

STATE OF SOUTH CAROLINA

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IN THE SUPREME COURT

MAR 29 2017

S.C. SUPREME COURT

CERTIORARI TO YORK COUNTY  
COURT OF COMMON PLEAS

The Honorable Alison R. Lee, Circuit  
Court Judge

Appellate Case No. 2016-001553

Trey A. Williams, # 341036 ..... Respondent,

v.

State of South Carolina, ..... Petitioner,

Motion to Supplement the Appendix

Respondent proposes the following be included in the Appendix  
and part of the Record on Appeal.

See merits for such documents on Pg. 2...

- ① York county clerk of court PCR Records
- ② S.C. Supreme Clerk of Court Records filed their
- ③ Amended PCR Application (Judicial notice)
- ④ Initial Indictment involving this case
- ⑤ Letters from Per Attorneys, Direct Appeal Attorneys,  
Court Agencies ...
- ⑥ Appeal Bond Petition
- ⑦ Rule 5 Discovery

The merits for this motion to supplement the Appendix are as follows...

Extraordinary Circumstances exists to the point that it will continue to be a total miscarriage of Justice, civil, criminal, Constitutional violation and deprivation of the U.S.C.A under the 1st, 4th, 5th, 6th, 8th, 14th U.S.C. Amendments etc which will result in A Procedural Default of Claims that will keep one who is actually innocent incarcerated if these documents are not included, Reviewed and Ruled on upon the record for Federal Review and no procedural hurdles or smoke screens should prevent this due diligent attempt of A Laymen from being heard with colorable claims. They York County clerk of court PCR records demonstrates the Due Diligence the respondent displayed to the courts/counsel on getting effective Assistance of counsel And A fair bite at the apple And full bite which was denied by counsel etc. The S.C. Supreme court records demonstrate the same with even more weight and due diligence and it demonstrates Actual Innocence of Respondent and how I Am erroneously confined in prison clearly upon the face of the record because General Sessions, Direct Appeal And PCR courts up until this point has prevented respondent from Justice by violating Due process etc. The Amended PCR Application (Judicial Notice) reflects part of what should have been done according to LAW to have A fair bite at the apple while the previous mentioned records reflect full documents of everything that was properly submitted to PCR counsel CHARLES T. BROOKS To be done for PCR preparation. The Initial Indictment of the case shows elements that does not constitute the charge And INVALID, Also changing elements from Aband plea time serve offer And the TRIAL Indictment which was filed two days after my trial. Letters from Attorneys etc will show lawyers etc telling me I could not even RAISE issues At A PCR etc and how my PCR transcripts Are INVALID, my Appeal Bond demonstrates the totality of my case And rule five discovery establishes my Actual Innocence.

The constitutional claim advanced above and within, calls into question the accuracy of the proceeding and Respondents Guilt if the appendix is not supplemented and documents added to the record for review. See *Harris v. Nelson*, 394 U.S. 236, 290-291, 89 S.Ct. 1086. The Court explained in *Engle* that cause and prejudice standard will be met in those cases where review of a state prisoners claim is necessary to correct a fundamental miscarriage of justice at 135, 102, S.Ct. at 1576.

These cases has also established that where a constitutional violation has probably resulted in the conviction of one who is actually innocent. A Federal court may grant the writ even in the absence of a showing of cause for the procedural default, see *Murray v. Carrier*, 477 U.S. 478, 106 S.Ct. 2654. See also *Gamble v. State*, 379 S.E.2d 118, The Rule allow use of interrogatories, Requests to produce documents, depositions, Request for admission, and other discovery mechanisms such as Subpenna of the hearing. However, the record reflect Appeal counsel NATHAN Sheldon, PCR Counsel NATHAN Sheldon and PCR counsel CHARLES T. Brooks has failed to do any of the Requested basic discovery without good cause. Collateral Review counsel should have knew that the moving party, presents his evidence first and has the burden to prove, by a preponderance of that Respondent is entitled to the better sought in the Amended P.C.R. Application titled Judicial notice etc. See, S.C.R. Civ. P. Rule 71.1(c), *Cobbs v. State*, 334 S.E.2d 813. As a strategic matter, counsel should have remembered that the Judge presiding over the evidentiary hearing knows little or nothing about the case in most circumstances. Thus PCR counsel should prepare trial Brief summarizing the evidence presented at trial, or not presented at trial, and introducing the court to the issues presented in the application for PCR,

Courts have stated that the most forthright way for counsel to present a constitutional claim to a state court is of course, to recite the relevant facts and then make an explicit constitutional argument. ~~Respondent~~ Respondent asserts that he has been denied the opportunity to general sessions effective assistance of counsel, appellate counsel on direct appeal, PCR and collateral appeal has all been ineffective and criminal). PCR counsel failed to comply with the above mentioned S.C.R. Civ. P and case law, resulting in the presence of a procedural due process violation of constitutional degree. These correct methods of raising and presenting claims would have proved invaluable to the courts understanding of the relevant facts and law, had counsel did his duty and performed upto professional norms under the sixth Amend, similarly, if evidentiary issues will arise at the hearing, counsel should have prepared a memorandum for the court addressing the issue in sum, the hearing should be viewed ~~in~~ in the same manner as counsel would view any non-jury trial. Respondent asserts that his due process under Federal constitution was completely violated and he was denied his right to a fundamental fair proceeding under the PCR Act because ~~Respondent~~ Respondent never received effective assistance of counsel in PCR. ~~Respondent~~ Respondent has a constitutional right procedural due process right to one fair bite at the apple. See, Alze v. State, 409 S.E. 2d 292, also S.C. Code ANN § 12-27-50, Pruitt v. State, 423 S.E. 2d 127, 128, and Garner v. State 636 S.E. 2d 371. Failure to fully and finally resolve each issue presented in the PCR Application, Amended Application is a violation of due process and does not constitute a final order under the constitution.

All the things that have been requested to be in the Appendix has been Requested by counsel, PCR Counsel and sent to the S.C. Supreme court and Mr. Shearouse and other personnel are well AWARE of my due diligence and attempts to have these things on the record. Most WAS submitted to counsel and the courts well before the PCR hearing was held, these things have been deliberately hidden from the record, PCR courts. for the purpose of procedurally defaulted me when it is clear counsel received these things and lied to me in a criminal unconstitutional way in the letters that I ask to be supplemented in the Appendix. My 596a WAS Abandoned because of counsel when I had Advance due diligence in attempting to get that complete if need be All from my Amended PCR Application. The Review of All I ASK to be in the Appendix will show my actual Innocence probability being most likely, it will show my cumulative constitutional violations resulting in a conviction from a total miscarriage of Justice on every stage of court and my due diligence in getting fair, Justice results. The A.E.D.P.A. does not Require state or federal courts to wait for some nearly identical pattern before a legal Rule must be applied. Carey v. Musladin, supra, nor does it prohibit a federal court from finding an application of a principle was announced, Lockyer v. Andrade, 538 U.S. 63. ~~Missouri~~

I Certify that this motion to supplement the Appendix contains no matter which is irrelevant to this Appeal  
march 23 / 2017

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MAR 24 2017

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