

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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S.C. SUPREME COURT

Honorable Brian M. Gibbons, Circuit Court Judge

GEORGE J. WILLIAMS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2017-001028

APPENDIX

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State of South Carolina)
)
County of Williamsburg)
)

George Junior Williams,
Plaintiff

2012-GS-45-00111

2013-GS-45-00007

vs.

2014-GS-45-00074

The State of South Carolina,
Defendants

January 27, 2015
Kingstree, S.C.

BEFORE THE HONORABLE George C. James, Jr., Judge.

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

Ms. Kimberly Barr,
Assistant Solicitor for the State

Ms. Amanda Shuler,
Attorney for Defendant

Margaret T. Sullivan,
Court Reporter

1 MS. BARR: Please the court, Your Honor,
2 we are back on the record concerning State versus
3 George Junior Williams. Indictment No.
4 2013-GS-45-0007. It's an indictment for criminal
5 sexual conduct in the first degree. Judge, it is my
6 understanding that the defendant wishes to change
7 his plea from that of not guilty, to that of guilty.
8 And, Judge, he has signed a sentencing sheet
9 evidencing that intent. The State has a
10 recommendation that the court impose a 25 year
11 sentence.

12 Judge, also as the court may be aware, the
13 defendant also has two unrelated pending
14 indictments. One of them being 2014-GS-45-74. Your
15 Honor, that is an indictment for criminal sexual
16 conduct in the third degree. Judge, it's my
17 understanding he wishes to plead guilty to that
18 offense as well. The State has a recommendation
19 that court imposes a concurrent 10 year sentence.

20 Your Honor, he also has an unrelated
21 indictment from 2012. That's indictment No.
22 2012-GS-45-111. For two counts of grand larceny
23 property value in excess of \$10,000. Judge, he
24 wishes to enter a guilty plea to that offense as
25 well. Judge, we are going to dismiss Count 2 of

1 that indictment, which is a separate charge for
2 grand larceny, and recommend a concurrent 10 year
3 sentence.

4 THE COURT: All these are true bills?

5 MS. BARR: Correct, Your Honor.

6 THE COURT: And the CSC with a minor in
7 the first degree, you said CSC first degree. But it
8 is with a minor, correct?

9 MS. BARR: Correct, Your Honor.

10 THE COURT: And that carries 25 to 30?

11 MS. BARR: 25 to life.

12 THE COURT: 25 to life.

13 MS. BARR: Yes, sir.

14 THE COURT: I'm sorry. And You're
15 recommending a 25 year sentence.

16 MS. BARR: Yes, sir. And we are
17 withdrawing our notice of intent to seek life
18 without parole if the court accepts the guilty plea.

19 THE COURT: How about the CSC third degree
20 victim?

21 MS. BARR: Judge, I have spoken with her
22 during the course of the proceedings. She has
23 relocated to Columbia. And she has indicated that
24 if he gets time, she doesn't have to come back, then
25 she's fine with whatever the State does with the

1 case.

2 THE COURT: Ms. Shuler, you represent the
3 defendant on all of these charges?

4 MS. SHULER: Yes, Your Honor.

5 THE COURT: Based on your review of the
6 circumstances and the evidence in the case, do you
7 think it is likely that a jury or juries would find
8 him guilty of all these offenses?

9 MS. SHULER: Yes, Your Honor.

10 THE COURT: And does he understand the
11 time in prison he is facing, what the State has to
12 prove, and what all his rights are?

13 MS. SHULER: Yes, Your Honor.

14 THE COURT: Is he competent in your
15 judgment?

16 MS. SHULER: Yes, Your Honor.

17 THE COURT: You are George Junior
18 Williams?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: You're going to have to speak
21 up for me if you don't mind---

22 THE DEFENDANT: Yes, sir.

23 THE COURT: ---so the court reporter and I
24 can hear you. According to the information I have,
25 you are 46 years old?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: I'm going to be asking you
3 some questions, because the law requires me to make
4 sure that you enter any guilty plea, freely,
5 voluntarily and intelligently, with full knowledge
6 of your rights. Do understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: If you would like to stop as
9 we go, and speak with your attorney please let me
10 know. If someone says something that you think is
11 incorrect, or if you don't understand it, please let
12 Ms. Shuler know and she will interrupt me and bring
13 it to my attention. Do you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Have you ever been told by any
16 by medical professionals or any mental health
17 professionals that you have a mental illness?

18 THE DEFENDANT: No, sir.

19 THE COURT: Are you thinking clearly
20 today?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Do you have any drugs or
23 alcohol addictions?

