

**ORIGINAL**

STATE OF SOUTH CAROLINA  
In The Supreme Court

**RECEIVED**

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

MAY 23 2018

The Honorable Letitia H. Verdin, Circuit Court Judge

S.C. SUPREME COURT

Appellate Case No. 2017-002580  
Lower Court No. 2016-CP-23-5814

Darryl Joseph Williams,.....Respondent,

v.

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

**APPENDIX**

ALAN WILSON  
Attorney General

JONATHAN M. HILLER  
SC Bar No. 76482

DESHAWN H. MITCHELL  
Assistant Attorney General  
SC Bar No. 101813  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3737

Hiller Law Firm, PC  
604 16<sup>th</sup> Avenue, North  
Myrtle Beach, South Carolina 29577  
(843) 839-2450

ATTORNEY FOR RESPONDENT

ATTORNEY FOR PETITIONER

STATE OF SOUTH CAROLINA  
In The Supreme Court

---

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

The Honorable Letitia H. Verdin, Circuit Court Judge

---

Appellate Case No. 2017-002580  
Lower Court No. 2016-CP-23-5814

---

Darryl Joseph Williams,.....Respondent,

v.

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

---

**APPENDIX**

---

ALAN WILSON  
Attorney General

DESHAWN H. MITCHELL  
Assistant Attorney General  
SC Bar No. 101813  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3737

ATTORNEY FOR PETITIONER

JONATHAN M. HILLER  
SC Bar No. 76482

Hiller Law Firm, PC  
604 16<sup>th</sup> Avenue, North  
Myrtle Beach, South Carolina 29577  
(843) 839-2450

ATTORNEY FOR RESPONDENT

INDEX

INDEX..... i

TRIAL TRANSCRIPT .....1

PCR APPLICATION.....18

RETURN.....25

AMENDED PCR APPLICATION.....30

PCR HEARING TRANSCRIPT.....44

ORDER GRANTING POST-CONVICTION RELIEF.....59

RESPONDENT’S MOTION TO ALTER OR AMEND JUDGMENT PURSUANT  
TO RULE 59(e) .....64

RETURN TO RESPONDENT’S MOTION TO ALTER OR AMEND JUDGEMENT  
PURSUANT TO RULE 59(e) .....68

FORM 4 ORDER DENYING RESPONDENT’S MOTION TO ALTER OR AMEND .....75

MAULDIN MUNICIPAL COURT CLERK’S RECORDS.....77

MAULDIN MUNICIPAL COURT

In Re: )  
Darryl J. Williams )  
----- )

ORIGINAL

HEARING

\*\*\*\*\*

October 14, 2015



**APPEARANCES:**

**Jessica A. Salvini**  
Presiding Judge



## DARRYL J. WILLIAMS

3

1 **MS. SALVINI:** And what about Darryl Willow? Mr.  
2 Willow? Darryl Willow? And is **Victim** **[REDACTED]**  
3 present?

4 **MR. WILLIAMS:** Darryl Williams.

5 **MS. SALVINI:** I'm sorry, Williams. It looks like  
6 Willow. It looks like a W. I'm sorry. Mr.  
7 Willow -- Williams.

8 **MR. WILLIAMS:** Williams.

9 **MS. SALVINI:** Still looks like a W and my brain  
10 just went straight back to it. What are you  
11 going to do here this morning? Are you  
12 pleading guilty or not guilty to the  
13 violation?

14 **MR. WILLIAMS:** Not guilty.

15 **MS. SALVINI:** Okay. Are you asking for a bench  
16 trial?

17 **MR. WILLIAMS:** Yes, please.

18 **MS. SALVINI:** Okay. So you're gonna be my first  
19 trial up. That's gonna bring me to Alicia --  
20 -

21 **(The recording ended.)**

22

23

24

25



**CERTIFICATE**

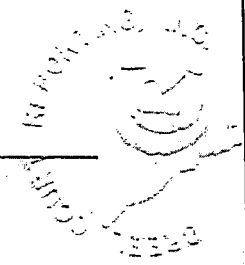
This is to certify the transcript of the hearing consists of three (3) pages. This transcript was prepared by me without the benefit of my being present during the hearing. Additionally, this transcript was prepared from a audio recording provided to me.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal this March 28, 2017.



Amanda Q. Williams



Notary Public for South Carolina  
My Commission Expires: May 28, 2025

MAULDIN MUNICIPAL COURT

In Re: )  
Darryl J. Williams )  
----- )

ORIGINAL

HEARING

\*\*\*\*\*

October 14, 2015



APPEARANCES:

**Jessica A. Salvini**  
Presiding Judge



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

DARRYL J. WILLIAMS

3

1 **MS. SALVINI:** --- (inaudible), Mr. Williams. So  
2 I've got Darryl Williams as my first up with  
3 **Victim** as the victim. (Inaudible.) I'm  
4 gonna hear it now. So I'm going to ask Ms.  
5 **Victim** to come on up. Stand with the officer.  
6 And then, Mr. Williams, I'm gonna have you  
7 stand on the other side of the table.

8 **(Inaudible background noise.)**

9 **MS. SALVINI:** All right. So I'm gonna ask the  
10 officer and Ms. **Victim** to raise their right  
11 hand. Do you swear, affirm to tell the truth,  
12 the whole truth and nothing but the truth so  
13 help you God? If so, affirm.

14 **OFFICER:** Yes, I do.

15 **(Inaudible mumbling)**

16 **MS. SALVINI:** All right. Let me hear from the  
17 officer first and then I'm gonna hear from Ms.  
18 **Victim**

19 **OFFICER:** Your Honor, this incident occurred at 19  
20 Column Block Court in Mauldin, South Carolina  
21 on the date of June 26th, 2015 at approximately  
22 4:18 in the a.m. Responded to this location in  
23 reference to a complaint that Ms. **Victim** was  
24 the victim of an assault involving the  
25 boyfriend at the time, Darryl Williams. Upon



DARRYL J. WILLIAMS

4

1 arrival made contact with Ms. [Victim] She was  
2 inside the residence. While in transit to the  
3 call did observe a white in color Acura leaving  
4 towards Mauldin, towards West Butler at a high  
5 rate of speed. While in -- in route to the  
6 location we were advised that Mr. Williams had  
7 left the scene in a white color Acura.  
8 Actually relayed that information to Officer  
9 Crooks. Officer Crooks issued a traffic stop  
10 on Mr. Williams on West Butler. Upon arrival  
11 at the scene, myself and Officer Counts made  
12 contact with Ms. [Victim] inside the residence  
13 who was crying, upset. Her face was red.  
14 Appearance looked disheveled and just  
15 relatively unkept -- unkept. Ms. [Victim] stated  
16 that she and her boyfriend, Mr. Williams, had  
17 gotten into a verbal altercation at the this  
18 location due to them both being intoxicated  
19 earlier in the Irish pub in which Ms. [Victim]  
20 was directed to leave by the owner for using  
21 racist slurs just in general. Said that her  
22 boy- -- she got -- she was upset with Mr.  
23 Williams for not quote unquote defending her  
24 with the owner of the establishment. So she  
25 actually came to this location, which is Mr.



DARRYL J. WILLIAMS

5

1 Williams' mother's residence to advise his  
2 mother that she was not going to be able to  
3 pick up their kid. And that's when all this  
4 transpired. Both of them drove their vehicles  
5 to the -- to his mother's location, which is  
6 the incident location. And this occurred  
7 outside in the parking lot. She stated that  
8 Mr. Williams picked her up and threw her inside  
9 the vehicle and slammed the door several times  
10 while she was trying to get out. Stated that  
11 when she -- when Mr. Williams walked around to  
12 the driver's side to get in, she then was able  
13 to exit the vehicle and run inside. And Mr.  
14 Williams' mother closed the door and refused  
15 him entry into the residence. Upon hearing  
16 that Officer Crooks had stopped Mr. Williams,  
17 and we had reason to believe that he was  
18 involved in the altercation -- he did show a  
19 bruise to myself and Officer Counts at the time  
20 on the inside of her left bicep stating that,  
21 you know, that occurred when he picked her up  
22 and threw her inside the vehicle as well as  
23 numerous red marks about her face and chest  
24 area. Upon hearing that Mr. Williams was  
25 stopped and Officer Crooks -- we were going to



**CREEL COURT REPORTING, INC.**  
1230 Richland Street / Columbia, SC 29201  
(803) 252-3445 / (800) 822-0896

DARRYL J. WILLIAMS

6

1 -- we placed him in detention, she then became  
2 very uncooperative and refused photographs and  
3 refused statement at that time. He was  
4 prosecuted under the CDV law at that point by  
5 the police officer.

6 **MS. SALVINI:** Mr. Williams, do have questions of  
7 Officer Righers(ph) that you think I need to  
8 know the answer to? Just questions at this  
9 point. And you may not have any but you're  
10 entitled to you ask some questions.

11 **MR. WILLIAMS:** (Inaudible). (Inaudible) the only  
12 question I would have. But it already  
13 happened, I already went to jail for it. So I  
14 have no questions to ask right now.

15 **MS. SALVINI:** Okay. Ms. **Victim** you want to tell me  
16 what happened?

17 **MS. **Victim**** Same story pretty much. I mean, we --  
18 I mean, we -- he's never physically hit me. He  
19 did -- we got into a verbal altercation and he  
20 just wanted me to leave his mother's house  
21 because that's the location where we were.  
22 Cause it was disrespectful to be there causing  
23 commotion at that time of the night. I  
24 understand that but stupid afterwards.  
25 Shouldn't have been there at that time,



DARRYL J. WILLIAMS

7

1           disrespectful. So all he wanted me to do was  
2           -- he was trying to get me to leave. When I  
3           let my emotions take over I become very  
4           stubborn and combative. Told him I wasn't  
5           leaving, I just wanted to get in there, make  
6           sure my daughter was good and she was fine with  
7           her staying there, whatever. So he was like  
8           no, that's disrespectful. You are not gonna  
9           come over here and cause this at my mother's  
10          house at this time of the night and wake her up  
11          and this and that. So he -- but I became  
12          stubborn with him, fighting back not to get in  
13          the car. He just want -- all he wanted to do  
14          was put me in the car. He just kept trying to  
15          put me in the car so I would leave his mom's  
16          house at 4:00 a.m. causing commotion. So I  
17          mean, it was just -- and since then, like, we  
18          have communication issues anyways. We argue,  
19          we yell at each other. Since then we've seen  
20          a relationship and communications therapist on  
21          Saturdays. So -- and it's helped a lot.

22       **MS. SALVINI:** Okay. But did he grab you like the  
23                   officer testified? I mean it had redness on  
24                   your chest and your face.

25       **MS. [Redacted] Victim** I mean, well -- I mean, he picked me up



1 and put me in the car. But I was fighting back  
2 so that -- so I didn't want to get in the car.  
3 But, I mean -- but the situation was just over  
4 dramatized to me. I thought about it after and  
5 I was just like, that's so stupid.

6 **MS. SALVINI:** Mr. Williams, do you have any  
7 questions of Ms. Victim that you think I need  
8 to know the answer to?

9 **MR. WILLIAMS:** My only question was the officer's is  
10 (inaudible) I was explaining to them about it.  
11 And I said that I did nothing wrong. I just  
12 picked her up and just left. The officers was  
13 like, well -- they said that I hit her and  
14 stuff like that. But I was like, I didn't  
15 touch her. The only thing I was trying to do  
16 was -- was -- was leave. And to get my stuff  
17 and move back into my mom's house. And that's  
18 when she came in.

19 **MS. SALVINI:** Okay. But do you want to ask her a  
20 question? This is your time to do it.

21 **MR. WILLIAMS:** I have no questions to ask her.

22 **MS. SALVINI:** Okay. Is there anything further from  
23 the city?

24 **OFFICER:** No ma'am.

25 **MS. SALVINI:** Okay. So, Mr. Williams, you started



1 to tell me something. You don't have to tell  
2 me anything. Remember the burden never shifts  
3 to you.

4 **MR. WILLIAMS:** Yeah.

5 **MS. SALVINI:** Do you want to testify about what  
6 happened?

7 **MR. WILLIAMS:** Just basically that was it. Like  
8 what -- what -- like what she said. Picked her  
9 up and put -- I put her in the car. I asked  
10 her to please leave, it's my mom's house. And  
11 I was moving out the apartment to go back over  
12 to my mom's house. And my car had clothes in  
13 it and (inaudible) said I was move -- like  
14 going back a forth, taking stuff out. And then  
15 I end up going to jail but I didn't even touch  
16 her, didn't even hit her. I just said leave my  
17 mom's house. It's 4:00 o'clock up in the  
18 morning. And I'm getting charged with a CDV.

19 **MS. SALVINI:** I know -- I know what you're saying  
20 but the ---

21 **MR. WILLIAMS:** And ---

22 **MS. SALVINI:** What you're telling in your -- in your  
23 -- you're saying that's what happened is  
24 basically what they're saying happened, right?

25 **MR. WILLIAMS:** I picked her up and put her in the



DARRYL J. WILLIAMS

10

1 car and told her to leave but she didn't want  
2 to leave.

3 **MS. SALVINI:** Do you have any questions that you  
4 want to ask him since he's decided to make a  
5 statement?

6 **OFFICER:** Can you put him under oath? While ---

7 **MS. SALVINI:** Are -- are you going to testify?  
8 You're telling me things but you haven't told  
9 me you're actually going to testify. And I'll  
10 take his statements under consideration because  
11 he's waiving his right (inaudible) self  
12 incrimination.

13 **MR. WILLIAMS:** No, I'm not going to testify.

14 **MS. SALVINI:** Okay. Then I don't want you to make  
15 any -- but I am going to take your statements  
16 under consideration because you're making these  
17 statements even though they're not under oath.  
18 This is what I'm gonna do. Mr. Williams, based  
19 on the testimony I am going to find you guilty  
20 of criminal domestic violence. You can't pick  
21 her up or put your hands on her whatsoever.  
22 And she showed a bruise to the officer. And  
23 I'm -- I know that you all are doing well  
24 together at this point in time, but that  
25 incident shouldn't have happened. I know she's



DARRYL J. WILLIAMS

11

1 admitted that she shouldn't have been there  
2 causing a problem at your mom's house at 4:00  
3 in the morning, and you were trying to stop  
4 that problem. Is there any objection to me  
5 reducing the fine?

6 **OFFICER:** No, Your Honor.

7 **MS. SALVINI:** What about you, Ms. [Victim] you have  
8 the right to tell me anything you want me to  
9 before I impose the sentence.

