

IN The South Carolina Court of Appeals

October 2, 2018

RE: Appellate Case No. 2016-001553

Trey Williams, Respondent,

V. State of South Carolina, Petitioner.

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OCT 05 2018

SC Court of Appeals

Motion to Relieve Counsel and so Praise
with Due Diligence to
Prevent A complete Miscarriage
of Justice.....

ON October 1st, 2018 I, Trey Alexander Williams in the Above
Mentioned Case Received the order Denying motions to Relieve Counsel
presenting additional evidence of various colorable evidentiary claims
that protects my due process and equal protection under the United
States constitution. Counsel of record has informed me and my power
of Attorney "Nikkia Nicole Betts" whom hired him that he is not going
to Represent me on this case, only for the Appeal Bond and he therefore
is currently neglecting to communicate and cooperate with me. He As
in Counsel of Record SAID he only SAID to the "courts" that he will
Be Counsel of Record in hopes of speeding Appeal Bond Decision
up. Mr. Haley has SAID he is unfamiliar with case, has not Read the
transcripts nor followed the case and my Amended PCR Application that
is mentioned in the PCR order Granting PCR As well As PCR transcripts
is not yet in the Appendix. The Amended PCR Application titled
"Judicial Notice of Adjudicated Facts" has been granted to included
in the record Appendix since Nathan Sheldon was counsel and I have
asked Mr. Haley to do it a plethora of times and he still says he is
not my counsel for this case. Additional documents, motions that need be
filed to prevent procedural Defaults for Federal Review and this has the
Authority to prevent such Defaults. This would be cruel and unusual punish-
ment to over look these facts and keep Counsel on my case, I filed the
prose Return in this case.

I do not know all the laws, Rules of procedure nor how to litigate since I am laymen however I know my case greater than a counsel whom has not studied my case, Stolen from my power of Attorney, lied to the both of us and continues to Refuse Assisting us In this case. In the Appeal Bond case Mr. HALEY only Attatched the PCR order to the Appeal Bond and filed it frivolous according to the Extraordinary circumstances and litigation surrounding persons sentenced to 30 years for criminal offenses. The Agreement we had was that he would Review the totality of my case and present evidence to support every claim for Appeal Bond success and he did not, in fact I have letters from him stating that he did not have the records however my power of Attorney just recently got in the mail the files that we sent him over a year ago returned from his office which would further prove him being criminal and ineffective.

When a counsel says they are not going to represent you and with evidence of those facts clear upon the record as well as the money Mr. Haley was paid on Appeal Bond without any additional payments and agreements on this case I should remove the motion relieving counsel because that is his job to recuse/remove himself from the case. Mr. Haley has lied habitually saying he would represent me, he can't, he can't, he want and all types of things that I am confused. I do know that it is FRAUD forcing me to have counsel on this case that Mr. Haley is doing and I have written him up, however my power of Attorney will be contacting this office and we will motion the Supreme court and come to the courthouse. This is completely prejudice to me and only me and serves the state in getting their case granted... *Wm. Williams*

IN THE SUPREME COURT OF APPEALS

October 2, 2018

COVER FOR MOTION TO RELIEVE COUNSEL

RE: JUDICIAL NOTICE OF ADJUDICATED FACTS AND
OF FRAUD UPON THE COURT RESULTING IN A
COMPLETE MISARRANGE OF JUSTICE...

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ENCLOSED IS A MOTION TO RELIEVE COUNSEL AND GO PROSE
PREJUDICE WITH DUE DILIGENCE TO PREVENT A COMPLETE MISARRANGE

OF JUSTICE..... MR. HALEY, COUNSEL OF RECORD HAS CONTINUOUSLY TOLD
ME AND MY POWER OF ATTORNEY THAT HE HAS NOT REVIEWED THIS CASE, WILL NOT
WORK AS COUNSEL ON THIS CASE AND HE HAS CLEARLY REFUSED TO ADD MY
AMENDED PCR APPLICATION TO THE APPENDIX AS THE SUPREME COURT HAS GRANTED,
HE HAS REFUSED TO ADDRESS MY PCR TRANSCRIPTS BEING INCOMPLETE, HE HAS
REFUSED TO FIX AND ADEQUATELY ADD TO MY PROSE RETURN BRIEF IN THIS CASE,
HE HAS REFUSED TO GET MY FULL RECORDS AND PUT THEM ON THE RECORD AS WELL
AS MOTION THROUGH ADEQUATE PROPER PROCEDURES THAT WILL GRANT ME A FAIR
FULL BITE AT THE APPLE HAVING A PCR/EVIDENTIARY HEARING AND MR. HALEY
HAS LIED A PLETHORA OF TIMES ON VARIOUS AGREEMENTS AND DISCUSSIONS INVOLVING
THIS CASE. WHEN MR. HALEY ADDRESSED THE COURT SAYING THAT HE IS ONLY DOING APPEAL
BOND HE SHOULD HAVE IMMEDIATELY REMOVED HIMSELF FROM CASE. A SQAOR E MOTION
HAS BEEN PREVENTED, PROSECUTORIAL MISCONDUCT WAS NEGLECTED BY INCOMPETENT
COUNSEL, CUMULATIVE ERROR, ACTUAL INNOCENCE, IEEAOC, ARE JUST A FEW