24 THE DEFENDANT: No, sir.

25 THE COURT: Do you take any medication?

1 THE DEFENDANT: No, sir.

2 THE COURT: Are you supposed to be taking
3 medication?

4 THE DEFENDANT: No, sir.

5 THE COURT: Do you have a high school
6 diploma?

7 THE DEFENDANT: No, sir.

8 THE COURT: What's your education?

9 THE DEFENDANT: 11th grade.

10 THE COURT: And do you have anything in
11 your system other than food or drink?

12 THE DEFENDANT: No, sir.

13 THE COURT: What kind of work have you
14 done?

15 THE DEFENDANT: Maintenance work.

16 THE COURT: Where are you originally from,
17 Hemingway?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: You have a few indictments
20 here. The one we selected a jury on alleges in
21 Count 1, that you in Williamsburg County, between
22 May 2009 and June 2012, engaged in sexual battery
23 with the victim, Minor 1, whose date of birth
24 was . She was less than 16 years of
25 age. And you had previously been convicted of an

1 offense listed in the statute or ordered to be on
2 the sex offender registry. Do you understand that
3 charge as it is indicted?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: The State had given notice
6 that they were going to seek a sentence that would
7 you put in prison for life without any possibility
8 of parole. Do you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Short of that, this offense
11 carries a minimum of 25 years in prison, up to life
12 in prison. Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: This is also what is called
15 under our two strikes law, a most serious offenses.
16 In other words, if you were convicted of this
17 offense today, and coupled with your previous
18 conviction for a most serious offense, you would be
19 facing life, a mandatory life without prison
20 sentence -- without parole sentence. Do you
21 understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: In the future, if you, when
24 you get out of prison, if you ever commit another
25 most serious offense, or for that matter, a serious

1 offense, you would again be facing life without
2 parole. Is that clear?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: The indictment with the number
5 2014-74 alleges that on or about December 7th 2013,
6 you engaged in sexual battery with a victim by the
7 name of Minor 2 using force or coercion.

8 That is criminal sexual conduct in the third degree,
9 and that carries 0 to 10. Do you understand that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Is that classified as
12 nonviolent?

13 MS. BARR: CSC third is, Your Honor.

14 THE COURT: The State is recommending a
15 concurrent 10 year sentence for that. Do you
16 understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: The indictment 2012, ending in
19 the numbers 111, alleges that on or about, you're
20 going on Count 1?

21 MS. BARR: Yes, sir.

22 THE COURT: Alleges that or about
23 March 8th 2012, you did take care away certain
24 personal goods; essentially, means you stole these
25 goods: A refrigerator, axles, stainless steel

1 bolts, transmissions and other miscellaneous items
2 valued in excess of \$10,000. With the intent to
3 deprive the owner permanently of that property. Do
4 you understand that charge?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: That also carries up to
7 10 years in prison. And the State has recommended
8 another 10-year concurrent sentence, is that clear?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Count 2 would be dismissed,
11 Ms. Barr.

12 MS. BARR: Correct, Your Honor.

13 THE COURT: Any victim issues on the grand
14 larceny?

15 MS. BARR: He completed a victim impact
16 statement indicating that he did need to be notified
17 to come to court, unless it was absolutely
18 necessary.

19 THE COURT: So, Mr. Williams, do you
20 understand all of these charges?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: For what it's worth under the
23 law in this State, grand larceny is called a
24 property crime. In other words, the punishment is
25 tied to the dollar amount involved in the crime. If

1 you are convicted of 3 or more property crimes
2 beginning with the third one, you are facing up to
3 10 years.

4 And the way I usually illustrate that is,
5 if you have two property crime convictions, and then
6 you go steal a pack of gum or a bag of potato chips,
7 that will get you 10 years in prison. Do you
8 understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Now when you plead guilty,
11 Mr. Williams, you do give up some rights that you
12 have under the constitution. I am going to discuss
13 basically three of those. First, you would give up
14 your constitutional right to remain silent. Which
15 means you give up your right against self
16 incrimination. You would give up the right to say
17 nothing at all. Do you understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: If your case went to trial,
20 you could not be forced to testify or provide
21 evidence against yourself. But if you want to plead
22 guilty, I am going to ask you if you committed these
23 offenses. And I may, and I probably will, ask you
24 to tell me what you did that makes you guilty. Do
25 you understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Secondly, you would give up
3 the right to have jury trials on these cases.
4 There would be three separate jury trials at some
5 point. You know from what we went through
6 yesterday, that you have selected a jury in the
7 criminal sexual conduct with a minor in the first
8 degree. Do you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: You would have similar or the
11 identical right to jury trials for the other two
12 charges. And if you plead guilty, you gave up the
13 right to have juries decide whether or not you were
14 guilty of these charges beyond a reasonable doubt.
15 A jury would base a decision on evidence that is
16 introduced by the State, and any evidence that you
17 might want to introduce.

18 In a trial you would be presumed innocent.
19 The jury is told numerous times that you are
20 presumed innocent, and that you don't have to prove
21 anything. And the jury is also told that if the
22 State has to produce evidence that convinces all
23 12 jurors of your guilt beyond a reasonable doubt.
24 That is a very high burden of proof for the State.
25 Do you understand that?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Do you want jury trials on any
3 charges?

4 THE DEFENDANT: No, sir.

5 THE COURT: Now thirdly, if you plead
6 guilty, you give up your right of confrontation
7 under the constitution. That means you give up your
8 right to look at, and listen to, and question any
9 and all witnesses. And those would include your
10 witnesses, and the State's witnesses. Do you
11 understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All of these are true bills,
14 correct?