10 **MS. [Victim]** I wanted it dismissed.

11 **MS. SALVINI:** I know you did. How much time did you  
12 spend in jail, Mr. Williams?

13 **MR. WILLIAMS:** Just that day.

14 **MS. SALVINI:** I'm going to reduce it down \$850  
15 dollars, so it's substantially below the fine  
16 amount based on the circumstances. Can you pay  
17 that for me today?

18 **MR. WILLIAMS:** No, ma'am.

19 **MS. SALVINI:** Do you want -- which date would you  
20 like? The November or December?

21 **MR. WILLIAMS:** Do you take credit cards?

22 **MS. SALVINI:** Yes, we do.

23 **MR. WILLIAMS:** I'll pay it today then.

24 **MS. SALVINI:** All right. If you'll take that to the  
25 window, good luck to y'all. I know she wanted



DARRYL J. WILLIAMS

12

1           it dismissed but I can't allow it to be  
2           dismissed because she wants it dismissed, okay?  
3           All right. So if you'll take that to the  
4           window and I hope that things go well for y'all  
5           because y'all have a child together.

6   **MS.** [REDACTED] Victim Uh-huh.

7   **MS. SALVINI:** All right.

8   **MS.** [REDACTED] Victim Thank you.

9   **MS. SALVINI:** Thank you. So, Officer, before I move  
10           on ---

11   **(The recording ended.)**

12

13

14

15

16

17

18

19

20

21

22

23

24

25

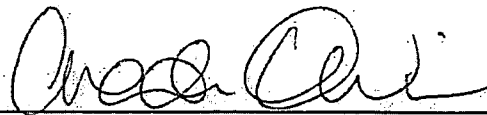


**CERTIFICATE**

This is to certify the transcript of the hearing consists of twelve (12) pages. This transcript was prepared by me without the benefit of my being present during the hearing. Additionally, this transcript was prepared from a audio recording provided to me.

I further certify that I am neither employed by nor related to any of the parties in this matter or their counsel; nor do I have any interest, financial or otherwise, in the outcome of same.

IN WITNESS WHEREOF I have hereunto set my hand and seal this March 28, 2017.



Amanda Q. Williams



Notary Public for South Carolina  
My Commission Expires: May 28, 2025

FORM 5

STATE OF SOUTH CAROLINA )  
 )  
 County of Greenville )  
 )  
Darryl Joseph Williams )  
 Full name and prison number (if any) of Applicant )  
 )  
 v. )  
 )  
 State of South Carolina )  
 )  
 )  
 )  
 )  
 )

IN THE COURT OF COMMON PLEAS

2016-CP-23-05814

FILED-COURT  
 CLERK  
 PAUL E.  
 2016 OCT 12 PM 11 20

APPLICATION FOR  
POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Not Applicable
2. Name and location of Court which imposed sentence Mauldin Municipal Court  
5 E. Butler Rd. Mauldin SC 29662
3. Name(s) of co-defendant(s) (if any) Not Applicable
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
  - (a) Criminal Domestic Violence (Third Degree) Ticket 62645GM
  - (b) \_\_\_\_\_

- (c) \_\_\_\_\_
- 5. The date upon which sentence was imposed and the terms of the sentence:
  - (a) October 14, 2015
  - (b) \_\_\_\_\_
  - (c) \_\_\_\_\_
- 6. Check whether a finding of guilty was made:
  - (a) after a plea of guilty \_\_\_\_\_
  - (b) after a plea of not guilty and bench trial with self-representation
  - (c) after a plea of nolo contendere \_\_\_\_\_
- 7. Did you appeal from the judgment of conviction or the imposition of sentence?  
No
- 8. If you answered "yes" to (7), list:
  - (a) the name of each Court to which you appealed:
    - i. Not Applicable
    - ii. \_\_\_\_\_
    - iii. \_\_\_\_\_
  - (b) the result in each such Court to which you appealed:
    - i. Not Applicable
    - ii. \_\_\_\_\_
    - iii. \_\_\_\_\_
  - (c) the date of each such result:
    - i. Not Applicable
    - ii. \_\_\_\_\_
    - iii. \_\_\_\_\_
  - (d) if known, citations of any written opinion or orders entered pursuant to such results:
    - i. Not Applicable
    - ii. \_\_\_\_\_
    - iii. \_\_\_\_\_
- 9. If you answered "no" to (7), state your reasons for not so appealing:
  - (a) Convicted pro se and unable to hire a lawyer to appeal the conviction.
  - (b) \_\_\_\_\_

- (c) \_\_\_\_\_
- 10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
  - (a) Unaware of the collateral consequences of conviction. See Faretta v. CA
  - (b) Failure to competently defend against the charge of domestic violence.
  - (c) Right to supplement at a later date reserved.
- 11. State concisely and in the same order the facts which support each of the grounds set out in (10):
  - (a) Long distance driver for trucking company and unable to travel to Canada
  - (b) Failure to object to inadmissible testimony and other trial errors
  - (c) Right to supplement at a later date reserved.
- 12. Prior to this application have you filed with respect to this conviction:
  - (a) any petition in a State Court under South Carolina Law? No
  - (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No
  - (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No
  - (d) any other petitions, motions or applications in this or any other Court? No
- 13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
  - (a) the specific nature thereof:
    - i. Not Applicable
    - ii. \_\_\_\_\_
    - iii. \_\_\_\_\_
    - iv. \_\_\_\_\_
  - (b) the name and location of the Court in which each was filed:
    - i. Not Applicable
    - ii. \_\_\_\_\_
    - iii. \_\_\_\_\_
    - iv. \_\_\_\_\_

- (c) the disposition thereof:
  - i. Not Applicable
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
  - iv. \_\_\_\_\_

- (d) the date of each such disposition:
  - i. Not Applicable
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
  - iv. \_\_\_\_\_

- (e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
  - i. Not Applicable
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
  - iv. \_\_\_\_\_

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?  
No

15. If you answered "yes" to (14) identify:  
 (a) which grounds have been presented:  
 i. Not Applicable  
 ii. \_\_\_\_\_  
 iii. \_\_\_\_\_

(b) the proceedings in which each ground was raised:  
 i. Not Applicable  
 ii. \_\_\_\_\_  
 iii. \_\_\_\_\_

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) PCR is the appropriate proceeding to set forth these grounds.
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? No
- (b) your trial, if any? No
- (c) your sentencing? No
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? No
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?  
Yes

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
  - i. Hiller & Hiller, PA  
PO Box 2425 Greenville SC 29602
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
- (b) the proceedings at which each such attorney represented you:
  - i. PCR
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_

19. State clearly the relief you seek in filing this application:

The conviction to be set aside and a new trial granted.

20. Are you now under sentence from any other court that you have not challenged?

No

STATE OF SOUTH CAROLINA )  
 )  
County of Greenville )

VERIFICATION

I, Laura L Miller, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

*[Signature]*

SWORN to and subscribed before me this 12<sup>th</sup> day of October, 2016.

\_\_\_\_\_  
Notary Public (L.S.)

My Commission Expires: Nov. 9, 2019

STATE OF SOUTH CAROLINA )

COUNTY OF GREENVILLE )

Darryl Joseph Williams )

Plaintiff(s) )

vs. )

State of South Carolina )

Defendant(s) )

Submitted By: Laura L Hiller

Address: PO Box 2425

Greenville SC 29602

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2016-CP-23

05914

SC Bar #: 76199

Telephone #: 864-509-1510

Fax #:

Other: 864-509-1511

E-mail: lhiller@hillerlawfirm.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

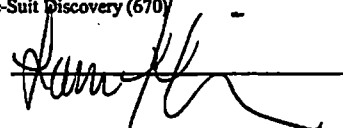
\*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint.  NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- |   |  |   |  |
|---|--|---|--|
| <p><b>Contracts</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Constructions (100)</li> <li><input type="checkbox"/> Debt Collection (110)</li> <li><input type="checkbox"/> General (130)</li> <li><input type="checkbox"/> Breach of Contract (140)</li> <li><input type="checkbox"/> Fraud/Bad Faith (150)</li> <li><input type="checkbox"/> Failure to Deliver/Warranty (160)</li> <li><input type="checkbox"/> Employment Discrim (170)</li> <li><input type="checkbox"/> Employment (180)</li> <li><input type="checkbox"/> Other (199)</li> </ul> | <p><b>Torts - Professional Malpractice</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Dental Malpractice (200)</li> <li><input type="checkbox"/> Legal Malpractice (210)</li> <li><input type="checkbox"/> Medical Malpractice (220)</li> <li>Previous Notice of Intent Case #<br/>20 <u>-NI-</u></li> <li><input type="checkbox"/> Notice/ File Med Mal (230)</li> <li><input type="checkbox"/> Other (299)</li> </ul>   | <p><b>Torts - Personal Injury</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Conversion (310)</li> <li><input type="checkbox"/> Motor Vehicle Accident (320)</li> <li><input type="checkbox"/> Premises Liability (330)</li> <li><input type="checkbox"/> Products Liability (340)</li> <li><input type="checkbox"/> Personal Injury (350)</li> <li><input type="checkbox"/> Wrongful Death (360)</li> <li><input type="checkbox"/> Assault/Battery (370)</li> <li><input type="checkbox"/> Slander/Libel (380)</li> <li><input type="checkbox"/> Other (399)</li> </ul>   | <p><b>Real Property</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Claim &amp; Delivery (400)</li> <li><input type="checkbox"/> Condemnation (410)</li> <li><input type="checkbox"/> Foreclosure (420)</li> <li><input type="checkbox"/> Mechanic's Lien (430)</li> <li><input type="checkbox"/> Partition (440)</li> <li><input type="checkbox"/> Possession (450)</li> <li><input type="checkbox"/> Building Code Violation (460)</li> <li><input type="checkbox"/> Other (499)</li> </ul>  |
| <p><b>Inmate Petitions</b></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> PCR (500)</li> <li><input type="checkbox"/> Mandamus (520)</li> <li><input type="checkbox"/> Habeas Corpus (530)</li> <li><input type="checkbox"/> Other (599)</li> </ul>   | <p><b>Administrative Law/Relief</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Reinstate Drv. License (800)</li> <li><input type="checkbox"/> Judicial Review (810)</li> <li><input type="checkbox"/> Relief (820)</li> <li><input type="checkbox"/> Permanent Injunction (830)</li> <li><input type="checkbox"/> Forfeiture-Petition (840)</li> <li><input type="checkbox"/> Forfeiture-Consent Order (850)</li> <li><input type="checkbox"/> Other (899)</li> </ul> | <p><b>Judgments/Settlements</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Death Settlement (700)</li> <li><input type="checkbox"/> Foreign Judgment (710)</li> <li><input type="checkbox"/> Magistrate's Judgment (720)</li> <li><input type="checkbox"/> Minor Settlement (730)</li> <li><input type="checkbox"/> Transcript Judgment (740)</li> <li><input type="checkbox"/> Lis Pendens (750)</li> <li><input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)</li> <li><input type="checkbox"/> Confession of Judgment (770)</li> <li><input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780)</li> <li><input type="checkbox"/> Other (799)</li> </ul> | <p><b>Appeals</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Arbitration (900)</li> <li><input type="checkbox"/> Magistrate-Civil (910)</li> <li><input type="checkbox"/> Magistrate-Criminal (920)</li> <li><input type="checkbox"/> Municipal (930)</li> <li><input type="checkbox"/> Probate Court (940)</li> <li><input type="checkbox"/> SCDOT (950)</li> <li><input type="checkbox"/> Worker's Comp (960)</li> <li><input type="checkbox"/> Zoning Board (970)</li> <li><input type="checkbox"/> Public Service Comm. (990)</li> <li><input type="checkbox"/> Employment Security Comm (991)</li> <li><input type="checkbox"/> Other (999)</li> </ul> |
| <p><b>Special/Complex /Other</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Environmental (600)</li> <li><input type="checkbox"/> Automobile Arb. (610)</li> <li><input type="checkbox"/> Medical (620)</li> <li><input type="checkbox"/> Other (699)</li> <li><input type="checkbox"/> Sexual Predator (510)</li> <li><input type="checkbox"/> Permanent Restraining Order (680)</li> </ul>   | <ul style="list-style-type: none"> <li><input type="checkbox"/> Pharmaceuticals (630)</li> <li><input type="checkbox"/> Unfair Trade Practices (640)</li> <li><input type="checkbox"/> Out-of State Depositions (650)</li> <li><input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660)</li> <li><input type="checkbox"/> Pre-Suit Discovery (670)</li> </ul>  |   |  |

Submitting Party Signature:



Date: Oct. 12, 2016

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GREENVILLE	)	IN THE THIRTEENTH JUDICIAL CIRCUIT
	)	
Darryl Joseph Williams,	)	2016-CP-23-5814
Applicant,	)	
	)	
v.	)	<b>RETURN AND MOTION FOR</b>
	)	<b>MORE DEFINITE STATEMENT</b>
State of South Carolina,	)	
Respondent.	)	

Respondent, making its Return to the Application for Post-Conviction Relief ("PCR") filed on October 12, 2016, would respectfully show this Court:

I.

On June 26, 2015, Applicant was arrested for Criminal Domestic Violence – Simple Assault (Ticket No. 62645GM). Applicant was represented pro se. On October 14, 2015, Applicant proceeded to a bench trial before the Honorable Jessica A. Salvini. Judge Salvini fined Applicant eight hundred fifty (850) dollars. Applicant did not appeal his conviction or fine.

Attached to this Return and incorporated by reference are the records of the Greenville County Clerk of Court regarding the subject conviction and fine, the trial transcript. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

In his application for post-conviction relief, Applicant alleges that he was fined unlawfully for the following reasons:

1. Applicant was “unaware of the collateral consequences of conviction.”
2. Applicant failed “to competently defend [himself] against the charge of domestic violence.”

## III.

Respondent submits Applicant's allegations of ineffective assistance of counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland v. Washington, 466 U.S. 668. First, Applicant must prove that counsel's performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Id. (citing Strickland, 466 U.S. at 690). The Applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

Respondent submits Applicant can satisfy neither requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this

issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. Any claims not specifically laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing pursuant to §§ 17-27-10 to -160 of the South Carolina Code of Laws and Rule 71.1 of the South Carolina Rules of Civil Procedure. See also Rules 15(a)-(b), SCRPC. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRPC. Pro se filings will not be considered at the PCR hearing. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent. See Rule 15(a), SCRPC.

V.