ISSUES THAT HAS BEEN ABANDON AND I AM PREJUDICED AS A RESULT.
THE CAUSE AND PREJUDICE STANDARD SHOULD BE MET IN CASES WHERE REVIEW OF A
STATE PRISONER'S CLAIMS IS NECESSARY TO CORRECT FUNDAMENTAL MISARRANGE OF
JUSTICE, AT 135, 102 S. CT AT 1576. THESE CASES HAS ALSO ESTABLISHED THAT WHERE
A CONSTITUTIONAL VIOLATION HAS PROBABLY RESULTED IN THE CONVICTION AND COLLATERAL

PROCEDURES ON APPEAL OF ONE WHO IS "ACTUALLY INNOCENT" AS THIS CASE AT BAR.
PETITIONER HAS ATTEMPTED THROUGH "JUDICIAL NOTICE" AND MOTIONS TO RELIEVE COUNSEL
TO COMPLY WITH EXHAUSTION REQUIREMENTS, DAVIS V. STROCK, SUPRA, NOFA V. FRANK,
SUPRA, TAYLOR V. CAIN SUPRA, ONIFER V. TYSZKIEWICZ, SUPRA, BOYKO V. FORKE, SUPRA.
EXHAUSTION REQUIREMENT SATISFIED BECAUSE APPLICANT FAIRLY PRESENTED DUE PROCESS
VIOLATIONS BY CITING U.S. CONST. IN STATE COURT BRIEF.

I ASK that the Court empower its discretion in this criminal case to correct errors that seriously affect the fairness, integrity or public reputation of judicial proceedings. See U.S. v. Atkinson, supra, It State Rule 52(b) is one of the general provisions, applicable to all stages of criminal proceedings in federal courts. I Assert that Mr. MALEY and various other counsel, Attorney Generals, Prosecutor etc have and is Attempting to engage continuously in fraud to prevent me from Full Fair hearings in All stages of this case since 2009. Please see page 3 of 3 following this page and allow this motion to Relieve counsel be Reviewed Along with The Full Complete Record and Clerk of Court Records as well as All motions filed to Relieve Counsel of Record and the Additional Evidence. I do not wish to be prejudiced in this case at BAR. All counsel must perform up to professional standards in all criminal proceedings, even in collateral review under the U.S. Supreme Court Ruling in Martinez v. Ryan, 2012 WL # 912950, Strickland v. Washington, supra, Lafler v. Cooper, 132 S.Ct. 1376 (2012), Missouri v. Frye, 132 S.Ct. 1399 (2012) and Padilla v. Kentucky, 130 S.Ct. 1473 (2010) all of which support petitioners stand and counsel of record is indeed factually ineffective.

See, *Ray v. Ray* 374 S.C. 79, 647 S.E.2d 237 (2007) (Finding that like all other types of fraud, the perpetrators acted with the intent to defraud, for there is no such thing as accidental fraud). See 42 U.S.C.A. 1983, said statutes generally do not give rise to claims for malicious prosecution, but it will, only when official conspire to procure groundless indictments and charges based upon fabricated evidence or false, dishonest, and prejudiced testimony presented to official bodies. The Supreme Court of the United States, in *Manby v. Madison* 5, U.S. 137 (1803), clearly states that if the subjective knew beforehand that the indictments were fraudulent, this would constitute "prosecutorial misconduct" heinous enough to bar re-prosecution.

These Constitutional Claims advance none and nothing, calls into question the accuracy of the proceedings and petitioner's guilt. The Next of Kin's Corpus is the fundamental instrument for safeguarding petitioner against arbitrary and lawless State Action, See, *Harris v. Nelson*, *Supra*; the court explained in *Engle* that the cause and proper standard will be met in those cases where review of a state prisoner's claims is necessary to correct a Fundamental Misery of Justice, at 135, 102 S.Ct. of 1576. These cases has also established that where a Constitutional violation has probably resulted in the conviction of one who is actually innocent "as in this case at bar."

Petitioner has attempted then "Judicial Notice of adjudicative facts" and this proposed order Granting PER Relief, to comply with the exhaustion Requirements; *Davis v. Strack*, *supra*; *Nora v. Frank*, *supra*; *Woods v. Angelone*, *supra*; *Taylor v. Cain*, *supra*; *Onifer v. Tyszkiewicz*, *supra*; *Boysko v. Parke*, *supra*; *Hill v. Lockhart*; *supra*; *Williams v. Jones*, *supra*; and *Cyle v. Johnson*, *supra*, exhaustion Requirement satisfied because applicant fairly presented due process violation by citing with specificity to U.S. Court in State Court brief.

See, *William v. Taylor*, *supra*; *Pike v. Carraway*, *supra*; *Danke v. Pachonido*, *supra*; *Winston v. Kelly*, *supra*; *Hill v. Quarterman*, *supra*; *James v. Bezano*, *supra* and 28 U.S.C. § 2254(e)(2)(B) "Entitled to a hearing because presented extensive evidence in State Court."

Petitioner asserts that this issue can be raised under Rule 52(b), under ineffective assistance of counsel, trial errors, and abuse of discretion, because it played a major role in forcing the involuntary waiver of trial counsel. See *U.S. v. Atkinson*, *supra*; *U.S. v. Vaughan*, *supra*. The plain error rule mitigates the harsh impact of the adversarial system, under which the defendant is generally bound by the conduct of his lawyer, by providing relief in exceptional cases despite the lawyer's failure to object at trial.

TREY ALEXANDER WILLIAMS #34131
RHU, M



P.O. BOX 205
Ridgeville, SC 29472

South Carolina Court of Appeals
P.O. Box 162
Columbia, SC 29211

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