15 MS. BARR: Correct, Your Honor.

16 THE COURT: Now, Mr. Williams, have you
17 understood all of the rights I have explained to
18 you?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: If you enter guilty pleas, you
21 also give up the right to assert any defenses. Is
22 that clear?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: You also give up the right to
25 challenge the admissibility of evidence the State

1 claims to have. Do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You may had some legal
4 defenses to the manner of a search or some
5 questioning done of you. You may have also had some
6 legal right to challenge just the actual
7 admissibility of evidence. But again, do you
8 understand that if you enter guilty pleas, those
9 rights to challenge evidence are gone.

10 THE DEFENDANT: Yes, sir.

11 THE COURT: So have you understood
12 everything we have been over so far?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: In the matter of the case of
15 the criminal sexual conduct with a minor in the
16 first degree, that is the one where we selected a
17 jury yesterday. The victim being Minor 1 . Are
18 you guilty or not guilty?

19 THE DEFENDANT: Guilty.

20 THE COURT: Are you truly guilty?

21 THE DEFENDANT: Guilty.

22 THE COURT: With regard to the indictment
23 for criminal sexual conduct in the third degree, the
24 victim being Minor 2 . Do you plead guilty or
25 not guilty?

1 THE DEFENDANT: Guilty.

2 THE COURT: Are you truly guilty?

3 THE DEFENDANT: Guilty.

4 THE COURT: With regard to the grand
5 larceny charge, do you plead guilty or not guilty?

6 THE DEFENDANT: Guilty.

7 THE COURT: And are you truly guilty of
8 that?

9 THE DEFENDANT: Guilty.

10 THE COURT: Ms. Shuler, do you agree with
11 the recommendation that has been voiced by Ms. Barr?

12 MS. SHULER: Yes, Your Honor.

13 THE COURT: Now, Mr. Williams, has anyone
14 promised you anything to get you to plead guilty?

15 THE DEFENDANT: No, sir.

16 THE COURT: Has anyone including your
17 lawyer, used any pressure, threat, force or
18 intimidation to get you to enter these pleas?

19 THE DEFENDANT: No, sir.

20 THE COURT: Have you had enough time to
21 make up your mind?

22 THE DEFENDANT: Yes.

23 THE COURT: Are you pleading guilty
24 totally of your own free will?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Now, Ms. Shuler, are you
2 satisfied with the discovery that has been provided
3 to you by the State in all these cases?

4 MS. SHULER: Yes, Your Honor.

5 THE COURT: Have you had a chance to
6 review that with Mr. Williams?

7 MS. SHULER: We have.

8 THE COURT: Mr. Williams, are you
9 satisfied with your view of the evidence?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Are you satisfied in which
12 Ms. Shuler has advised you and represented you?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Have you talked to her enough
15 and for as often and as long you wanted to?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Have you understood those
18 conversations?

19 THE DEFENDANT: Yes.

20 THE COURT: Has she been able to answer
21 all of your questions to your satisfaction?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Do you need any more time to
24 talk to her now?

25 THE DEFENDANT: No, sir.

1 THE COURT: Do you think Ms. Shuler has
2 done everything she could do within reason to
3 represent you properly?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you have any complaint
6 about her services or about any activities of the
7 prosecutor or any of the law enforcement lawyers?

8 THE DEFENDANT: No, sir.

9 THE COURT: Have you understood all the
10 questions that I've asked you?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Have you understood all the
13 information that I've given you and I've explained
14 to you?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Is there anything else you
17 want me -- or is there anything you want me to
18 repeat or go over?

19 THE DEFENDANT: No, sir.

20 THE COURT: Do you understand that you
21 have right to appeal these guilty pleas and the
22 sentences, and that you or your lawyer must do that
23 within 10 days of today.

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Ms. Barr, would give me the

1 facts first on the CSC first, and then I'll
2 determine whether -- well go ahead and give me the
3 facts of all. If either or both of the victims want
4 to speak, anything that they want to make known, I
5 can do that at the same time. So give me the facts,
6 please, on all three, beginning with the CSC first.

7 MS. BARR: Your Honor, with regard to
8 Indictment No. 2013-GS-45-7, this particular crime
9 came to the attention of law enforcement back in
10 August of 2012. They actually, the Williamsburg
11 County Sheriff's Department actually received a call
12 from either law enforcement agency or social
13 services agency, in Smithville, North Carolina. The
14 victim Minor 1 , at the time, was 17 years old.
15 She was staying with a family member during the
16 summer in North Carolina.

17 And apparently one day while she was on
18 her way to church, she just started crying,
19 according to the family member. The family member
20 asked her what was wrong. She disclosed that the
21 defendant had been sexually assaulting her over a
22 period of time. Judge, as best we can tell, the
23 defendant was convicted in November of 1992, for
24 criminal sexual conduct in the first degree. There
25 was the activating factor of force and violence of a

1 high and aggravated nature as it relates to that
2 charge.