Respondent also hereby moves for a more definite statement. Applicant has failed to set forth any facts to "support each ground" or to explain with any specificity whatsoever the facts upon which his claims are based. The Uniform Post-Conviction Procedure Act requires the Applicant to "*specifically set forth the grounds upon which the application is based.*" S.C. Code Ann. § 17-27-50 (1985) (emphasis added). Respondent respectfully submits that it is incumbent upon Applicant, through counsel, to amend his application to set forth specific facts upon which his allegations are based so that Respondent may adequately prepare for an evidentiary hearing. Therefore, Respondent requests that Applicant be required to amend his application to set forth specifically the grounds on which his claims are based.

VI.

Each and every allegation contained within the application not expressly admitted, qualified, or explained in this Return is hereby denied.

VII.

WHEREFORE, Respondent requests that an evidentiary hearing be held on the claims of ineffective assistance of plea counsel.

Respectfully submitted,

ALAN WILSON  
Attorney General

ROBERT BOLCHOZ  
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON  
Senior Assistant Deputy Attorney General

DESHAUN H. MITCHELL  
Assistant Attorney General

By:   
ATTORNEYS FOR RESPONDENT

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
Telephone: (803) 734-3737

July 10, 2017

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF GREENVILLE )  
 )  
 )  
 )  
 DARRYL JOSEPH WILLIAMS )  
 )  
 )  
 Applicant, )  
 )  
 vs )  
 )  
 STATE OF SOUTH CAROLINA, )  
 )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS

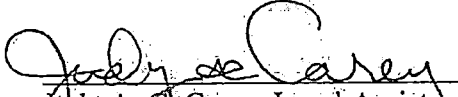
2016-CP-23-5814

AFFIDAVIT OF SERVICE BY MAIL

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return and Motion to Dismiss** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

**Laura L. Hiller, Esquire**  
**Hiller & Hiller, PA**  
 Post Office Box 2425  
 Greenville SC 29602

DATED this 10<sup>th</sup> day of July, 2017.

  
 Judy A. Carey, Legal Assistant  
 For Respondent

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT

Darryl Joseph Williams,

Amended Post-Conviction  
Relief Application

Applicant,

2016-CP-23-5814

vs.

State of South Carolina,

Respondent.

FILED-CLERK OF COURT  
PAUL B. WILSON  
GREENVILLE, SC  
2017 SEP 28 AM 10:20

1. Place of Detention:

Applicant is not incarcerated in the South Carolina Department of Corrections or any other place of detention.

2. Name and location of Court which imposed sentence:

Mauldin Municipal Court, located at 5 E. Butler Road in Mauldin, SC 29662 imposed sentence on Applicant.

3. Name(s) of co-defendant(s) (if any):

None.

4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:

No indictment issued in this case. Rather, the case proceeded under Uniform Traffic Ticket 62645GM for Domestic Violence in the Third Degree.

5. The date upon which sentence was imposed and the terms of the sentence:

The sentence – a fine of \$850.00 – was imposed on October 14, 2015.

6. Check whether a finding of guilty was made: after a plea of guilty, after a plea of not guilty, or after a plea of nolo contendere.

Applicant entered a plea of not guilty and represented himself at a bench trial.

7. Did you appeal from the judgment of conviction or the imposition of sentence?

No.

8. List the name of each Court to which you appealed, the result in each such Court to which you appealed, the date of each such result, and, if known, citations of any written opinion or orders entered pursuant to such results:

Not applicable.

9. If you answered "no" to (7), state your reasons for not appealing.

Applicant did not appeal his conviction because he was unaware of the deadline for filing an appeal in a criminal matter. The deadline lapsed well before Applicant contacted the undersigned.

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

A. Applicant's trial judge never afforded him the opportunity to knowingly and intelligently waive his right to counsel.

B. Applicant failed to effectively represent himself during his bench trial.

11. State concisely and in the same order the facts which support each of the grounds on which you base your allegation that you are being held in custody unlawfully:

A. As to Applicant's first allegation, in an address made to everyone assembled before her at the start of the court session, Applicant's trial judge, Judge Jessica Salvini, informed him of the right to obtain counsel. However, Judge Savlini did not provide any warnings regarding the dangers of self-

representation. A transcript of the relevant portion of the judge's address is attached to this application and marked as "Attachment A." Previous to filing and serving this amended application, the undersigned provided Respondent with a complete audio recording of the address that Judge Savlini delivered to Applicant and the other individuals assembled before her on October 14, 2015.

- B. In further support of Applicant's first allegation, Applicant was never provided with any written warnings regarding the dangers of self-representation. The South Carolina Judicial Department website has available for download form SCCA684 entitled "Faretta Warnings." See "Attachment B." Among other things, this form clearly warns self-represented litigants of the dangers of self-representation.
- C. In further support of Applicant's first allegation, Applicant has suffered real collateral consequences as a result of his conviction for domestic violence. At the time he elected a bench trial and represented himself, he was unaware of even the potential for such consequences. The only domestic violence consequence mentioned by Judge Salvin during her address involved the possession of firearms. A transcript of the relevant portion of the judge's address is attached to this application and marked as "Attachment C." Applicant is a long distance truck driver by vocation. Previous to his conviction he was able to drive across the border into Canada to pick up and deliver goods. Due to his conviction, Canadian authorities now deny him entrance into Canada.

- D. As to Applicant's second allegation, Section 16-25-20 of the South Carolina Code of Laws criminalizes the act of causing physical harm or injury to a person's own "household member," which is a term defined by Section 16-25-10 as (1) a spouse, (2) a former spouse, (3) persons who have a child in common or (4) a male and female who are cohabitating or formerly have cohabitated.
- E. During the prosecution's case no evidence was offered that the Applicant and the victim were "household members." The officer referred to Applicant as the victim's "boyfriend at the time." The officer testified that the incident occurred outside of Applicant's mother's house at 4:00 a.m. According to the officer, the victim went there to inform Applicant's mother that "she was not going to be able to pick up their kid." However, the officer never testified or offered any evidence that Applicant and the victim lived together, previously lived together, or has a child in common. The victim told the judge that "she" has a daughter but Applicant was never once identified as the biological father of the child.
- F. After sentencing the Applicant, the trial judge did state that Applicant and the victim have a child in common. However, this acknowledgement is not supported by the facts presented to the court during the prosecution's case in chief. The judge may have assumed this, but men often date women who have children from previous relationships. The prosecution offered no clear evidence that Applicant and the victim were "household members," which is a critical element of the crime of domestic violence.

- G. Applicant did not make a directed verdict motion at the close of the prosecution's case. Because the officer failed to offer evidence sufficient to prove that Applicant and the victim met the statutory definition of "household members," a directed verdict motion should have been granted. Applicant was prejudiced by his failure to move for a directed verdict.
- H. In further support of Applicant's second allegation, he: (1) failed to object to hearsay testimony, (2) failed to cross-examine the prosecution's witnesses and (3) testified and then stated that he was not going to testify after the officer pointed out to the trial judge that she failed to place Applicant under oath before he started testifying. Applicant, who has no law degree, did not provide effective representation during any stage of the bench trial and his case was prejudiced as a result.

12. Prior to this application have you filed with respect to this conviction:

A. Any petition in a State Court under South Carolina Law?

No.

B. Any petition in State or Federal Courts for habeas corpus or post-conviction relief?

No.

C. Any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)?

No.

D. Any petitions, motions or applications in this or any other Court?

No.

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application: the specific nature thereof, the name and location of the Court in which each was filed, the disposition thereof, the date of each such disposition, if known, citations of any written opinions or orders entered pursuant to each such disposition:

Applicant has filed no petition, motion or application in any of the courts enumerated in (12) nor in any other court.

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No.

15. If you answered "yes" to (14) identify: which grounds have been presented, the proceedings in which each ground was raised:

No ground for post-conviction relief set forth above has been presented to any other state or Federal court previously. This is Applicant's first post-conviction relief application.

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

No ground has been so presented since the instant filing is Applicant's first filing since he was convicted of domestic violence.

17. During the course of Applicant's bench trial he represented himself.

18. Applicant did not appeal his conviction.

19. Applicant is currently represented by the undersigned.

20. Applicant is not under sentence of any other court that has not been challenged.

21. Applicant seeks a new trial on the above-referenced domestic violence ticket based on (1) the fact that he never knowingly and intelligently waived his right to counsel and would have sought counsel had he been properly warned of the dangers of self-representation and (2) claims based on the ineffective assistance he provided on his own behalf during the conduct of his trial.

22. The Applicant is entitled to redress.

In reliance upon the above stated grounds for relief, along with the facts in support of each ground for relief, together with certain supporting documentation, which is attached hereto and incorporated herein by reference as Attachment A, Attachment B and Attachment C the undersigned, as counsel for Applicant, herewith moves that post-conviction relief for Applicant be granted.

Respectfully Submitted,

September 10, 2017

---

Jonathan M. Hiller  
S.C. Bar 76482  
HILLER LAW FIRM, PC  
604 16th Ave N  
Myrtle Beach, SC 29577  
P: 843.839.2450  
F: 843.839.2451

ATTORNEY FOR APPLICANT

# Attachment A

1 JUDGE SALVINI: In a criminal court, the burden is on the prosecuting  
2 agency to ~~prove your guilt beyond a reasonable~~ doubt. Now, because  
3 that is the standard, you also have the right to have an attorney  
4 present with you during every stage of every criminal proceeding. If  
5 you're present here this morning and you do not have counsel and  
6 you need additional time to either go out and hire counsel or see if  
7 you qualify for appointed counsel, when I call your case all you need  
8 to do is let me know. I will reschedule your case once and only once,  
9 meaning I won't hear it today and will continue it to the next court  
10 date for the purpose of you seeing if you qualify for appointed counsel  
11 or for you to go out and hire counsel. Remember I am only going to  
12 continue it once. So if you reappear on your next court date and you  
13 do not have counsel present with you, your case is going to proceed  
14 forward on that date.

(End of Transcript Excerpt 7:05 to 7:57)

---

---

# Attachment B

State vs. \_\_\_\_\_  
 Ticket/Warrant Number(s) \_\_\_\_\_  
 Offense(s) Charged \_\_\_\_\_  
 Penalty: \_\_\_\_\_

**FARETTA WARNINGS**

You have been charged with the criminal offense(s) listed above. Before you can plead guilty or not guilty to this charge(s) or proceed to trial, you must be informed that you have the right to an attorney. If you cannot afford an attorney (and meet certain income guidelines established by the Court), an attorney will be appointed to represent you, if you so choose. If you do not meet the eligibility guidelines to have an attorney appointed to represent you, you still have the right to an attorney to represent you on the charge(s) listed above, however the attorney must be retained at your own expense.

You do have the constitutional right to represent yourself and proceed without an attorney; however, I must inform you of the following:

- Self-representation can be dangerous and you have the right to have the assistance of a lawyer at all stages of the proceedings, and if you cannot afford a lawyer, a lawyer can be appointed to represent you.
- Criminal defense is a highly specialized and technical area of the law.
- There may be certain factual, legal, or other defenses to the charge(s) you are facing and if you choose to proceed without the services of a licensed attorney, you may not be aware of certain defenses.
- There may be issues related to the conduct of trial or a guilty plea that could arise in the future that you may not be aware of and it would be your attorney’s responsibility to be aware of those issues and how to properly address them before the Court, and, if necessary, preserve the issues for appellate review.
- There may be collateral consequences of a conviction or plea that you are not aware of, including, but not limited to, you could face increased penalties for subsequent offenses, suspension of your driver’s license, the restriction of the right to possess firearms and/or ammunition, or your immigration status may be affected.
- If you exercise your right to proceed without the services of an attorney, you are responsible for complying with all applicable rules of court, including rules of evidence, procedural rules, and proper behavior before the Judge and/or Jury.
- You understand that if you waive screening for a court-appointed attorney, that you are responsible for hiring a private attorney if you want one.

I state that I have fully and completely read this document regarding self-representation and I have had any and all of my questions answered to my complete satisfaction. At this time, I **DO/DO NOT** (circle one) wish to be screened for a court-appointed attorney and I wish to proceed with my trial at this time.

\_\_\_\_\_  
 Signature of Defendant                      Date

\_\_\_\_\_  
 Signature of Judge                              Date

---

# Attachment C

1 JUDGE SALVINI: Ok. Last, last, last but not least, if you've been charged  
2 with Criminal Domestic Violence and you're pleading guilty here this  
3 morning, you cannot possess a firearm. I've had several people ask me  
4 whether or not they can. So if you are here and that's your violation  
5 and you're thinking about pleading guilty please keep that in mind.  
6 Alright we are going to start with the docket after I handle a couple of  
7 matters and I'll address jury trial requests.

(End of Transcript Excerpt 21:21 to 21:43)

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT

Darryl Joseph Williams,

CERTIFICATE OF DELIVERY

vs.

2016-CP-23

State of South Carolina,

Defendant.

FILED-CLERK OF COURT  
PAUL B. WOODRUM  
CLERK  
2017 SEP 28 AM 10:30

The undersigned certifies that on the 28th day of September, 2017 he caused a true copy of an Amended Post-Conviction Relief Application in the above-referenced matter to be served upon the Office of the Attorney General by causing the same to be sent via First Class U.S. Mail with sufficient postage attached, addressed to:

DeShawn H. Mitchell, Esq.  
Assistant Attorney General  
PO Box 11549  
Columbia, SC 29211

Jonathan M. Hiller  
S.C. Bar No. 76482  
HILLER & HILLER, PA  
604 16th Ave N  
Myrtle Beach, SC 29577  
P: 843.839.2450  
F: 843.839.2451

September 28, 2017

ATTORNEY FOR APPLICANT

STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	
COUNTY OF GREENVILLE	)	Case No(s) .: 2016CP2305814
	)	
Darryl Joseph Williams,	)	
	)	
Applicant,	)	
	)	
-VS-	)	TRANSCRIPT OF RECORD
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

October 26, 2017  
 Greenville, South Carolina

B E F O R E:

**HONORABLE LETITIA H. VERDIN**, Judge.

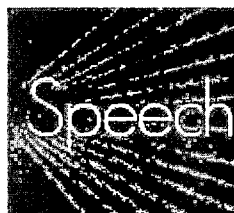
A P P E A R A N C E S:

**JONATHAN M. HILLER**, Esquire  
 Attorney for the Applicant

**DESHAWN H. MITCHELL**, Esquire  
 Attorney for the Respondent

**Teresa B. Johnson, CVR-M, CM**  
 Certified Court Reporter  
 P.O. Box 2812  
 Greenville, S.C. 29602

Records are  
 taken and  
 produced via



CAT 7™

I N D E XDIRECT    CROSS    REDIRECT    RECROSS

Darryl Williams				
by Mr. Hiller	6			
by Mr. Mitchell		11		
Argument of Counsel	12			
Certificate of Reporter	15			

EXHIBITS PAGE

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
------------	--------------------	-----------	-----------

**PLAINTIFF EXHIBITS**

(No exhibits offered.)

