



ALAN WILSON
ATTORNEY GENERAL

April 20, 2017

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

RECEIVED
APR 20 2017
S.C. SUPREME COURT

Re: Trey A. Williams v. State of South Carolina
Appellate Case No. 2016-001553
Lower Court Case No. 2013-CP-46-1797

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of the Return to Petition for Appeal Bond. By copy of this letter we are serving opposing counsel today.

Sincerely,

Justin J. Hunter
Assistant Attorney General
SC Bar No. 101254

JJH/dgr
Enclosures

cc: Darren S. Haley, Esquire

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from York County
Alison R. Lee, Circuit Court Judge

Appellate Case No. 2016-001553

RECEIVED
APR 20 2017
S.C. SUPREME COURT

Trey A. Williams, #341036,Respondent,

v.

State of South Carolina,Petitioner.

RETURN TO PETITION FOR APPEAL BOND

The State of South Carolina respectfully submits the following in opposition to the Respondent's motion for appeal bond, received by this office on April 10, 2017:

1. Respondent is incarcerated with the South Carolina Department of Corrections pursuant to the York County Clerk of Court's orders of commitment. Respondent was indicted at the May 2010 term of the York County Grand Jury for criminal sexual conduct with a minor, first degree (2009-GS-46-2646). Erik Delaney, Esquire represented Respondent. On April 15-16, 2010, Respondent appeared before the Honorable John C. Hayes, III, for a pretrial hearing. During that hearing, Respondent informed Judge Hayes that he wanted to proceed to trial pro se. After a colloquy, Judge Hayes granted Respondent's request but appointed Mr. Delaney to serve as standby counsel. Respondent requested a bench

trial, after Judge Hayes explained his right to a jury trial. On May 26, 2010, the day of trial, Respondent told Judge Hayes that he changed his mind and wanted a trial by jury. However, Judge Hayes denied Respondent's motion to withdraw his waiver of a jury trial. Respondent, appearing pro se, proceeded to a bench trial before Judge Hayes. Judge Hayes found Respondent guilty and sentenced him to imprisonment for thirty years.

2. Respondent filed a notice of appeal at the South Carolina Court of Appeals. Lanelle C. Durant, Esquire, of the South Carolina Commission on Indigent Defense perfected the appeal. The Court of Appeals affirmed Respondent's conviction and sentence. State v. Williams, Op. No. 2013-UP-102 (S.C. Ct. App. filed March 13, 2013). The Remittitur was issued on April 3, 2013.
3. Respondent filed an Application for post-conviction relief on June 12, 2013. Respondent filed a return on or about September 13, 2013. The Honorable Alison R. Lee convened an evidentiary hearing on the application at the Moss Justice Center in York, South Carolina on November 18, 2014. Respondent was present and represented by Charles T. Brooks, III, Esquire. Petitioner was represented by Assistant Attorney General J. Rutledge Johnson, Esquire. By an Order signed July 14, 2016, and filed July 18, 2016, the PCR Court granted relief on the grounds that Respondent did not waive his right to counsel and that Respondent's appellate counsel was ineffective for failing to raise the issue of whether Respondent validly waived his right to counsel.
4. The State filed a timely Notice of Appeal.
5. Respondent has filed a motion requesting that this Court issue an order releasing him on bond pending the State's Petition for Writ of Certiorari, as well as the ultimate outcome in this case. In support of his motion for appeal bond, Respondent asserts: the probability

that Respondent will prevail on appeal, his history showing a lack of violence, his low chances of being a flight risk, and his lack of incidents while at SCDC.

6. The State asserts it is unlikely Respondent will prevail. The State believes this appeal will be successful as the lower court's Order is unsupported by any probative evidence.
7. The State asserts that Respondent should be precluded from release on bond pending appeal because the sentence of imprisonment Adams received is in excess of ten years. See S.C. Code Ann. Section 18-1-90 (Supp. 2011) ("bail is not allowed when the defendant has been sentenced to death, life imprisonment, or imprisonment for more than ten years."). Respondent was sentenced to thirty years' imprisonment. As a result, granting Respondent's request for bond would be inappropriate.
8. However, should this Court consider Respondent's request pursuant to State v. Whitener, 225 S.C. 244, 81 S.E.2d 784 (1945), the State asks this Court to exercise its discretion to deny the Respondent's motion. The South Carolina Appellate Court Rules (SCACR) provide that an applicant's release on bond pending appeal from a post-conviction relief order shall be exercised with caution and only in *exceptional circumstances*. Rule 243(k), SCACR (2015). In deciding whether to exercise the discretionary authority to admit an Respondent to bail, the following factors are considered: the probability the Respondent will prevail on appellate review and the nature of the relief he or she will receive; the seriousness of the criminal offense committed; the danger the Respondent may pose to the community if he or she is released; the likelihood that the Respondent may flee if released; and the character and circumstances of the Respondent. Id. The State submits this case does not present the requisite circumstances to warrant the Respondent's release on bond pending appeal. For the reasons set forth below, the State opposes this motion

and requests that this Court deny Respondent's motion for appeal bond pending appeal to the Supreme Court.