3 He was released on parole we believe in
4 March of 2009. I think he stayed with his mother
5 for maybe one or two months. And then came to live
6 with Patrice Catino. Ms. Catino had three children
7 I believe, living with her at time, two boys and a
8 daughter. Her daughter was 14 years old at the
9 time. She reported in her forensic interview that
10 the sexual assaults began as molestations and
11 fondling her. It graduated until digital
12 penetration, and eventually graduated until to
13 sexual intercourse. Sometimes he would give her
14 money or give her candy.

15 There was one incident in which her
16 sibling witnessed a sexual assault. And we had him
17 subpoenaed. He was prepared to testify in trial.
18 And I spoke with him yesterday. He told me that he
19 was -- had been told by the defendant to go take a
20 shower one night; that while he was in the bathroom
21 preparing to take a shower, he heard a noise in the
22 living room. Opened the door and saw the defendant
23 on his sister, who would have been probably about
24 15 years old at the time. He said the defendant
25 jumped off of his sister, was wearing boxers, and

1 asked him what did he see. He expressed to me that
2 he was scared. He knew that the defendant had just
3 gotten out of prison. He was probably 13 years old
4 at the time. And said that he was, the defendant
5 was a lot bigger than him, and so he just told him
6 he didn't see anything.

7 And so those -- that's essentially the
8 facts as it relates to the CSC.

9 THE COURT: Would you go to the jury on
10 penetration?

11 MS. BARR: I'm sorry?

12 THE COURT: You would go to the jury on
13 penetration.

14 MS. BARR: Correct, Your Honor.

15 THE COURT: Do you admit, sir, that you
16 had sexual intercourse with the victim?

17 THE DEFENDANT: Yes.

18 MS. BARR: Your Honor as it relates to
19 Indictment No. 2014-GS-45-74, that is the indictment
20 for criminal sexual conduct in the third degree.
21 That incident was reported to law enforcement in the
22 early morning hours of December 7th 2013. The
23 victim in that case is a Minor 2 . She was
24 from the Hemingway area. A young woman who was 20
25 years old at that the time; called law enforcement

1 to report that she had raped by the defendant. She
2 referred to him as her uncle. And said at some
3 point she had consumed alcohol and had asked the
4 defendant to give her a ride home. They were at
5 this place in Hemingway called Lawhorn's Boarding
6 House. And the defendant invited her to his room to
7 stay there until he went, and purportedly to get to
8 a ride.

9 She said that she had eaten some snack
10 crackers, and had fallen asleep on the sofa. And
11 when she awoke, the defendant had penetrated her and
12 was raping her. She was pushing at him, and
13 telling him to get off, but he was a lot bigger than
14 what she was. And she says that he told her, don't
15 be like. I'll give you some money or I'll give you
16 some drugs. And he would not let her get up off the
17 sofa until he had completed the sexual assault. She
18 did indicate that he wearing a condom at the time.

19 THE COURT: Do you admit those
20 allegations, sir?

21 THE DEFENDANT: Yes.

22 THE COURT: And going back to the first
23 case involving a minor here, do you admit that she
24 was between the ages of 14 but less than 16? Or
25 excuse me, she was less than 16 but at least 14.

1 THE DEFENDANT: Yes.

2 MS. BARR: She, the victim as relates to
3 the second CSC case, had indicated that the
4 defendant attempted to take a picture of her on his
5 cell phone following the sexual assault. She
6 immediately reported the incident to law
7 enforcement.

8 And, Judge, as it relates to
9 2012-GS- 45-111, that is the indictment for grand
10 larceny. That particular incident was reported to
11 law enforcement in March of 2012. The victim in
12 that case is Mr. Altman who owns, I believe, it's
13 Altman's farm. He reported that on March 8th of
14 2012, he came to an old farm house that he owns
15 located on Cockfield Road in Hemingway; that no one
16 lived at the property. He had a tendency to kind of
17 store his farm equipment and other items there.
18 When he came on the 8th of March of 2012, everything
19 there was as he had left it.

20 He returned the next day and noticed that
21 several of his pieces of equipment, as well as,
22 miscellaneous field items had been taken, including
23 some steal bolts, some front end axles from a jeep,
24 some mounting brackets, some front weights for a
25 John Deer motor, and some steal pipes. And

1 apparently after the initial incident was reported,
2 some individuals came later on that month and stole
3 additional items. He estimated that the theft of
4 from between the first of March to the end of March,
5 totaled about \$55,000. And, Judge, that's why there
6 were two counts of grand larceny in that particular
7 indictment.

8 THE COURT: Do you admit you stole those
9 materials?

10 THE DEFENDANT: Yes, sir.

11 MS. BARR: And, Judge, he also gave a
12 statement to law enforcement indicating that someone
13 I believe named Terry Brown had come to him, and he
14 had gone with Mr. Brown or whoever the individual
15 was, and was taking the items and I believe taking
16 them to a recycling plant.

17 THE COURT: One question I was going to
18 ask. On the sentencing sheet CSC with a minor in
19 the first degree. That is violent, correct?

20 MS. BARR: Correct, Your Honor.

21 THE COURT: Mr. Williams, and does that
22 complete the facts? And then I'll come back and ask
23 if any of the victims want to speak.