**DEFENSE EXHIBITS**

(No exhibits offered.)

**COURT EXHIBITS**

(No exhibits offered.)

Remarks

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

P R O C E E D I N G S

(Proceedings begin on the 26th day of October, 2017 at approximately 9:52 a.m.)

**MR. MITCHELL:** May it please the Court, Your Honor?

**THE COURT:** Yes.

**MR. MITCHELL:** This is 2016-CP-23-5814, Darryl Joseph Williams versus the State of South Carolina. The applicant, as you can see, is not incarcerated.

**THE COURT:** Yes.

**MR. MITCHELL:** On June 26th, 2015, Applicant was arrested for Criminal Domestic Violence, simple assault. The applicant was represented pro se. On October 14th, 2015, the applicant proceeded to a bench trial before the Honorable Jessica Salvini. Judge Salvini fined Applicant \$850. The applicant did not appeal his conviction. He's present in the courtroom today represented by Mr. Hiller.

**THE COURT:** All right. Mr. Hiller?

**MR. HILLER:** Yes, Your Honor. That's all correct. I'm going to call Darryl Williams to the stand in just a moment.

**THE COURT:** Sure.

Remarks

1           **MR. HILLER:**     But before, if it's alright,  
2           I want to put other stipulation on the record  
3           regarding my amended post-conviction relief  
4           application.

5           **THE COURT:**     All right. Very well.

6           **MR. HILLER:**     The return very properly  
7           included a transcript of the actual bench  
8           trial. It did not include about 22 minutes of  
9           pre-bench trial address made by Judge Salvini  
10          to everyone before her that day. What I did is  
11          I provided them with the audio of that 22  
12          minutes, then I transcribed the relevant parts  
13          and attached that to my amended application,  
14          which was served -- clocked on the 28th and  
15          served that same day. Of course, it arrived a  
16          few days later by mail.

17          So I believe we stipulated that my two  
18          attachments, A and C, which are excerpts from  
19          that 22 minutes are complete and accurate and  
20          there was nothing else said relevant to the  
21          issue before the Court today.

22          **THE COURT:**     All right. Very well. Anything  
23          -- anything from the State?

24          **MR. MITCHELL:**     No.

25          **THE COURT:**     All right then, so stipulated.

1           **MR. HILLER:**     With that said, I call Darryl  
2           Joseph Williams to the stand.

3           **THE COURT:**     All right. Sir, if you will,  
4           come up here and be sworn.

5                           **DARRYL WILLIAMS**  
6           having first been duly sworn, testifies as follows:

7           **THE CLERK:**     Thank you. You may be seated.  
8           Please state your full name for the record.

9           **THE WITNESS:**    My name is Darryl Joseph  
10          Williams, Jr.

11          **THE CLERK:**     Thank you.

12          **MR. HILLER:**    Thank you.

13                           **DIRECT EXAMINATION**

14 **BY MR. HILLER:**

15           **Q**     Darryl, did you appear in the City of  
16           Mauldin Municipal Court on October 14th, 2015?

17           **A**     Yes.

18           **Q**     Why?

19           **A**     To handle a case for a CDV charge.

20           **Q**     You were charged with CDV?

21           **A**     Yes.

22           **Q**     You appeared as the defendant?

23           **A**     Yes.

24           **Q**     Do you recall that court date? I know it  
25           was about two years ago, but do you remember what

1 went on that day?

2       **A**     Yes.

3       **Q**     How did court that morning start?

4       **A**     She addressed -- she addressed everyone and  
5 she said that we have a right to a -- to -- to a  
6 bench trial, jury trial.

7       **Q**     So she gave, like, opening remarks?

8       **A**     Yes.

9       **Q**     And you were there for those remarks?

10      **A**     Yes, I was.

11      **Q**     Listened to everything she said?

12      **A**     Yes.

13      **Q**     Since that court date over two years ago,  
14 have you had the opportunity to review what she said?

15      **A**     Yes.

16      **Q**     How were you able to do that?

17      **A**     I reviewed it in audio sound and by the  
18 paper notes.

19      **Q**     So that -- everything she said was recorded  
20 and you listened to that recording?

21      **A**     Yes.

22      **Q**     During those remarks, did Judge Salvini say  
23 anything about your right to hire a lawyer?

24      **A**     Yes, she did.

25      **Q**     And that was my attachment A, which we

1 stipulated is what she said. Basically, she told you  
2 you had the right to hire a lawyer and you could get  
3 your case continued, if you wanted a lawyer. Is that  
4 what she said?

5 **A** Yes, and --

6 **Q** Now, did she give you any warnings about  
7 the dangers of representing yourself?

8 **A** No.

9 **Q** Now, what I'd like to do -- I guess I'm  
10 trying to decided how to --

11 **THE COURT:** Why don't we do this, why  
12 don't we say we'll amend your --

13 **MR. HILLER:** This is attachment B to my --

14 **THE COURT:** It is

15 **MR. HILLER:** It's part of the record  
16 already and it's been clocked before the Court.

17 **THE COURT:** Okay. All right. Well, let's  
18 just do it as Applicant's 1. How about that?

19 **MR. HILLER:** Okay. Sure.

20 **BY MR. HILLER:**

21 **Q** I'm just going to show you what's been  
22 marked as Applicant's 1 and ask you if you've ever  
23 seen that form before.

24 **A** Yes, I have seen that form.

25 **Q** When did you see that form?

1           **A**     Yesterday.

2           **Q**     Yesterday is the first time you saw it?

3           **A**     Yes.

4           **Q**     What's the name of that form?

5           **A**     Faretta Warnings.

6           **Q**     Did you see that form on October 14th,  
7 2015?

8           **A**     No, I did not.

9           **Q**     You had a chance yesterday to review that  
10 form, correct?

11          **A**     Yes, I did.

12          **Q**     If you had seen that form in October --  
13 what's your impression of that form and the  
14 information it contains?

15          **A**     It's a lot of stuff that I really didn't  
16 know and I really don't understand too much.

17          **Q**     If you had seen that form on the 14th --  
18 October 14th of 2015, would that have made you more  
19 likely or less likely to seek the advice of the  
20 lawyer rather than represent yourself?

21          **A**     I would have went and sought, I guess, a  
22 lawyer for that.

23          **Q**     When -- before you went to trial on the  
24 14th, did the judge ask you anything about -- any  
25 questions about your background, your work experience

1 or education?

2 **A** No.

3 **Q** Will you please tell the Court your  
4 educational experience?

5 **A** I just graduated high school. I have barely  
6 one to two years of college.

7 **Q** Where did you go to college?

8 **A** Greenville Tech.

9 **Q** Did you get a degree there or you just took  
10 some classes?

11 **A** I just took classes.

12 **Q** Did you take any classes related to  
13 criminal justice, anything like that?

14 **A** No.

15 **Q** What was your field of study?

16 **A** Just, like, general core classes.

17 **Q** What do you do for a living now?

18 **A** I'm a truck driver.

19 **Q** Now, since your conviction, have you  
20 suffered any consequences?

21 **A** Yes.

22 **Q** What is that?

23 **A** Lost my job and can't go into Canada.

24 **Q** You can't go into Canada?

25 **A** Yes.

1           Q     Why were you -- what -- you were going into  
2 Canada for work, previously?

3           A     Yes.

4           Q     And now, is it an immigrating thing or a  
5 boarding thing?

6           A     Yes, immigration and boarding thing.

7           Q     So if -- just one more question. If you had  
8 been warned of the dangers of self-representation,  
9 either verbally or in writing, would you have reached  
10 a different decision?

11          A     Of course.

12          Q     What would you have done?

13          A     I would have hired a lawyer to help me out.

14          Q     No further questions.

15          **THE COURT:**     Mr. Mitchell?

16          **MR. MITCHELL:**     Just a few, Your Honor.

17          **THE COURT:**     Yeah.

18                               **CROSS-EXAMINATION**

19   **BY MR. MITCHELL:**

20          Q     Good morning, Mr. Williams. How are you?

21          A     Doing fine, sir.

22          Q     Good. You recall Judge Salvini asking you  
23 or asking if you wanted to hire a lawyer at all?

24          A     She asked me, yes. She said that brief --  
25 she said you have a right to a bench trial or a jury

1 trial.

2 Q You remember her asking if you wanted a  
3 continuance, she would grant one?

4 A Yes, I do remember that, sir.

5 Q Did you ever indicate to the judge at any  
6 time that you wanted a lawyer or that you wanted a  
7 continuance to be able to find one?

8 A No.

9 MR. MITCHELL: That's all the questions I  
10 have for him, Judge.

11 THE COURT: All right.

12 MR. HILLER: Your Honor, could I make a  
13 few brief arguments, and then I have a proposed  
14 order.

15 THE COURT: All right. Absolutely.

16 Sir, you can step down.

17 MR. HILLER: It's really pretty  
18 straightforward. Faretta requires that you are  
19 advised of your right to counsel, but then,  
20 second prong, adequately warned of the dangers  
21 of self-representation. With all due respect to  
22 the Court that day, that just didn't happen.  
23 There's nothing in the recorded -- the recording  
24 from that day to indicate that Darryl Williams  
25 was advised of the dangers of going forward

1           without a lawyer, which Feretta requires,  
2           preferably in writing because you have that form  
3           that's been approved by Court Administration for  
4           such exact situations like that.

5           Some courts, like down in Myrtle Beach,  
6           where I also practice, use that. The judge  
7           requires the defendant to sign it, even when  
8           they are represented, which kind of hurts us,  
9           but we're advised to use it because that form  
10          has useful information on it. That court -- that  
11          court form was approved -- the date on it is  
12          1/14. It was in existence for roughly a year and  
13          nine months when Mr. Williams went to trial.

14          I just submit that as the gold standard,  
15          maybe. I'm not saying that the form was  
16          required, but what is required is a verbal  
17          warning, background information asked of the  
18          Court sufficient to satisfy the judge that his  
19          waiver of the right to counsel was knowing and  
20          voluntary. We just don't have that record in  
21          this case. As a result, I believe that he's  
22          entitled to a new trial on this matter.

23                 **THE COURT:**     All right. Anything from the  
24                 State you want to add to that?

25                 **MR. MITCHELL:**   The State would waive any

1 final arguments.

2 **THE COURT:** All right. Well, let me take a  
3 look at things. You said you've got a proposed  
4 order for me?

5 **MR. HILLER:** I do, Judge.

6 **THE COURT:** I certainly accept that. Let  
7 me take a look at things. I'll issue a decision  
8 very shortly. I would anticipate within the  
9 week.

10 **MR. HILLER:** I would just provide  
11 Assistant Attorney General Mitchell a copy.

12 **THE COURT:** I really do appreciate it.  
13 Thank you very much.

14 **MR. HILLER:** Thank you, Judge.

15 **THE COURT:** All right.

16

17 (Proceedings conclude at approximately  
18 10:03 a.m.)

19

20

21

22



STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT

Darryl Joseph Williams,

2016-CP-23-5814

Applicant,

vs.

ORDER GRANTING RELIEF

State of South Carolina,

Respondent.

FILED-CLERK  
PAUL R. WILSON  
CLERK  
2017 OCT 30 AM 9:52

This matter is before the Court on an application for post-conviction relief filed by Darryl Joseph Williams, hereafter the Applicant, on October 12, 2016 and amended on September 28, 2017. Present at the hearing was the Applicant and his attorney, Jonathan Hiller. Assistant Attorney General DeShawn Mitchell appeared on behalf of the State of South Carolina, the Respondent.

After hearing testimony from the Applicant and considering the matters brought before the Court by the amended application for post-conviction relief, the Court makes the following factual findings.

Findings of Fact

1. The Applicant was arrested and charged with domestic violence in the third degree on June 26, 2015.
2. The Applicant appeared in Mauldin Municipal Court on October 14, 2015.
3. At the beginning of the court proceedings, the municipal judge delivered a general address that contained information and instructions directed to all of the persons appearing in court as defendants.



Copy to PAT @ counter

4. The general address was audio recorded and, in relevant part, transcribed by the Applicant. Respondent was provided with a copy of the audio recording and the transcript. Respondent made no objection to the transcript of the recording.
5. During the general address, the trial judge informed all the defendants, including the Applicant, of the right to counsel.
6. However, the general address did not include any verbal warnings to Applicant or the other defendants about the dangers and disadvantages of self-representation or the potential collateral consequences of a conviction after self-representation.
7. The trial judge did not provide any written information about the right to counsel or any warnings about the dangers of self-representation and the possible collateral consequences of a criminal conviction.
8. After the conclusion of the general address, the Applicant chose a bench trial and represented himself during the trial.
9. At the conclusion of the trial, the Applicant was convicted. He was ordered to pay a fine in the amount of Eight Hundred and Fifty Dollars (\$850).
10. During the post-conviction relief hearing, the Applicant testified that if he received a verbal warning about the dangers of self-representation, he would have requested a continuance so that he could seek advice from a lawyer.
11. The Applicant further testified that he would have sought advice from a lawyer if he had been given written warnings about the dangers of self-representation.
12. The Applicant's testimony is credible.
13. The Applicant testified that he attended school through the twelfth grade and has a high school diploma. He further testified that he attended some college classes at



Greenville Technical College where he took general education and HVAC (heating ventilation and air conditioning) classes but never graduated.

14. In January 2014 South Carolina Court Administration approved Form 684, which is entitled "FARETTA WARNINGS." This form is available for download on the South Carolina Judicial Department website (<http://www.sccourts.org/forms>).

#### Legal Conclusions

The issue before this Court is whether the Applicant knowingly and voluntarily waived his right to counsel. Based on the above factual findings and in consideration of the following legal authority, the Court concludes the Applicant did not make a knowing and voluntary waiver of his right to counsel.

