is many things that went wrong and going wrong and my S.C. supreme court clerk files need to be reviewed because much of it is just sitting and not certified and thats in the interest of Justice, Nathan Sheldon just wrote me I got on 1-4-2017 saying he is not going to Address my transcript situation because he dont see A need to even though he WAS not present At my PCR, he is the cause and prejudice for me not Addressing it myself because of his delay in getting them to me. I Assert that I Am A lay person and cannot be held Accountable for inadequately presenting claims when counsel is the forrunner in presenting, developing, investigating and ascertaining my meritorious constitutional due process violations 5th and 14th Amendment of U.S.C.A Article I, section 3. Failure to take this requested action on record would be ineffective Assistance of Counsel. An Attorneys error during Appeal on direct review may prove cause to excuse a procedural default. Failure to correct these errors will result in a procedural default, miscarriage of Justice and this court will be under federal Review and has the discretion to fix this error. This Appeal can not move forward without the transcripts being corrected / A new PCR hearing on issues. Lastly I won my post conviction relief hearing and the States Appeal is frivolous and Im being denied access to file documents. the lower court / prosecutor is in favor of me taking A time serve plea. I did not have A fair PCR and I still won the proceeding. Very winning

# The Supreme Court of South Carolina

Trey Williams, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2016-001553

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## ORDER

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This matter is before the Court by way of a notice of appeal from an order of the circuit court denying petitioner's application for post-conviction relief (PCR). Petitioner is currently represented by Nathan Sheldon. Petitioner moves to relieve Mr. Sheldon as counsel. It appears petitioner seeks to proceed *pro se* in this matter.<sup>1</sup> Mr. Sheldon has filed a return in which he asks the Court to grant the motion, stating "the attorney-client relationship is broken beyond repair." The State has filed a return in opposition to the motion.

Petitioner may proceed *pro se* as long as he knowingly and intelligently waives his right to counsel. *See Faretta v. California*, 422 U.S. 806 (1975); *State v. Brewer*, 328 S.C. 117, 492 S.E.2d 97 (1997). However, it is not apparent from petitioner's motion that he is fully aware of the dangers and disadvantages of proceeding *pro se*. We therefore take this opportunity to warn petitioner that if he chooses to proceed *pro se*, this Court will require full compliance with all applicable rules and procedures, and failure to comply with such rules and procedures could result in the dismissal of the matter and forfeiture of the right to discretionary review. Petitioner is certain to be unlearned in other aspects of the law as well. Representation by an attorney trained in the law would be highly beneficial, and we strongly encourage petitioner to continue with representation by Mr. Sheldon.

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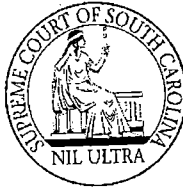
<sup>1</sup> Petitioner is not entitled to have other counsel appointed. *State v. Jones*, 270 S.C. 587, 243 S.E.2d 461 (1978)("[A] PCR applicant is not entitled to appointed counsel of choice. While an applicant may have the right to reject or discharge court-appointed counsel and proceed *pro se* or retain his own counsel, he does not have the right, without a showing of satisfactory cause to refuse or dismiss the counsel appointed and have other counsel appointed.").

After considering this information, petitioner shall, within twenty (20) days of the date of this order, notify this Court whether he wishes to proceed *pro se* or continue to be represented by Mr. Sheldon. If petitioner fails to notify this Court of his intentions within twenty (20) days, Mr. Sheldon will continue to be listed as counsel of record in this matter.

  
\_\_\_\_\_  
FOR THE COURT C.J.

Columbia, South Carolina  
November 10, 2016

cc:  
Nathan James Sheldon, Esquire  
Justin James Hunter, Esquire  
Trey Williams, 341036



# 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

1231 GERVAIS STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1080  
FAX: (803) 734-1499  
[www.sccourts.org](http://www.sccourts.org)

November 23, 2016

Mr. Trey Williams, 341036  
Broad River Correctional Institution  
4460 Broad River Road  
Columbia SC 29210

Re: Trey Williams v. State  
Appellate Case No. 2016-001553

Dear Mr. Williams:

Since this Court has already ruled on the motion to relieve counsel (see enclosed order dated November 10, 2016), I do not understand why you have recently sent this Court documents relating to that motion.

If you desire to proceed *pro se* in this matter, then you will need to take the action specified in the order of November 10, 2016, by November 30, 2016. If you fail to do so, Mr. Sheldon will remain as your counsel of record in this matter.

Very truly yours,

CLERK

Enclosure

cc: Nathan James Sheldon, Esquire  
Justin James Hunter, Esquire

# 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.

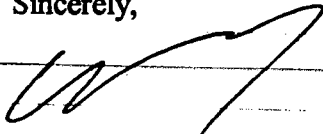
I represent you for a Post Conviction Relief matter and the issues to be determined in a PCR hearing are limited to the assistance of your counsel during your General Sessions trial. There is not an offer from the Attorney General to "plea out" in this matter. Again, this is a civil trial dealing with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

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

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**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

# The Brooks Law Offices, LLC

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

309 Broad Street  
Sumter, South Carolina 29150

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Attorney

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Email: cbrooks@ctbrooks.com

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

STATE OF SOUTH CAROLINA )

IN THE COURT OF COMMON PLEAS

COUNTY OF YORK )

Docket No.: 2013-CP-46-1797

Trey A. Williams, #341036 )

Applicant, )

-vs- )

MOTION AND ORDER FOR CONTINUANCE

STATE OF SOUTH CAROLINA, )

Respondent. )

\*\*\*\*\*

FILED-RECEIVED  
2014 AUG 26 PM 4:44  
DAVID HAMILTON  
C.C.P. & GS  
YORK COUNTY, SC

DATE OF HEARING:

August 7, 2014

TRIAL JUDGE:

J. ERNEST KINARD, JR.

APPLICANT'S ATTORNEY:

CHARLES T. BROOKS, III

RESPONDENT'S ATTORNEY:

RUTLEDGE JOHNSON

COURT REPORTER:

AMINAH HARDY

This matter comes before the Court based upon a Motion for Continuance submitted on behalf of the Applicant by his counsel, Charles T. Brooks, III. Mr. Brooks seeks an Order of Continuance in this matter in order to familiarize himself with the Applicant's case in this matter. Mr. Brooks was recently substituted as appointed counsel in this matter and feels that additional time is required in order to review the numerous documents in this matter including the Discovery and Transcripts for the Applicant's General Sessions matter. Based on these reasons the Court finds that Mr. Brooks is entitled to the Continuance requested on behalf of the Applicant.

**THEREFORE IT IS ORDERED THAT:**

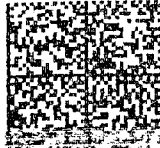
1. The above matter be continued and placed on the November docket for PCR matters in York County ; and

Williams, # 341036  
I. Cooper A# 29  
205  
e, SC 29472

**RECEIVED**  
JAN 05 2017  
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0000835844 JAN 05 2017

The S.C. Supreme Court  
1231 Gervais Street  
Columbia SC, 29201