24 MS. BARR: That does complete the facts,
25 Judge.

1 THE COURT: Mr. Williams, if I impose any
2 sentence for that matter, a recommended sentence or
3 another sentence, do you understand that at least on
4 the 25 year sentence, you'll have to do 85 percent
5 of it before you are eligible for release?

6 THE DEFENDANT: Yes.

7 THE COURT: Do you agree with that,
8 Ms. Shuler?

9 MS. SHULER: Yes, Your Honor.

10 THE COURT: Ms. Barr?

11 MS. BARR: Yes, sir.

12 THE COURT: So as far as the plea is
13 concerned, you have to assume that you'll do all
14 that time in prison. Do you understand that?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Does the victim want to speak
17 in the case in which we picked a jury?

18 MS. BARR: She does not.

19 THE COURT: Does she understand that she
20 has the right to say something to me about this
21 case?

22 MS. BARR: She does.

23 THE COURT: If she changes her mind before
24 we finish, she can certainly let Ms. Woods and then
25 you can let Ms. Barr. I am going to initially

1 formally accept all three pleas. They've been
2 entered freely, voluntarily, knowingly and
3 intelligently. There's certainly a substantial
4 factual basis for all three. He's had the advice
5 and counsel of an attorney with who he is satisfied.
6 I will accept all three.

7 I would like to bring the jury out to sit
8 in the jury box. Any objection to that, Ms. Barr?

9 MS. BARR: None whatsoever.

10 THE COURT: Ms. Shuler?

11 MS. SHULER: No, your Honor.

12 THE COURT: You can bring the jury out.

13 (Whereupon, the following takes place
14 within the presence of the jury.)

15 THE COURT: Ladies and gentlemen, I
16 apologize for keeping you in that room, but as the
17 10 o'clock hour approached, the defendant changed
18 his plea from not guilty to guilty. Over the last
19 50 minutes actually, we've been going through the
20 required process and entering a guilty plea. And
21 he's also chosen to enter guilty pleas on two other
22 charges. And what I'm going to do now is go
23 further. I didn't want to bring you out until I
24 formally accepted all three pleas.

25 I have accepted all the pleas. As I

1 mentioned, they're entered freely, voluntarily,
2 knowingly and intelligently. He's had the benefit
3 of counsel with whom he's satisfied. And there's
4 certainly a substantial factual basis for all three.
5 He's admitted having sexual intercourse with the
6 minor victim who was between the ages of 14, but
7 less than 16.

8 Ms. Barr, if you would give me the benefit
9 of his record. You said 1992, was his earlier
10 conviction for his criminal sexual conduct in the
11 first degree?

12 MS. BARR: Correct, Your Honor. Judge,
13 his rap sheet shows he was convicted of night
14 hunting back in 1987.

15 THE COURT: Ma'am?

16 MS. BARR: Night hunting in 1987. He was
17 convicted in 1992, of criminal sexual conduct in the
18 first degree, use of vehicle without owner's
19 consent, and possession of cocaine. For the
20 criminal sexual conduct in the first degree
21 conviction, he received a 29 year sentence. For the
22 use of vehicle without owner's consent, he received
23 a concurrent 5 year sentence. And for the
24 possession of cocaine, his rap sheet is indicating
25 he received a current 24 year sentence. I am not

1 sure if that's right, but that's what it indicates.

2 Judge, he was released on parole in 2009.
3 He was convicted in 2011, driving without a license,
4 operating an uninsured motor vehicle, use of a
5 vehicle -- use of another vehicle's tags, a
6 disregarding a stop sign in 2012. Judge, and it
7 looks like he received probably what was the
8 equivalent of a 150 day sentence. And he went to
9 the Department of Corrections.

10 Later that year, he also had other
11 magistrate level traffic offenses for which he
12 received a sentence, and was in prison at the
13 Department of Corrections later in 2012.

14 THE COURT: Ms. Shuler, is there anything
15 you would like to state for the record?

16 MS. SHULER: Your Honor, Mr. Williams,
17 indicates that he got 2 years, not 20. So I would
18 assume that that 24 should have been 24 months.

19 THE COURT: I would soon so.

20 MS. SHULER: But apart from that, his rap
21 sheet appears to be accurate. His recitation of his
22 record appears to be accurate.

23 THE COURT: Anything else?

24 MS. SHULER: Just in terms of Mr. Williams
25 himself, Your Honor. He is 46 years old. He is a

1 life long resident of Williamsburg County. He was
2 born and raised in Hemingway. He has been able to
3 keep a steady job whenever he was out among the
4 community. He worked for his brother, Sandy
5 Lawhorn, and many of Mr. Lawhorns businesses. He
6 worked construction and maintenance.

7 Your Honor, he is an intelligent young
8 man. And we would just ask that you accept the
9 recommendation of the solicitor, and sentence
10 Mr. Williams to the recommendation of 25 years. And
11 give him credit for any time that he has served.

12 THE COURT: Mr. Williams, anything you
13 want to tell me?

14 THE DEFENDANT: I would just like to have
15 the time I have been incarcerated.

16 THE COURT: Anything else?

17 THE DEFENDANT: No, sir.

18 THE COURT: Any other words of regret?

19 THE DEFENDANT: I apologize for what I
20 done.

21 THE COURT: It sounds like to me the only
22 thing that's going to stop you from doing it, is
23 putting you prison. You were in prison for 17 years
24 the first time?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: And then you got out and did
2 it 2 more times?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Anything else?