To waive the right to counsel a defendant must be "advised of his right to counsel and adequately warned of the dangers of self-representation." Watts v. State, 347 S.C. 399, 556 S.E.2d 368 (S.C. 2001) (citing Prince v. State, 301 S.C. 422, 392 S.E.2d 462 (S.C. 1990)). Settled principles of jurisprudence require that a defendant "be made aware of the dangers and disadvantages of self-representation so that the record will establish he knows what he is doing and his choice is made with eyes open." Faretta v. California, 422 U.S. 806, 95 S.Ct. 2525, 45 L.Ed. 562 (1975). The trial judge is responsible for ensuring the defendant is given the opportunity to make a "competent, intelligent waiver." State v. Dixon, 269 S.C. 107, 236 S.E.2d 419 (S.C. 1977). "While a specific inquiry by the trial judge expressly addressing the disadvantages of a pro se defense is preferred, the ultimate test is not the trial judge's advice but rather the defendant's understanding." Wroten v. State, 301 S.C. 293, 391 S.E.2d 575 (S.C. 1990) (citing Fitzpatrick v. Wainwright, 800 F.2d 1057 (11th Cir. 1986)).

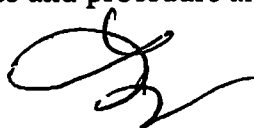


If the trial judge does not address the dangers and disadvantages of engaging in self-representation, as required by the second prong of Faretta v. California, “this Court will look to the record to determine whether the petitioner had sufficient background or was appraised of his rights by some other source.” Watts v. State, 347 S.C. 399, 556 S.E.2d 368 (S.C. 2001). In an action for post-conviction relief, “if the record fails to demonstrate the petitioner made an informed choice to proceed pro se, with ‘eyes open,’ then the petitioner did not make a knowing and voluntary waiver of counsel and the case should be remanded for a new trial.” Id.

In the case currently before the Court, the trial judge told the Applicant, and the other defendants assembled in municipal court on October 14, 2015, of the right to representation provided by a lawyer. But the trial judge offered no verbal warnings about the dangers of self-representation, even though verbal warnings are preferred. Further, the trial judge offered no written warnings, though such warnings were approved for use by the South Carolina Court Administration and available at the time of Applicant’s trial.<sup>1</sup> The trial judge did not pose any questions to Applicant about his background. Finally, neither the record of Applicant’s trial in municipal court nor the testimony presented to this Court at Applicant’s post-conviction relief hearing demonstrates that the Applicant had sufficient background to make a knowing and voluntary waiver of his right to counsel or appraised of this right by another source. Applicant, who is employed as a

---

<sup>1</sup> Applicant attached South Carolina Court Administration Form 684 entitled “FARETTA WARNINGS” to his amended post-conviction relief application. This form was approved in January 2014 and informs pro se defendants with warnings regarding the dangers of self-representation, the technicalities of criminal defense as a practice area, preservation issues for appellate purposes, some collateral consequences of a criminal conviction, the applicability of the rules of evidence and procedure and the possibility of having a lawyer appointed via a screening process.

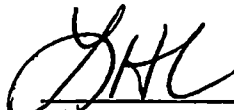


commercial truck driver, testified that he finished high school and took one and a half years of basic college classes.

In conclusion, the trial judge did not verbally warn the Applicant of the dangers of self-representation and the Applicant does not have the type of background knowledge or experience sufficient to make an knowing and intelligent waiver of the right to counsel absent Faretta warnings. Therefore, Applicant's conviction is reversed and this case is remanded for a new trial, and

IT IS SO ORDERED.

October 26, 2017

  
\_\_\_\_\_  
The Honorable Letitia Verdin  
South Carolina Circuit Court Judge



STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF GREENVILLE	)	THE THIRTEENTH JUDICIAL CIRCUIT
	)	
Darryl Joseph Williams	)	2016-CP-23-5814
Applicant,	)	
	)	
v.	)	<b>MOTION TO ALTER OR AMEND</b>
	)	<b>JUDGMENT PURSUANT TO</b>
	)	<b>RULE 59(E), SCRPC</b>
State of South Carolina,	)	
Respondent.	)	
_____)		

Respondent now moves pursuant to Rule 59(E) SCRPC, and all other applicable rules to alter or amend the judgement issued by this Court.

This matter is before this Court by way of an application for post-conviction relief. Following a hearing on the matter, this Court granted relief by order dated October 26, 2017, and filed October 30, 2017. In its order, this Court granted relief because “the trial judge did not verbally warn the Applicant of the dangers of self-representation and the Applicant does not have the type of background knowledge or experience sufficient to make an knowing and intelligent waiver of the right to counsel absent Faretta warnings.” Respondent received the order via United States Postal Service on November 1, 2017.

**DISCUSSION**

In making this motion, Respondent reserves and incorporates all previous arguments and authority presented to this Court. Respondent submits the judgment should be altered or amended based on the following:

This Court erred in granting relief to Applicant as he did not have a right to counsel. The constitutional right to counsel attaches when a defendant receives a misdemeanor sentence that may end up in the actual deprivation of a person’s liberty. Talley v. State, 371 S.C. 535, 640

S.E.2d 878 (2007), (citing Alabama v. Shelton, 535 U.S. 654, 658(2002); see also Scott v. Illinois, 440 U.S. 367 (1979); Argersinger v. Hamlin, 407 U.S. 25 (1972). “[Only those proceedings ‘resulting in immediate actual imprisonment’ trigger the right to state-appointed counsel,” id. at 663, and not the threat of imprisonment. Scott v. Illinois, 440 U.S. at 367; see also State v. Wickenhauser, 309 S.C. 377, 423 S.E.2d 344 (1992).

In Argersinger v. Hamlin, the United States Supreme Court held “absent a knowing and intelligent waiver, no person may be imprisoned for any offense, whether classified as petty, misdemeanor, or felony, unless he was represented by counsel at his trial.” Argersinger v. Hamlin, 407 U.S. 25, 37 (1972). The United States Supreme Court later clarified that actual imprisonment, not just the possibility of imprisonment, is the demarcation line and there is no abrogation of the right to counsel unless the defendant is sentenced to a term of imprisonment. Scott v. Illinois, 440 U.S. 367, 373-374 (1979). Here, Applicant was arrested and charged with domestic violence in the third degree on June 26, 2015. As a result of this charge Applicant was facing a potential sentence of imprisonment for ninety days if convicted. However, after a bench trial in which he was found guilty, Applicant received a fine of eight hundred and fifty dollars as a result of his conviction. Because Applicant’s sentence did not result in actual imprisonment, he was not entitled to counsel.

Accordingly, Applicant is not entitled to relief as his conviction did not result in immediate actual imprisonment. For the foregoing reasons, Respondent requests this Court reconsider its previous ruling and deny post-conviction relief.

Respectfully submitted,

ALAN WILSON  
Attorney General

W. JEFFREY YOUNG  
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON  
Senior Assistant Deputy Attorney General

DESHAWN H. MITCHELL  
Assistant Attorney General

By:   
\_\_\_\_\_  
ATTORNEYS FOR RESPONDENT

Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
Telephone: (803) 734-3737

November 13, 2017

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF GREENVILLE )  
 )  
 )  
 )  
 DARRYL JOSEPH WILLIAMS )  
 )  
 )  
 Applicant, )  
 )  
 vs )  
 )  
 STATE OF SOUTH CAROLINA, )  
 )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS

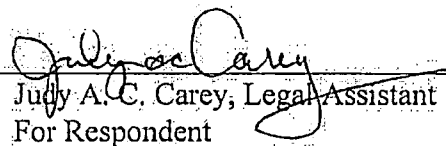
2016-CP-23-5814

AFFIDAVIT OF SERVICE BY MAIL

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Motion to Alter or Amend** the order granting post-conviction relief in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

**Jonathan M. Hiller, Esquire**  
**Hiller Law Firm, PC**  
**604 16th Avenue, N**  
**Myrtle Beach SC 29577**

DATED this 13th day of November, 2017.

  
 Judy A. C. Carey, Legal Assistant  
 For Respondent

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT

Darryl Joseph Williams,

2016-CP-23-5814

Applicant,

RETURN TO RESPONDENT'S  
59(E) MOTION TO ALTER OR  
AMEND JUDGEMENT

vs.

State of South Carolina,

Respondent.

Respondent correctly states that in a subset of criminal cases, indigent defendants are not constitutionally guaranteed the right to appointed counsel. These cases involve misdemeanor offenses where a convicted, indigent defendant is not sentenced to active incarceration. Respondent relies primarily on a line of United States Supreme Court case that culminate in Alabama v. Shelton, 535 U.S. 654, 122 S.Ct. 1794, 152 L.E.2d 888 (2002) and the South Carolina Supreme Court case of Talley v. State, 371 S.C. 535, 640 S.E.2d 878 (S.C. 2007). Respondent concludes: “[b]ecause Applicant’s sentence did not result in actual imprisonment, he was not entitled to counsel.”

However, Applicant has never argued that he was entitled to counsel. Rather, his argument has always been that, because he was not provided with Faretta warnings, his decision to represent himself was not knowingly and intelligently made. The right to have counsel appointed is separate and distinct from the right to engage in self-representation. Without exception, a defendant can engage in self-representation but only after the person is informed by the trial judge of (1) the right to counsel and (2) adequately warned of the

dangers of self-representation. The issue in this post-conviction relief matter is not access to a court appointed lawyer, and because Respondent's reliance on Shelton and Talley is misplaced, Applicant respectfully requests this Court to deny Respondent's 59(E) motion.

#### RULE

Applicant maintains his argument that, "[i]n order to waive the right to counsel, the accused must be (1) advised of his right to counsel and (2) adequately warned of the dangers of self-representation." Watts v. State, 347 S.C. 399, 402, 556 S.E.2d 368, \_\_\_ (S.C. 2001) (citing Faretta v. California, 422 U.S. 806, 95 S.Ct. 2525, 45 L.E.2d 562 (1975)). The precise question presented to the Court in Faretta was "whether a defendant in a state criminal trial has a constitutional right to proceed without counsel when he voluntarily and intelligently elects to do so." Faretta, 422 U.S. at 807, 95 S.Ct. at \_\_\_, 45 L.E.2d at \_\_\_ (emphasis added).

At his post-conviction relief hearing, Applicant argued that the municipal court judge did not warn him of the dangers of self-representation as required by Faretta. As stated in that seminal case, "[a]lthough a defendant need not himself have the skill and experience of a lawyer in order competently and intelligently to chose self-representation, he should be made aware of the dangers and disadvantages of self-representation so that the record will establish that he knows what he is doing and his choice is made with eyes open." Id. at 835, 95 S.Ct. at \_\_\_, 45 L.E.2d at \_\_\_ (internal citations omitted).

The United States Supreme Court case upon which Respondent bases its argument is Alabama v. Shelton. In contrast to the issue raised by Applicant, this case "concerns the Sixth Amendment right of an indigent defendant charged with a misdemeanor punishable by imprisonment, fine, or both, to the assistance of court appointed counsel." Shelton,

535 U.S. at 657, 122 S.Ct. at \_\_\_, 152 L.E.2d at \_\_\_ (emphasis added). Shelton appeared pro se at a bench trial in Etowah County, Alabama, and before trial began, “[t]he court repeatedly warned [him] about the problems self-representation entailed [ ] but at no time offered him assistance of counsel at state expense.” Id. at 658, 122 S.Ct. at \_\_\_, 152 L.E.2d at \_\_\_. The Shelton Court held “a suspended sentence that may ‘end up in the actual deprivation of a person’s liberty’ may not be imposed unless the defendant was accorded the ‘guiding hand of counsel’ in the prosecution for the crime charged.” Id., 122 S.Ct. at \_\_\_, 152 L.E.2d at \_\_\_ (quoting Argersinger v. Hamlin, 407 U.S. 25, 92 S.Ct. 2006, 32 L.E.2d 530 (1971)).

In Scott v. Illinois, another case upon which Respondent relies, the United States Supreme Court held, “[t]he Federal Constitution does not require a state trial court to appoint counsel for a criminal defendant such as petitioner.” 440 U.S. 367, 369, 99 S.Ct. 1158, \_\_\_, 59 L.E.2d 383, \_\_\_ (1979). Scott had been convicted of shoplifting and fined \$50 after a bench trial; on appeal he argued that the Sixth and Fourteenth Amendments required Illinois to give him appointed counsel at taxpayer expense. Id. at 368, 99 S.Ct. at \_\_\_, 59 L.E.2d 383, \_\_\_. The United States Supreme Court rejected this contention.

Finally, the South Carolina Supreme Court case cited by Respondent reaches the same basic result. Talley v. State is a post-conviction relief case where the applicant, who was a Federal inmate, tried to “set aside the two misdemeanor convictions alleging his [F]ederal constitutional right to counsel had been violated because he was not represented by counsel in either conviction.” Talley, 371 S.C. at \_\_\_, 640 S.E.2d at 879 (emphasis added). Nowhere in the opinion does the Talley Court address Faretta warnings or indicate that the applicant claimed that he never received Faretta warnings.

In reliance on Scott, supra, the Talley Court held that “[a] fine for an uncounseled misdemeanor conviction is valid, and Respondent did not have a constitutional right to counsel for this conviction.” Id. at \_\_\_, 640 S.E.2d at 882 (emphasis provided). As for Talley’s other conviction, in reliance on Shelton and Argersinger the Court held “[b]ecause Respondent received an immediately suspended sentence and a fine, we conclude the [F]ederal constitutional right to counsel did not apply to Respondent’s conviction.” Id. at \_\_\_, 640 S.E.2d at 883 (emphasis added). The entire line of cases on which Respondent relies addresses instances where the issue before the Court is whether the State is required to furnish an indigent person with appointed counsel.

#### ARGUMENT

First, the right to Faretta warnings is universal and must not be conflated with the right to access to court appointed counsel at taxpayer expense. Applicant argues that the right to proceed without counsel – a decision to be made knowingly and voluntarily after having been informed by the trial judge of (1) the right to counsel and (2) warned of the dangers of self-representation – is separate and distinct from the right to have access to a court appointed lawyer. Respondent erroneously confuses these two separate issues.

Applicant testified at his post-conviction relief hearing that, had he been properly informed as to the dangers of self-representation before his trial, he would have retained counsel at his own expense. By focusing almost exclusively on a line of cases involving an indigent defendant’s right to counsel, Respondent’s argument appears to miss the point.

Second, it is noteworthy that Respondent’s motion never expressly claims that Applicant was unentitled to receive Faretta warnings. Further the motion acknowledges

Argersinger v. Hamlin holds “[o]nly those proceedings resulting in ‘immediate actual imprisonment’ trigger the right to state-appointed counsel.”