9. As stated above, Respondent's request for release on bond pending appeal should be denied because it is unlikely he will prevail on appeal. The State submits there is no probative evidence in support of the PCR judge's order granting Respondent relief, and that its decision was based on an error of law.
10. Respondent's request should also be denied based upon the serious nature of the crime committed and the danger the Respondent poses to the community. Respondent was convicted of criminal sexual conduct, first degree. The facts of the case indicate Respondent had vaginal and anal intercourse with his six year old female cousin. The State submits the serious nature of the crime he committed warrants denial of his request for bond pending appeal and early release into the community. The State also submits the nature of the crime is sufficiently serious to suggest that Respondent is a danger to the community.
11. Respondent's request should also be denied based upon the likelihood that Respondent may flee if released. Because Respondent is sentenced to imprisonment for thirty years, he would have a much greater incentive to flee while out on bond. Even if Respondent were to prevail on appeal, the affirmation of the grant of his PCR application would only entitle him to a new trial, not an acquittal. Therefore, facing a thirty-year sentence, Respondent would have both the motive and opportunity to flee if released on bond.
12. Furthermore, contrary to Respondent's assertion that his lack of incidents in SCDC evidence his good character, the records from SCDC¹ show that Respondent has

¹ Using the Inmate Search Detail Report:
<http://public.doc.state.sc.us/scdc-public/inmateDetails.do?id=%2000341036>

disciplinaries that include the following: twice disciplined for refusing or failing to obey orders, once disciplined for "out of place," and **five times** disciplined for threatening to inflict harm on an employee.

13. The State also would like the Court to review the three-page letter attached to this Return.

This letter is from C. Lawnta Page, the victim's mother, expressing her opposition to Respondent's motion for an appeal bond.

14. Based upon all the foregoing, the State prays this Court deny the Respondent's request for release on bond pending appeal.

15. Should this Court determine that this is the exceptional case that would permit Respondent's release on bond, the State requests that the Court impose conditions on his release. Specifically, due to the seriousness of his convictions and the risk that he will flee if released, the State requests that, at a minimum, Respondent be placed on the following special conditions in addition to the usual and ordinary conditions of release: home detention pursuant to the county home detention program to include GPS monitoring at Respondent's expense; no change of address without prior court approval; no contact, directly or indirectly, with the victim, any member of the victim's family, or any prosecution witness without prior court approval; and no contact with any minors under eighteen years of age. Furthermore, the State requests that Respondent be prohibited from applying for a passport and must be required to surrender any current passport to the York County Clerk of Court.

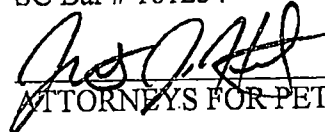
[Signature page to follow]

Respectfully submitted,

ALAN WILSON
Attorney General

JUSTIN J. HUNTER
Assistant Attorney General
SC Bar # 101254

4.20.17, 2017


ATTORNEYS FOR PETITIONER

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
(803)734-3737

Dear Your Honor as I write
this letter in fear and safety for
my daughter [REDACTED].

A victim of rape by a family
member Trey Williams that went
on for years. Our lives changed in
the worst ways. I feel as if
no child should have to endure
the heart ache, and pain Trey put
my family through, yet and still shows
no remorse for his actions. He never
admit any guilt so therefore that
equals no remorse, he (Trey Williams
taunted my child over the years
example killed her pet gerbil, from
throwing her toys in the middle of
the yard it goes on. I do feel as
if my child, nor I would be
safe if he's released early he will
seek revenge. To this day [REDACTED]
have nightmares suffer from depression,
self conscious. The trauma prevented
my child, and I from accomplishing
the most basic task, flash backs,
and intrusive thoughts prevented
me as a mother to leave my
1 children alone with anyone.

after all [REDACTED] will sometimes jump just when the phone rings. So much of our lives revolves around negotiating the impacts of what Trey Williams put my child through. It's also complicated than that. This sexual assault (Rape) has robbed my child, and I, her [REDACTED] self confidence, and her self-esteem, her dignity, and self respect have all been compromised as a result of the crime Trey Williams committed. My daughter's faith in herself, and faith in the world have been decimated. I as a mother struggle to believe my child will never be the same as a result of the rape, and all Trey Williams put her through. We struggle to remember what life was like when things like safety could be taken for granted if and when Trey Williams is released from prison. My child [REDACTED] constantly wonders if anyone else will do the same harm to her as Trey Williams. Solitude, and isolation to often seem

like our safe option. Isolation has yet become another reality of life for my child and I since the rape. It has all been bleak.

We have found ways to cope, and we have had the extraordinary good fortune to have a supportive and loving family and friends who have unwaveringly stood by us.

However, the impact of this rape continues to effect our entire family for years. On a daily basis not a day goes by the rape interferes with our everyday life, or limit life lead in some way. We have lost so much and many of those losses cut right to the core of who we are, and can never be undone.

Some of my thoughts to why Trey Williams should not be released from prison I feel our safety is at high risk with him out on the streets he will seek revenge I know in my heart he will, so please hear me out.

Thank G. Lauren Page.

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from York County
Alison R. Lee, Circuit Court Judge

Appellate Case No. 2016-001553

TREY A. WILLIAMS,

PETITIONER,

v.

THE STATE OF SOUTH CAROLINA,

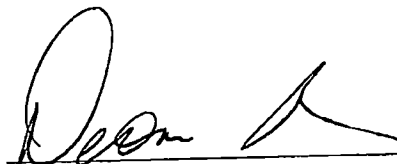
RESPONDENT,

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Return to Petition for Appeal Bond, has been served upon opposing counsel by mailing two (2) copies in the United States mail, postage prepaid:

Darren S. Haley, Esquire
The Haley Law Firm, LLC
1007 Pendleton Street
Greenville, SC 29601

This 20th day of April, 2017



DEONNA ROGERS
LEGAL ASSISTANT