5 THE DEFENDANT: No, sir.

6 THE COURT: Ms. Shuler.

7 MS. SHULER: Your Honor, I would like to
8 put on the record that Mr. Williams, although he has
9 not stated this to me, I do believe that there has
10 been a history of some drug use. And I believe that
11 some of his actions were probably triggered by that
12 drug use. If Your Honor accepts the recommendation
13 and sentences him to the recommended 25 years, he
14 will certainly be an older gentleman by all intense
15 and purposes. And we would hope that he would be
16 beyond that, and would no longer engage in this type
17 of behavior.

18 THE COURT: The stats the same, Ms. Woods?

19 MS. WOODS: The Same.

20 THE COURT: Mr. Williams, you know words
21 can't express the devastation that you brought on
22 this young lady. Nobody should have to go through
23 that. Of course the State has removed obviously
24 it's -- this will be in play the next time. But you
25 have removed your request for life without parole

1 sentence. You are going to spend some substantial
2 time in prison. As I mentioned to you, you'll have
3 to do 85 percent of this sentence that I impose. On
4 criminal sexual conduct with a minor in the first
5 degree that is the case in which the jury has been
6 selected. You are committed to the State Department
7 of Corrections for a period of 25 years. You will
8 get credit for any time you have served because
9 that's what the law dictates. I must give you
10 credit for time served. You will also be placed on
11 the central registry of child abuse and neglect.
12 You'll also resume or continue to be on the sex
13 offender registry.

14 Concurrently with that criminal sexual
15 conduct in the third degree under indictment under
16 Indictment 2014-74, the victim in that case was
17 Minor 2 ?

18 MS. BARR: Minor 2 . Correct, Your
19 Honor.

20 THE COURT: The sentence of the court is
21 that you are committed to the Department of
22 Corrections for a period 10 years. That would be
23 concurrent with the other sentences passed today.
24 Indictment 2012-111, grand larceny, 10 years in the
25 Department of Corrections. On those latter two you

1 will also get any credit, or get credit for any time
2 you've serve. As I mentioned the sentences will be
3 concurrent. Any other particulars that we need to
4 review?

5 MS. BARR: Judge, I don't think so. I
6 think that covers it.

7 THE COURT: That will conclude it. Young
8 lady I wish you the best of luck.

9 --End of Requested Transcript of Record--

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C-E-R-T-I-F-I-C-A-T-E

I, Margaret T. Sullivan, Court Reporter, for the
Third Judicial Circuit of the State of South Carolina,
do hereby Certify that the foregoing is a true, accurate
and complete Transcript of Record of the proceedings had
and evidence introduced on January 27, 2015, in General
Sessions Court for Williamsburg County, Kingstree, South
Carolina.

I do further that I am neither kin, counsel nor
interest to any party hereto.

10-31-15
DATE

Margaret T. Sullivan
COURT REPORTER
My Commission expires: 9/7/2021

FORM 5

STATE OF SOUTH CAROLINA)

County of Williamsburg)

IN THE COURT OF COMMON PLEAS

George Junior Williams #191916)
Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

15 CP45 321

APPLICATION FOR

POST-CONVICTION RELIEF

2015 JUN -7
PM 9:47**INSTRUCTIONS B 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 Lee Correctional Institution
990 WISACKY Highway Bishopville SC 29010
2. Name and location of Court which imposed sentence Williamsburg Co.
125 West MAIN St Kingstree, SC, 29556
3. Name(s) of co-defendant(s) (if any) Patrice Cuttino
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
(a) 2012-GS-45-0111 Grand larceny

SCANNED
9/8/15

- (b) 2013-GS-45-0007 CSC With A Minor 1st Degree
- (c) 2014 GS-45-0014 CSC Third Degree
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) 1-27-15 25 YEARS
- (b) 1-27-15 10 years concurrent
- (c) 1-27-15 10 years concurrent
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty After A plea of Guilty
- (b) after a plea of not guilty _____
- (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 Ayes@ to (7), list:
- (a) the name of each Court to which you appealed:
- i. _____
- ii. N/A
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. _____
- ii. N/A
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. N/A
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. N/A
- iii. _____
9. If you answered Ano@ to (7), state your reasons for not so appealing:
- (a) Atty: SAID I didn't AS Her to Appeal.