It almost appears Respondent may be suggesting that, in cases where the right to appointed counsel does not attach, the defendant is also not entitled to Faretta warnings. If this is in fact the Respondent’s argument, the contention is deeply troubling. The dangers of self-representation extend beyond the possibility of actual incarceration, and collateral consequences of a conviction manifest no matter what sentence is imposed. The case before the Court is a prime example. As testified to at the post-conviction relief hearing, Applicant has been denied entry to Canada and lost his job driving his truck between the Upstate and Toronto as a direct result of the fact that he has a Third Degree Domestic Violence conviction on his record. It is unreasonable to say that, because he was not actually incarcerated after conviction, he was also not entitled to be warned about the potential dangers of self-representation before he undertook pro se representation.

Third, Applicant respectfully submits that Faretta warnings are always required in every pro se case in order to ensure a voluntary and intelligent waiver. Faretta warnings are required in order to help assist a pro se defendant in deciding whether to engage in self-representation, seek private counsel or, if applicable, apply for the service of a Public Defender. The fact that a given defendant ultimately may not qualify for court appointed counsel for any number of reasons does not mean that he or she was not entitled to hear or read Faretta warnings.

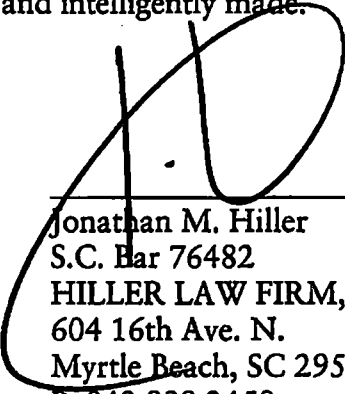
Fourth, at the very beginning of a pro se trial, before the introduction of any of the evidence, it seems to be completely impossible for a judge to know with certainty what sentence he or she will impose on a defendant if that person is found guilty. Logically it

does not make sense to reason backward from after the sentence is handed down post conviction in order to determine whether or not a defendant was entitled to receive Faretta warnings before deciding to proceed pro se.

Finally, Applicant would note that even the defendant in the case of Alabama v. Shelton was “repeatedly warned [ ] about the problems self-representation entailed...” Shelton, 535 U.S. at 658, 122 S.Ct. at \_\_\_, 152 L.E.2d at \_\_\_. The settled rule post-Faretta is that “[t]he trial judge has the responsibility to ensure that the accused is informed of the dangers and disadvantages of self-representation, and makes a knowing and intelligent waiver of the right to counsel.” Dearyburry v. State, \_\_\_ S.C. \_\_\_, \_\_\_, 625 S.E.2d 212, 215 (S.C. 2006). In Applicant’s case, he was not so informed and the issue of whether he was entitled to appointed counsel is a separate, extraneous matter.

#### CONCLUSION

For the above stated reasons, Applicant respectfully requests this Court to deny Respondent’s Rule 59(E) motion. Applicant was entitled to be warned of the dangers of self-representation. He received no Faretta warnings, and as a result his decision to go forward without counsel was not knowingly and intelligently made.




---

Jonathan M. Hiller  
S.C. Bar 76482  
HILLER LAW FIRM, PC  
604 16th Ave. N.  
Myrtle Beach, SC 29577  
P: 843.839.2450  
F: 843.839.2451

November 21, 2017

ATTORNEY FOR APPLICANT

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT

Darryl Joseph Williams,

CERTIFICATE OF DELIVERY

vs.

2016-CP-23-5814

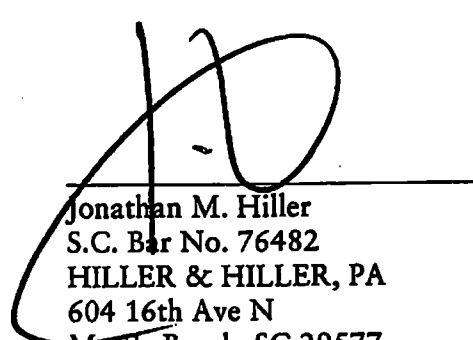
State of South Carolina,

Defendant.

The undersigned certifies that on the 21st day of November, 2017 he caused a true copy of a Return to Respondent's 59(E) Motion to Alter or Amend Judgment in the above-referenced matter to be served upon the Office of the Attorney General by causing the same to be sent via both E-Mail and First Class U.S. Mail with sufficient postage attached, addressed as follows:

DeShawn H. Mitchell, Esq.  
Assistant Attorney General  
PO Box 11549  
Columbia, SC 29211  
dmitchell@scag.gov

FILED-CLERK OF COURT  
PAUL B. WILSON  
2017 NOV 28 PM 2:08



Jonathan M. Hiller  
S.C. Bar No. 76482  
HILLER & HILLER, PA  
604 16th Ave N  
Myrtle Beach, SC 29577  
P: 843.839.2450  
F: 843.839.2451

November 21, 2017

ATTORNEY FOR APPLICANT

FORM 4

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
CASE NUMBER 2016-CP-5814

ENTERED COMPUTER

State of South Carolina,  
Respondent

Darryl Joseph Williams,  
Applicant

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for:  Plaintiff  Defendant  
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):  Rule 40(j) SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):  
 Affirmed;  Reversed;  Remanded;  Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order; (formal order to follow)  Statement of Judgment by the Court:

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk: Respondent's Motion to Alter or Amend Judgment Pursuant to Rule 59(E) is hereby denied.

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

2162  
Judge Code

12/4/2017  
Date

**For Clerk of Court Office Use Only**

12-7-17

12-7-17

This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on , to attorneys of record or to parties (when appearing pro se) as follows:

Deshawn Mitchell

**ATTORNEY(S) FOR THE PLAINTIFF(S)**

Jonathan Hiller

**ATTORNEY(S) FOR THE DEFENDANT(S)**

**Court Reporter**

**Paul B. Wickensimer Greenville County Clerk Of Court - Clerk of Court**

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AGENCY I.D.  
SC0230400

**MAULDIN POLICE DEPARTMENT**  
**INCIDENT REPORT**

CASE NUMBER **77** NCIC  
**M P 1 5 0 2 4 5 1 0** INQ. ENTD.

E V E N T	INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM							
	1. CDS - CDV- SIMPLE ASSAULT		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	20		<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Inst. <input type="checkbox"/> Government <input type="checkbox"/> Relig. Orgn. <input type="checkbox"/> Soc./Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Off.							
	2.		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO										
V I C T I M	INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)				ZIP CODE	WEAPON TYPE								
	COLUMBARD COURT, MAULDIN SC				29662	40								
	INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME 24 HR. CLOCK								
06/26/2015	0418		06/26/2015	0450	DISP. DATE	DISP. TIME	TIME ARRIVED							
						DEPART. TIME								
						LOCATION NO.								
						MP10								
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)			RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE		
GILMORE, SHEILA ANN			#1 PA	#2	#3	<input checked="" type="checkbox"/>	O S O U	B F	53	N	(864) [REDACTED]			
ADDRESS			CITY			STATE	ZIP CODE	LOCATION NO.						
COLOMBARD CT			MAULDIN			SC	29662	MP10						
VICTIM'S NAME (LAST, FIRST, MIDDLE)			RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE		
Victim			#1 BG	#2	#3	<input checked="" type="checkbox"/>	J S O U	W F	31	N				
HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.										
5-6	187	BLN	BLU											
ADDRESS			CITY			STATE	ZIP CODE	LOCATION NO.						
DRY POCKET RD # [REDACTED]			GREER			SC	29650-5255							
VISIBLE INJURY (VICT. 1) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO EXPLAIN - Apparent Minor Injur														
VICTIM (NO. 1) USING: ALCOHOL: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK. DRUGS: <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNK.														
<input type="checkbox"/> TWO-MAN VEH. <input type="checkbox"/> ONE-MAN VEH. <input type="checkbox"/> DETECTIVE/SPLASMT. <input type="checkbox"/> OTHER <input type="checkbox"/> ALONE <input type="checkbox"/> ASSISTED J - This Jurisdiction S - State O - Out of State U - Unknown														
S U B J E C T	<input checked="" type="checkbox"/> SUSPECT	SUBJECT NAME (LAST, FIRST, MIDDLE)				RACE	SEX	AGE	ETH.	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
	<input type="checkbox"/> RUNAWAY	WILLIAMS, DARRYL JOSEPH JR				B	M	32	N		6-0	230	BLK	BRO
	<input type="checkbox"/> WANTED	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.												
<input type="checkbox"/> WARRANT	ADDRESS				CITY			STATE	ZIP CODE	LOCATION NO.				
<input checked="" type="checkbox"/> ARREST	COLUMBARD CT				MAULDIN			SC	29662-2857					
<input checked="" type="checkbox"/> JAIL	SUBJECT (NO. 1) USING: ALCOHOL: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK.				ARRESTED NEAR OFFENSE SCENE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			DATE/TIME OF OFFENSE		DATE/TIME OF ARREST				
<input checked="" type="checkbox"/> SUMMONS	DRUGS: <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> UNK. TYPE:				TOTAL # ARRESTED 1			06/26/2015 0418		06/26/2015 0450				
N A R R A T I V E	Offenses: CDV- SIMPLE ASSAULT													
	I responded to the incident location in reference to a report of a domestic dispute.													
	See supplemental.													

				JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY				JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY				
P	TYPE (GROUP)											TOTAL VALUE
R	Burned											
O	Count/Forged											
P	Dest./Damaged											
E	Recovered											
R	Seized											
T	Stolen											
Y	Unknown											
A	SUBJECT IDENTIFIED		SUBJECT LOCATED		<input type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED		<input type="checkbox"/> ARRESTED UNDER 18		<input type="checkbox"/> EX-CLEAR UNDER 18			
D	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> UNFOUNDED		<input checked="" type="checkbox"/> ARRESTED 18 AND OVER		<input type="checkbox"/> EX-CLEAR 18 AND OVER			
M	REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION 5. <input type="checkbox"/> JUVENILE - NO CUSTODY											
I	REPORTING OFFICER(S)		DATE	UNIT NUMBER	APPROVING OFFICER				DATE	UNIT NUMBER		
N	PTL MICHAEL JOSHUA ROGERS		06/26/2015	847	MPO GEORGE MILLER				06/26/2015	819		
S	FOLLOW-UP INVESTIGATION OFFICER											
T	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PTL MICHAEL JOSHUA ROGERS											
	06/26/2015											

# INCIDENT REPORT SUPPLEMENTAL

78  
Page #: 1

Case Number: MP15024510

Officer: 301 ROGERS, MICHAEL

Date Entered/Changed: 06/26/2015

Reviewer: 61

Review Date: 06/26/2015

**DETAILED STATEMENT OF INVESTIGATION:** I responded to the incident location in reference to a report of a domestic dispute. Upon arrival, I met with the complainant, Sheila Gilmore, who advised that the subject, Daryl Joseph Williams Jr., assaulted the victim, [Victim], after [Victim] arrived at her house. Gilmore (mother of Williams) stated she was awoken by a "commotion" in the driveway of her residence. Gilmore stated when she looked outside, she observed Williams and [Victim] "fighting" in the driveway. Gilmore stated that Williams left in a White Acura prior to officers' arrival.

I informed Ptl. Crooks that I observed a White Acura traveling at a high rate of speed on Ashmore Bridge Road while I was enroute to the incident location. After a short time, I heard Ptl. Crooks stop the suspect vehicle on North Main Street.

I turned my attention to [Victim] and engaged her in conversation as to the goings on. [Victim] stated that she and Williams were at an "Irish Pub" in Greenville and she was made to leave the establishment by the owner. [Victim] stated that she became angry with Williams because he would not "defend" her to the owner. [Victim] states she then left the bar in her own vehicle and left Williams there with his vehicle. [Victim] states that she came to the incident location (Gilmore's residence) to inform Gilmore that she was not going to be able to pick up her daughter until later in the day. [Victim] stated that shortly after arriving at this location, Williams came and engaged her in a verbal altercation regarding the events at the pub. [Victim] stated that the argument escalated when Williams picked her up and "threw" her into the passenger seat of his vehicle. [Victim] stated that she attempted to exit the vehicle but Williams kept closing the door on her. [Victim] stated that after Williams came around to the driver's seat, she was able to exit the vehicle and ran to the porch area of the house. [Victim] states that Gilmore then opened the door and allowed her to enter the house but refused to allow Williams inside the residence.

[Victim] appeared to be physically upset. Her appearance was of an unkept nature. She was barefoot and when asked where her shoes were, she stated that Williams had removed them and thrown them somewhere. [Victim] had a slight bruise on the inside of her left bicep. [Victim] advised officers that she and Williams do have a three year old daughter in common. I then cleared the scene and responded to Ptl. Crooks' traffic stop. Once at the traffic stop location, I informed Williams that he was under arrest for Criminal Domestic Violence and completed courtesy summons #62645GM and Ptl. Crooks transported Williams to Greenville County Detention Center.

Ptl Counts provided [Victim] with a Victim Notification form and also informed me that [Victim] refused to cooperate with officers any further after she was informed of Williams' arrest.

# INCIDENT REPORT SUPPLEMENTAL

79  
Page #: 1

Case Number: MF15024510

Officer: 281 COUNTS, LA'QUENDIN Date Entered/Changed: 06/26/2015 Reviewer: 61

Review Date: 06/26/2015

DETAILED STATEMENT OF INVESTIGATION: At approximately 0423 hours myself and Officer Rogers arrived at 19 Colombard Court, in reference to a disturbance that had already occurred. Upon our arrival we took notice to a white SUV that was partially parked in the driveway. The vehicle was still on and the driver side door was opened as well. We then approached the residence and spoke with Sheila Gilmore whom was the mother of the suspect Darryl Williams. I asked S. Gilmore to explain to us as to what had occurred. S. Gilmore stated that her son Darryl Williams and his girlfriend [Victim] had been into an altercation. I noticed [Victim] was sitting on the stairs of the residence. I also noticed that her face, neck, and arms were red. I also noticed a red bruise on [Victim] left bicep. I then asked [Victim] to explain to me as to what had occurred. S. Gilmore advised that D. Williams was not at the residence.