- (b) TRIAL/plea COUNSEL Failed to INFORM
 (c) Applicant of Right to Appeal

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

- (a) Ineffective assistance of counsel
 (b) counsel's failure to investigate
 (c) possible defenses

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) Counsel's failure to get Preliminary
 (b) Hearing Transcript
 (c) _____

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 Ayes@ to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:
 i. _____
 ii. N/A
 iii. _____
 iv. _____
 (b) the name and location of the Court in which each was filed:
 i. _____
 ii. N/A
 iii. _____

iv. _____

(c) the disposition thereof:

i. _____

ii. N/A

iii. _____

iv. _____

(d) the date of each such disposition:

i. _____

ii. N/A

iii. _____

iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. _____

ii. N/A

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. _____

ii. N/A

iii. _____

(b) the proceedings in which each ground was raised:

i. _____

ii. N/A

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) INEFFECTIVE ASSISTANCE OF TRIAL/PLEA
 (b) COUNSEL
 (c) _____

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

(a) your arraignment and plea? Yes
 (b) your trial, if any? Yes
 (c) your sentencing? Yes
 (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? _____

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

(a) the name and address of each attorney who represented you:

i. M. AMANDA Shuler
Post Office Box 980 Kingstree, SC 29556
 ii. _____
 iii. _____

(b) the proceedings at which each such attorney represented you:

i. Plea
 ii. _____
 iii. _____

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

A HEARING ON THE FACTS OF THE ALLEGATIONS:

CONVICTION REVERSED & REMANDED FOR RETRIAL

THERE WAS NO OTHER EVIDENCE UPON WHICH CONVICTION AND SENTENCE
COULD BE BASED

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

NO

Revised 3/2003

STATE OF SOUTH CAROLINA)

County of Bishopville)

VERIFICATION

I, George Junior Williams #191416, 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.

George Williams

SWORN to and subscribed before me this 30
day of June, 2015.

Debra Jones (L.S.)
Notary Public

My Commission Expires: 11-4-2015

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, George Junior Williams, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

(1) I am the applicant in this action and I believe I am entitled to redress.

✓ (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

George Junior Williams
Applicant

SWORN or affirmed to and subscribed before me this

30 day of June, 2015.

Delma Surges
Notary Public

My Commission Expires: 11-4-2015

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF WILLIAMSBURG	)	FOR THE THIRD JUDICIAL CIRCUIT
George J. Williams, #191416,	)	
	)	2015-CP-45-321
Applicant,	)	
	)	
v.	)	RETURN
	)	
State of South Carolina,	)	
	)	
Respondent.	)	

The Respondent, making its Return to the application for post conviction relief (PCR) filed July 2, 2015, would respectfully show this Court:

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Williamsburg County Clerk of Court. The Applicant was true bill indicted at the May 2012 term of the Williamsburg County Grand Jury for two counts of grand larceny, value 10,000 or more (2012-GS-45-0111). Applicant was subsequently indicted at the January 2013 term of the Williamsburg County Grand Jury for criminal sexual conduct with a minor in the first degree and unlawful conduct toward a child (2013-GS-45-0007). Applicant was true bill indicted at the May 2014 term of the Williamsburg County Grand Jury for criminal sexual conduct – third degree (2014-GS-45-0074). Amanda Shuler, Esquire represented Applicant. On January 27, 2015, Applicant pled guilty as indicted before the Honorable George C. James, Jr. Judge James sentenced Applicant pursuant to a recommendation by the State to a ten year term of imprisonment for grand larceny, twenty five year term of imprisonment for criminal sexual conduct – first degree, and ten year term of

imprisonment for criminal sexual conduct – third degree. Applicant did not appeal his guilty plea or sentence.

Attached herewith and incorporated herein are the records of the Williamsburg County Clerk of Court regarding the subject conviction, the Applicant's records from the South Carolina Department of Corrections, and the plea transcript will be sent upon receipt. The Respondent reserves the right to amend this Return upon receipt of any relevant materials.

II.

In his current Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

- I. Ineffective assistance of counsel
 - a. Failed to investigate possible defenses
 - b. Failed to obtain preliminary hearing transcript.

Any claims not specifically enumerated in the PCR application or amendments will be opposed by the State at an evidentiary hearing, and the State will seek summary dismissal of vague or general claims at an evidentiary hearing. S.C. Code §17-27-50. All amendments should be made well in advance of an evidentiary hearing by counsel of record. Rule 11, SCRPC.

III.

The Respondent asserts the Applicant's allegation that his attorney was ineffective is without merit. The Respondent asserts the Applicant's attorney rendered effective assistance well within the standard of "reasonableness within professional norms" for a defense attorney.

Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result." Strickland v.

Washington, 466 U.S. 668, 686, 104 S. Ct. 2052, 2064 (1984); Butler v. State, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume counsel “rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Strickland, 466 U.S. at 690, 104 S. Ct. at 2066. The Applicant must overcome this presumption in order to receive relief. See Cherry v. State, 300 S.C. 115, 118, 386 S.E.2d 624, 625 (1989).

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove counsel’s performance was deficient. Under this prong, attorney performance is measured by its “reasonableness under prevailing professional norms.” Cherry v. State, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 688, 104 S. Ct. at 2065). 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. “A reasonable probability is a probability sufficient to undermine confidence in the outcome of trial.” Johnson v. State, 325 S.C. 182, 186, 480 S.E.2d 733, 735 (1997) (citing Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984)).

The Respondent submits the Applicant cannot satisfy either requirement of the Strickland v. Washington test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. The Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (citing Norman v. State, 276 S.C. 278, 277 S.E.2d 707 (1981)).

IV.