[Victim] stated that she and D. Williams were out at The Irish Pub. She went on to say that while they were there she and D. Williams were kidding around and so she called him a "Nigga." [Victim] said that the manager of The Irish Pub took offense to the word "Nigga" being used and so he had [Victim] leave the establishment. [Victim] said that she was upset that D. Williams did not "defend her" and tell the manager that they were joking around. [Victim] said that she went to hang out at a friends house until D. Williams decided to leave the establishment. [Victim] said that soon after D. Williams left the pub, he went home and started packing his belongings. [Victim] also mentioned that D. Williams dropped off their daughter with his mother. [Victim] said that she went over to S. Gilmore's home so that she could make sure that it was okay for their child to be there. [Victim] said that when she arrived at S. Gilmore's home, D. Williams arrived as well. [Victim] said D. Williams tugged and pulled her back to the car. She said that he then lifted her up and tossed her in the vehicle. [Victim] said that D. Williams stated "You are not bringing this drama to my mom's house." I asked [Victim] if D. Williams has ever been physical with her before and she raised her hand to show me four fingers.

Officer Crooks advised that he had made contact with D. Williams on a traffic stop. Officer Rogers left to go assist him and I remained on scene. Once [Victim] realized that D. Williams was going to be charged with CDV, she refused to cooperate. She would not write a statement; nor would she sign the victim notification form. She kept saying that she loved him and did not want him to get into trouble. Once I completed the paper work, I then cleared the scene.

I took no further action.

# INCIDENT REPORT SUPPLEMENTAL

80  
Page #: 1

Case Number: MP15024510

---

Officer: 293 CROOKS, ROBERT

Date Entered/Changed: / /

Reviewer:

Review Date:

---

DETAILED STATEMENT OF INVESTIGATION: On 06/26/2015 I made a traffic stop on a vehicle in reference to a disturbance that happen in the city limits of Mauldin. I observed white Acura vehicle that was BOLO to me in reference to this case. I conducted a traffic stop on the vehicle and detained the subject until further notice. Officer Rogers advised me that the subject I was out with assaulted his girlfriend that he had a child with. Officer Rogers told me that he had enough for the arrest and asked me to place the subject under arrest for Criminal Domestic Violence.

I advised the Darryl Williams (suspect) that he was under arrest for CDV and placed his hands behind his back where I placed his cuffs above his wrists. I put proper spacing in the cuffs and double locked them. I then placed him in the back seat of my patrol vehicle passenger side. I then transported Williams to Greenville County Detention Center without incident. Upon arrival at GCDC I placed my service weapon and taser in the trunk of my patrol vehicle escort Williams into GCDC. I placed Williams into GCDC custody without incident.

**MAULDIN POLICE DEPARTMENT  
VICTIM'S ASSISTANCE PROGRAM  
VICTIM INFORMATION/NOTIFICATION FORM**

DATE 06/26/2015	TIME 0450	INCIDENT NUMBER MP15024510	DATE ENTERED 06/26/2015
--------------------	--------------	-------------------------------	----------------------------

**VICTIM INFORMATION**

VICTIM'S NAME Victim	(MINOR: NAME OF PARENT/GUARDIAN)	HOME PHONE 864-████████	WORK PHONE
COMPANY	ADDRESS ██████ DRY POCKET RD ██████	MARITAL STATUS / SPOUSE S	
CITY, STATE, ZIP GREER, SC 29650-5255	DATE OF BIRTH ██████/1984	RACE / ETHNICITY W	SEX F
ALTERNATE PHONE NUMBER	IF FAMILY OR NEIGHBOR, PLEASE PROVIDE NAME	WHAT TIME DO YOU WISH TO BE NOTIFIED?	
EMPLOYER	EMPLOYER ADDRESS		
EMPLOYER'S CITY, STATE, ZIP	EMPLOYER PHONE	OCCUPATION	

**SUSPECT**

SUSPECT'S NAME DARRYL JOSEPH WILLIAMS JR	RACE / ETHNICITY B	SEX M
SUSPECT'S ADDRESS █████ COLUMBARD CT	SUSPECT'S SS#	
CITY, STATE, ZIP MAULDIN, SC 29662-2857	DATE OF BIRTH ██████/1983	SUSPECT'S PHONE #:
ADDITIONAL INFORMATION		

**WAIVER**

YES  NO I certify that I have received a copy of this report and that my rights and duties as a victim of a crime have been explained to me as per Bill 616.

YES  NO I want to participate.

**PLEASE RESPOND TO THE FOLLOWING IF YOU CHOOSE NOT TO WAIVE YOUR RIGHTS**

- |  |     |    |  |
|--|-----|----|--|
|  | Yes | No |  |
|--|-----|----|--|
1.  Yes  No I do want to prosecute the person(s) who committed this crime.
  2.  Yes  No I do want to be informed when an arrest is made in this case.
  3.  Yes  No I do want to be informed when the person(s) arrested in this case appears for a bond hearing.
  4.  Yes  No I do want to be informed when the person(s) arrested in this case appears for a preliminary hearing.
  5.  Yes  No I do want to be informed when the person(s) arrested in this case appears in court for any plea, trial, or sentence.
  6.  Yes  No I do want to make a written impact statement for the court to consider before setting bond or sentencing the person(s) arrested in the case.
  7.  Yes  No I do want to make an oral impact statement for the court to consider before setting bond or sentencing the person(s) arrested in the case.
  8.  Yes  No I do want to be informed when the person(s) arrested in this case are released from custody.
  9.  Yes  No I do want to be informed when the person(s) arrested in this case escape custody.
  10.  Yes  No I do want to be informed when the person(s) arrested in this case are transferred to a different detention facility.

Victim's Signature _____	Date _____	Officer's Signature _____	Date _____
--------------------------	------------	---------------------------	------------

**NOTES**



**MAULDIN MUNICIPAL COURT**  
5 E. BUTLER ROAD  
MAULDIN, SC 29662

**DISPOSITION SHEET**

---

**Date Printed:** 11/28/2016

**Case Type:** Traffic Ticket          62645GM

**Case #:** MP15024510

**Name:** DARRYL JOSEPH WILLIAMS JR  
■ COLUMBARD CT  
MAULDIN, SC 29662-2857

**Violation:** 94    16-25-0020(A) / 3811  
CRIMINAL DOMESTIC VIOLENCE

**Trial Date:** 10/14/2015

**Offense Date:** 06/26/2015

**Disposition:** 12    GUILTY BENCH TRIAL

**Total Fine:**    850.00      **Total Paid:**    850.00

**Sentence:**

AGENCY I.D. SC0230400 DATE/TIME OF ARREST 06/26/2015 0450

**BOOKING REPORT**  
MAULDIN POLICE DEPARTMENT

CASE NUMBER  
**MP15024840**

**PERSONAL DATA**

DEFENDANT NAME (LAST, FIRST, MIDDLE) **WILLIAMS, DARRYL JOSEPH JR** RACE **B** SEX **M** DATE OF BIRTH **/1983** DOCKET NUMBER

AGE **32** ETH **N** HEIGHT **6-0** WEIGHT **230** HAIR **BLK** EYES **BRO** SOCIAL SECURITY NUMBER VISIBLE SCARS AND MARKS NCIC I.D. NUMBER

ADDRESS (NUMBER AND STREET) **COLUMBARD CT** CITY **MAULDIN** STATE **SC** ZIP CODE **29662-2857** RESID. **J** PHONE NUMBER

ALIAS PLACE OF BIRTH DRIVERS LICENSE NUMBER STATE **SC**

EMPLOYER OR OCCUPATION NEXT OF KIN ADDRESS (CITY AND STATE)

BOOKING OFFICER'S NAME **PTL MICHAEL JOSHUA ROGERS** NUMBER **301** ARRESTING OFFICER **PTL MICHAEL JOSHUA ROGERS** AGENCY **MAULDIN POLICE** NUMBER **301**

ARRESTEE ARMED  YES  NO WEAPON TYPE:  SEMI-AUTO  FULL-AUTO  ON VIEW ARREST  SUMMONED  CUSTODY

JUVENILE DISPOSITION: 1.  HANDLED, RELEASED 2.  REFERRED TO OTHER AUTHORITY J-This Jurisdiction S-State O-Outside State U-Unknown

ADDITIONAL CASE NUMBERS MORE IN REMARKS

**CHARGE BOND DISPOSITION**

IF HOLDING FOR ANOTHER AGENCY, CIRCLE CHARGE - A B C

CHARGE I.D.	CDS	A	B	C
CHARGE	DOMESTIC / DOMESTIC VIOLENCE			
STATUTE	16-25-0020 (A) / 3811			
TICKWARR #	62645GM			
BOND AMOUNT	2500.00			
BOND TYPE				
RET. DATE	10/14/2015			
DISPOSITION				
	DAYS	AMOUNT	DAYS	AMOUNT
SENTENCE				
TIME SERVED				
GOOD TIME				
BALANCE				
PAID				
RECEIPT NUMBER				

RELEASE DATE TIME RELEASING OFFICER NUMBER AGENCY RELEASED TO

SIGNATURE OF RECEIVING OFFICIAL X \_\_\_\_\_ LIST REMARKS BELOW

TRIAL DATE: / / REMARKS:

TOTAL RESTITUTIONS (IF ANY): TOTAL RESTITUTIONS COLLECTED:

**DEFENDANTS PERSONAL PROPERTY RECEIPT** TOTAL CASH AT TIME OF ARREST \$ 0.00

QUANTITY	ITEM	QUANTITY	ITEM

I HEREBY STATE THAT THE PROPERTY LISTED ABOVE CONSTITUTES ALL CLAIMS TO PROPERTY ON MY PERSON AT THE TIME OF MY ARREST.

**X** \_\_\_\_\_ DEFENDANT'S SIGNATURE AT THE TIME OF ARREST \_\_\_\_\_ OFFICER

I HEREBY STATE, ON THE DATE OF MY RELEASE, THAT THE ABOVE LISTED PROPERTY WAS RETURNED TO ME, IN SATISFACTION OF ALL CLAIMS TO PROPERTY ON MY PERSON AT THE TIME OF MY ARREST.

From: I - MP15024510 ID: 0000127099 **X**

MAULDIN POLICE DEPARTMENT  
 Date: 06/26/15 Time: 04:55

PAGE: 000001  
 Requested By: STEINMETZ, CARSON

I N C I D E N T R E C A L L

Incident	Time	Type	Pri	Dispo	Address Location	Bldg Apt	Callers Name Callers Address Callers Phone	P-unit	Close Date/ Time	Operator
					BEAT	TEAM/Dist	AREA			
MP15024510	04:17	81D	3		19 COLOMBARD CT GREGORY MANN MP10 C MP		329-9004	MP/847	Active	MP275

Date	Time			Operator
15/06/26	04:18	Primary Event: MAIN	Opened: 15/06/26 04:18	24 STEINMETZ, CARSON
15/06/26	04:18	Incident Initiated By:	MP/STEINMETZ, CARSON	24 STEINMETZ, CARSON
15/06/26	04:18	Original Location :	GREGORY MANN	24 STEINMETZ, CARSON
15/06/26	04:18	Units Recommended	MP/819M MP/824M	24 STEINMETZ, CARSON
15/06/26	04:19	Primary Unit	CHANGED To: MP/847	24 STEINMETZ, CARSON
15/06/26	04:19	Stat MP/847	5 -ENROUTE Loc: COLOMBARD CT	24 STEINMETZ, CARSON
15/06/26	04:19	Officer 1 Name:	ROGERS, MICHAEL J Officer 2 Name:	24 STEINMETZ, CARSON
15/06/26	04:19	Stat MP/824M	5 -ENROUTE Loc: COLOMBARD CT	24 STEINMETZ, CARSON
15/06/26	04:19	Officer 1 Name:	COUNTS, LAQUENDIN J Officer 2 Name:	24 STEINMETZ, CARSON
15/06/26	04:23	Stat MP/847	6 -ON SCENE Loc: COLOMBARD CT	24 STEINMETZ, CARSON
15/06/26	04:23	Officer 1 Name:	ROGERS, MICHAEL J Officer 2 Name:	24 STEINMETZ, CARSON
15/06/26	04:23	Stat MP/824M	6 -ON SCENE Loc: COLOMBARD CT	24 STEINMETZ, CARSON
15/06/26	04:23	Officer 1 Name:	COUNTS, LAQUENDIN J Officer 2 Name:	24 STEINMETZ, CARSON
15/06/26	04:32	10-24 CALLED REF	SOME TYDE 10-81 BETWEEN HER NEIGHBORS MALE HALF CODE 1	24 STEINMETZ, CARSON
15/06/26	04:32	IN WHITE ACUR	10-24 10-12 WITH FEMALE HALF 808 10-56 ON SUSPECT VEHICLE	24 STEINMETZ, CARSON
15/06/26	04:32	REF THIS CASE		24 STEINMETZ, CARSON
15/06/26	04:35	OQ Information:	Reply ID: 8934919 Date: 6/26/2015	24 STEINMETZ, CARSON
15/06/26	04:35	04:22:39		24 STEINMETZ, CARSON
15/06/26	04:35	Attachment:		24 STEINMETZ, CARSON
15/06/26	04:35	Reply Text:	MLDPD200 TO: MLDPD200-116760 20150626	24 STEINMETZ, CARSON
15/06/26	04:35	04:33:40	017E3B17E7	24 STEINMETZ, CARSON
15/06/26	04:35	FROM:	DMV2-3872743 20150626 04:33:40 1A2C009BE0	24 STEINMETZ, CARSON
15/06/26	04:35	TXLIC	SC02304001A2C009BE0	24 STEINMETZ, CARSON
15/06/26	04:35	XLIC		24 STEINMETZ, CARSON
15/06/26	04:35	ID NO	0011269254	24 STEINMETZ, CARSON
15/06/26	04:35	Victim		24 STEINMETZ, CARSON
15/06/26	04:35	DRY POCKET RD	APT	24 STEINMETZ, CARSON
15/06/26	04:35	GREER	SC 296505255 GREV CNTY	24 STEINMETZ, CARSON
15/06/26	04:35	SEX F HGT 5 06 WGT 187 BIRTH	/1984	24 STEINMETZ, CARSON
15/06/26	04:35	SSN ***-**- RACE	WHITE	24 STEINMETZ, CARSON
15/06/26	04:35	STATUS-DL:NO SUSPENSION	CDL:NO DISQUALIFICATION	24 STEINMETZ, CARSON
15/06/26	04:35	**** IDENTIFICATION ONLY ****	ISSUED 07/25/2012	24 STEINMETZ, CARSON
15/06/26	04:35	DRIVER LICENSE	CLASS D ISSUED 07/25/2012	24 STEINMETZ, CARSON
15/06/26	04:35	** MORE **		24 STEINMETZ, CARSON
15/06/26	04:35	OQ Information:	Reply ID: 8934923 Date: 6/26/2015	24 STEINMETZ, CARSON
15/06/26	04:35	04:23:45		24 STEINMETZ, CARSON
15/06/26	04:35	Attachment:		24 STEINMETZ, CARSON
15/06/26	04:35	Reply Text:	MLDPD200 TO: MLDPD200-116764 20150626	24 STEINMETZ, CARSON
15/06/26	04:35	04:34:46	0006B7E399	24 STEINMETZ, CARSON
15/06/26	04:35	FROM:	NC2K-12051353 20150626 04:34:46 1A2C009BE1	24 STEINMETZ, CARSON
15/06/26	04:35	1L011A2C009BE12QWA		24 STEINMETZ, CARSON
15/06/26	04:35	SC0230400		24 STEINMETZ, CARSON

MAULDIN POLICE DEPARTMENT  
 Date: 06/26/15 Time: 04:55

PAGE: 000002  
 Requested By: STEINMETZ, CARSON

I N C I D E N T R E C A L L

Incident	Time	Type	Pri	Dispo	Address Location	Bldg Apt	Callers Name Callers Address Callers Phone	P-unit	Close	Operator
									Date/ Time	
15/06/26	04:35	NO NCIC WANT NAM/			Victim			24	STEINMETZ, CARSON	
15/06/26	04:35	SEX/F						24	STEINMETZ, CARSON	
15/06/26	04:35	***MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES						24	STEINMETZ, CARSON	
15/06/26	04:35	WITHOUT LIMITATIONS						24	STEINMETZ, CARSON	
15/06/26	04:39	OQ Information: Reply ID: 8934928 Date: 6/26/2015						24	STEINMETZ, CARSON	
15/06/26	04:39	04:27:01						24	STEINMETZ, CARSON	
15/06/26	04:39	Attachment:						24	STEINMETZ, CARSON	
15/06/26	04:39	Reply Text: MLDPD200 TO: MLDPD200-116766 20150626						24	STEINMETZ, CARSON	
15/06/26	04:39	04:38:02 017E3H17F3						24	STEINMETZ, CARSON	
15/06/26	04:39	FROM: DMV2-3872755 20150626 04:38:02 1A2C009BE2						24	STEINMETZ, CARSON	
15/06/26	04:39	TXLIC SC02304001A2C009BE2						24	STEINMETZ, CARSON	
15/06/26	04:39	XLIC						24	STEINMETZ, CARSON	
15/06/26	04:39	DL NO 0100959602						24	STEINMETZ, CARSON	
15/06/26	04:39	GILMORE, SHEILA ANN						24	STEINMETZ, CARSON	
15/06/26	04:39	COLOMBARD CT						24	STEINMETZ, CARSON	
15/06/26	04:39	MAULDIN SC 296622857 GREV CNTY						24	STEINMETZ, CARSON	
15/06/26	04:39	SEX F HGT 5 04 WGT 160 BIRTH /1961						24	STEINMETZ, CARSON	
15/06/26	04:39	SSN ***-**- RACE BLACK						24	STEINMETZ, CARSON	
15/06/26	04:39	STATUS-DL:NO SUSPENSION CDL:NO DISQUALIFICATION						24	STEINMETZ, CARSON	
15/06/26	04:39	DRIVER LICENSE CLASS D ISSUED 05/27/2015						24	STEINMETZ, CARSON	
15/06/26	04:39	NO CURRENT VIOLATIONS, SUSPENSIONS, OR ACCIDENTS						24	STEINMETZ, CARSON	
15/06/26	04:39	** END OF INQUIRY **						24	STEINMETZ, CARSON	
15/06/26	04:40	OQ Information: Reply ID: 8934930 Date: 6/26/2015						24	STEINMETZ, CARSON	
15/06/26	04:40	04:28:24						24	STEINMETZ, CARSON	
15/06/26	04:40	Attachment:						24	STEINMETZ, CARSON	
15/06/26	04:40	Reply Text: MLDPD200 TO: MLDPD200-116768 20150626						24	STEINMETZ, CARSON	
15/06/26	04:40	04:39:25 0006B7E3BE						24	STEINMETZ, CARSON	
15/06/26	04:40	FROM: NC2K-12051390 20150626 04:39:25 1A2C009BE3						24	STEINMETZ, CARSON	
15/06/26	04:40	1L011A2C009BE32QWA						24	STEINMETZ, CARSON	
15/06/26	04:40	SC0230400						24	STEINMETZ, CARSON	
15/06/26	04:40	NO NCIC WANT NAM/GILMORE, SHEILA ANN DOB/1961 RAC/B						24	STEINMETZ, CARSON	
15/06/26	04:40	SEX/F						24	STEINMETZ, CARSON	
15/06/26	04:40	***MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES						24	STEINMETZ, CARSON	
15/06/26	04:40	WITHOUT LIMITATIONS						24	STEINMETZ, CARSON	
15/06/26	04:44	10-24 MAYBE THE MALEHALF'S MOTHER						24	STEINMETZ, CARSON	
15/06/26	04:44	Caller Phone CHANGED To: 329-9004						24	STEINMETZ, CARSON	
15/06/26	04:49	OQ Information: Reply ID: 8934903 Date: 6/26/2015						24	STEINMETZ, CARSON	
15/06/26	04:49	04:13:23						24	STEINMETZ, CARSON	
15/06/26	04:49	Attachment:						24	STEINMETZ, CARSON	
15/06/26	04:49	Reply Text: MLDPD200 TO: MLDPD200-116752 20150626						24	STEINMETZ, CARSON	
15/06/26	04:49	04:24:24 001E72B86D						24	STEINMETZ, CARSON	
15/06/26	04:49	FROM: DMV-7518317 20150626 04:24:24 1A2C009BDD						24	STEINMETZ, CARSON	
15/06/26	04:49	TXTAG SC02304001A2C009BDD						24	STEINMETZ, CARSON	
15/06/26	04:49	XTAG						24	STEINMETZ, CARSON	
15/06/26	04:49	2000 JUL309 VALIDATION JUL309 TAG EXP 01/2016						24	STEINMETZ, CARSON	
15/06/26	04:49	DECAL EXP 01/2016						24	STEINMETZ, CARSON	
15/06/26	04:49	2005 ACUR 4S TL VIN EMPT WGT						24	STEINMETZ, CARSON	
15/06/26	04:49	003 GVW 000000						24	STEINMETZ, CARSON	
15/06/26	04:49	GILMORE, SHEILA ANN						24	STEINMETZ, CARSON	

MAULDIN POLICE DEPARTMENT  
 Date: 06/26/15 Time: 04:55

PAGE: 000003  
 Requested By: STEINMETZ, CARSON

I N C I D E N T R E C A L L

Incident	Time	Type	Pri	Dispo	Address Location	Bldg Apt	Callers Name Callers Address Callers Phone	P-unit	Close	
									Date/	Operator
15/06/26 04:49					BEAT TEAM/Dist AREA					
15/06/26 04:49					COLOMBARD CT		24		STEINMETZ,	CARSON
15/06/26 04:49					MAULDIN SC 296622857 GREE CNTY		24		STEINMETZ,	CARSON
15/06/26 04:49					ALTERNATE TAG YEAR		24		STEINMETZ,	CARSON
15/06/26 04:49					TTL: 770490237697027 C TTL ISSUE DT: 08/23/2011 SALES		24		STEINMETZ,	CARSON
15/06/26 04:49					PRICE: \$0 00		24		STEINMETZ,	CARSON
15/06/26 04:49					1ST LIEN: ALWAYS MONEY LIEN DT:		24		STEINMETZ,	CARSON
15/06/26 04:49					08/02/2011		24		STEINMETZ,	CARSON
15/06/26 04:49					ADDR1: 201B W WADE HAMPTON BLVD STE		24		STEINMETZ,	CARSON
15/06/26 04:49					ADDR2: B		24		STEINMETZ,	CARSON
15/06/26 04:49					CITY : GREER ST: SC		24		STEINMETZ,	CARSON
15/06/26 04:49					Unit MP/824M Status Location Added Loc: 10-5 PD				STEINMETZ,	CARSON
15/06/26 04:49					Officer 1 Name: COUNTS, LAQUENDIN J Officer 2 Name:				STEINMETZ,	CARSON
15/06/26 04:50					Stat MP/824M 5 -ENROUTE Loc: 10-5 PD				STEINMETZ,	CARSON
15/06/26 04:50					Officer 1 Name: COUNTS, LAQUENDIN J Officer 2 Name:				STEINMETZ,	CARSON
15/06/26 04:50					Contractor: MEMNPB Request: MPX150626000315 - SEND		24		STEINMETZ,	CARSON

==== Vehicle / Subject Information ====

15/06/26 04:53	Vehicle::	Role:T 01	Color:	Year:2005	Make:	Model:	STEINMETZ,	CARSON
15/06/26 04:53	Style:		Plate:	State:SC	Type:PC		STEINMETZ,	CARSON
15/06/26 04:53	Misc:						STEINMETZ,	CARSON
15/06/26 04:53	Prob. Cause:		Search Typ:		Searched:	Property:	STEINMETZ,	CARSON

SELECTION CRITERIA: LMP150626024510

\*\*\*\*\* End of Report \*\*\*\*\*

# TOWED VEHICLE REPORT

# 88

DATE - 06/26/2015	TOWED FROM N. MAIN ST / COTTMAN TRANSMISSION	Towing Company: 8 / MAULDIN PAINT AND BODY	CASE NUMBER MP15024510
----------------------	---	--	---------------------------

VEHICLE OPERATOR'S NAME DARRYL JOSEPH WILLIAMS JR	ARRESTED? <input checked="" type="radio"/> YES <input type="radio"/> NO
--	--

VEHICLE OPERATOR'S ADDRESS / PHONE COLUMBARD CT	MAULDIN SC 29662-2857
--	-----------------------

MAKE ACURA	MODEL TL	YEAR 2005	TAG [REDACTED]	VIN [REDACTED]	STATE SC
---------------	-------------	--------------	-------------------	-------------------	-------------

OWNER'S NAME / ADDRESS DARRYL JOSEPH WILLIAMS JR	19 COLUMBARD CT MAULDIN SC 29662-2857
---	--

LIEN HOLDER INFO	
------------------	--

INVENTORY MISC CLOTHING , PS4 IN TRUNK	INDICATE DAMAGE  
---	-------------------------

NOTES	
-------	--

THE INVENTORY IS AN ACCURATE ACCOUNTING (TO THE BEST OF MY KNOWLEDGE) OF THE ITEMS LEFT IN THE VEHICLE AND TURNED OVER TO THE TOW TRUCK OPERATOR. ANY OTHER ITEM(S) FOUND WITH OR IN THE VEHICLE WHICH ARE NOT LISTED ON THIS FORM HAVE BEEN TAKEN INTO CUSTODY AS EVIDENCE AND ARE LISTED AS SUCH ON AN EVIDENCE CHAIN OF CUSTODY FORM IN ACCORDANCE WITH POLICE DEPARTMENT PROCEDURES. A LISTING OF THESE ITEMS (IF APPLICABLE) IS AVAILABLE TO THE OWNER UPON REQUEST. ALL SIGNIFICANT DAMAGE HAS BEEN NOTED.

OFFICER'S SIGNATURE / ID NUMBER / DATE	PERSON BEING TOWED SIGNATURE
--	------------------------------

I AGREE WITH THE INVENTORY OF THE VEHICLE AND THE DAMAGE AS LISTED BY THE OFFICER. I ACCEPT THE VEHICLE WITH THE ITEMS INDICATED AND IN THE CONDITION SPECIFIED ABOVE.

TOW TRUCK OPERATOR'S SIGNATURE / PHONE / DATE	MAULDIN PAINT AND BODY 621 NORTH MAIN STREET MAULDIN SC 29662
---	---

MAULDIN POLICE DEPT.  
MOTOR VEHICLE TOW REPORT

CASE NUMBER: MP150 24150

ABOUT THE VEHICLE							
DATE	YEAR	MAKE	MODEL	COLOR	BODY TYPE	TAG NUMBER	COLOR
6-26-15	2005	Acura	TL	White	4S	[REDACTED]	White
VEHICLE IDENTIFICATION NUMBER [REDACTED]		LIST PROPERTY IN VEHICLE OTHER THAN STANDARD EQUIPMENT <u>Misc. Clothes</u> <u>PS4 in Trunk</u>					
DRIVER'S NAME AND ADDRESS <u>Darryl Williams</u> <u>[REDACTED] Colombard Ct</u> <u>Mauldin SC 29662</u>		LIST ALL ITEMS TAKEN INTO CUSTODY BY POLICE <u>N/A</u>					
OWNER'S NAME AND ADDRESS <u>Same</u>							
OWNER NOTIFIED? <input checked="" type="radio"/> YES <input type="radio"/> NO	DRIVER ARRESTED? <input checked="" type="radio"/> YES <input type="radio"/> NO	OFFICER <u>G. Miller</u>				UNIT <u>819</u>	
HOLD ON VEHICLE? YES <input type="radio"/> NO <input checked="" type="radio"/>	IF HELD, LIST REASONS: <u>N/A</u>						

ABOUT THE TOWING REQUIRED	
LOCATION TOWED FROM: <u>Cottman Transmiss</u>	LOCATION TOWED TO: <u>Mauldin Paint + Body</u>
LIST ANY SPECIAL CIRCUMSTANCES RELATED TO TOWING THIS VEHICLE: <u>CDV</u>	DATE/TIME WRECKER NOTIFIED: <u>6-26-15/0440</u>
	TIME WRECKER ARRIVED: <u>0510</u>
	TIME WRECKER DEPARTED: <u>0518</u>

**TO THE MOTORIST:**

The city of Mauldin utilizes wrecker services to make sure vehicle towing is always available to persons needing this service. This is called a duty wrecker service. Please read the following information on the City's duty wrecker service so that you will be aware of your rights and responsibilities.

- If your vehicle is disabled you may choose which wrecker service will tow your vehicle, if you are physically able to do so. The requested wrecker service must be able to respond within 30 minutes of notification.
- If you have no preference as to the wrecker service, if you are physically unable to call a wrecker, or if you are being taken into custody, the Police will call a duty wrecker to tow your vehicle.

THE WRECKER SERVICE THAT TOWED YOUR VEHICLE IS:  
Mauldin Paint + Body

**CIRCLE VEHICLE DEFECTS**

REMARKS: \_\_\_\_\_

This report reflects the condition and inventory of the above vehicle at the time of tow. Signatures needed:

unable to sign (Driver/Owner)      [Signature] (Wrecker Driver)      [Signature] (Investigating Officer)