Applicant must specify any claims he intends to raise at the PCR trial. Any claims not *specifically* laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing. S.C. Code § 17-27-10 et seq; SCRCP 71.1. All claims should be made well in advance of the PCR hearing. If Applicant has an attorney appointed, the attorney, and not the inmate, is the only one authorized to file amendments. SCRCP Rule 11. Filings by inmates will not be considered at the PCR hearing.

V.

Each and every allegation contained within the application not hereinbefore either expressly admitted, qualified or explained is hereby denied.

VI.

WHEREFORE, having made its Return, the State requests that an evidentiary hearing be held.

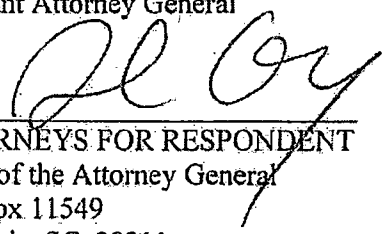
Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

DANIEL GOURLEY
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

October 28, 2015.

STATE OF SOUTH CAROLINA	)	
	)	IN THE COURT OF COMMON PLEAS
COUNTY OF WILLIAMSBURG	)	
	)	
	)	2015-CP-45-321
	)	
GEORGE J. WILLIAMS, #191416,	)	
	)	
Applicant,	)	
	)	
vs.	)	AFFIDAVIT OF SERVICE BY MAIL
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	

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** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Lance S. Boozer, Esquire
The Boozer Law Firm, LLC
807 Gervais Street, Suite 203
Columbia, SC 29201

DATED this 28th day of October, 2015.


 Caroline Collins, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA
COUNTY OF WILLIAMSBURG

George J. Williams, #191416,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT
C/A NO: 2015-CP-45-321

AMENDMENT TO PCR APPLICATION

FILED
2016 FEB 17 AM 11:59
CLERK OF COURT
WILLIAMSBURG, S.C.

The Applicant, at his request and through appointed counsel below, makes the following additional claim and amendment to his prior application for post-conviction relief filed July 2, 2015:

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
 - (i) Involuntary Guilty Plea;
 - (ii) Ineffective assistance of counsel for improperly informing Applicant he would receive rehabilitative treatment following his guilty plea; and
 - (iii) Counsel failed to file an appeal.

THE BOOZER LAW FIRM, LLC

L.S.B.

Lance S. Boozer
Attorney for Applicant
807 Gervais Street, Suite 203
Columbia, SC 29201
Phone: (803) 608-5543

February 16, 2016

In the Court of Common Pleas
Third Judicial Circuit
2015-CP-45-0321

George Williams, Jr.,
Applicant,
vs.
State of South Carolina,
Respondent.

Transcript of Record

November 7, 2016
Sumter, South Carolina

B E F O R E:

The Honorable Brian M. Gibbons, Judge

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

Lance S. Boozer, Esquire
Attorney for the Applicant

Julie A. Coleman, Esquire, Assistant Attorney General
Attorney for the Respondent

Elizabeth B. Harris, CVR-M-CM
Circuit Court Reporter

I N D E X

<u>Witness/Description</u>	<u>Page No.</u>
----------------------------	-----------------

George Williams, Jr.

Direct Examination by Mr. Boozer 5

Cross-examination by Ms. Coleman 28

Mary Amanda Shuler

Direct Examination by Ms. Coleman. 33

Cross-examination by Mr. Boozer. 40

Certificate Page. 52

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>Page No.</u>
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No Exhibits Introduced.

1 THE COURT: All right, Ms. Coleman, if you'll
2 introduce the case.

3 MS. COLEMAN: Yes, Your Honor. This is *George J.*
4 *Williams vs. the State of South Carolina*, docket number
5 2015-CP-45-321. Applicant is presently confined in the
6 South Carolina Department of Corrections pursuant to orders
7 of commitment of the Williamsburg County clerk of court.
8 Applicant was true-bill indicted at the May 2012 term of
9 the Williamsburg County Grand Jury for two counts of grand
10 larceny, value \$10,000 or more. Applicant was subsequently
11 indicted at the January 2013 term of the Williamsburg
12 County Grand Jury for criminal sexual conduct with a minor

13 in the first degree and unlawful conduct toward a --
14 towards a child. Applicant was true-bill indicted at the
15 May 2014 term of the Williamsburg County Grand Jury for
16 criminal sexual conduct third degree. Amanda Shuler,
17 Esquire, represented the applicant on all these charges.

18 On January 27, 2015, applicant pled guilty as indicted
19 before the Honorable George C. James, Jr. Judge James
20 sentenced applicant pursuant to a recommendation by the
21 state to a ten-year term of imprisonment for grand larceny,
22 twenty-five-year term of imprisonment for criminal sexual
23 conduct first degree, and a ten-year term of imprisonment
24 for criminal sexual conduct third degree. Applicant did
25 not appeal his guilty plea or his sentence.

1 Applicant filed a timely application for
2 post-conviction relief on July 2, 2015, alleging that he
3 was being held in custody unlawfully based on an allegation
4 of ineffective assistance of counsel. Applicant
5 subsequently filed an amended application on February 16th
6 adding the following allegations: involuntary guilty plea,
7 ineffective assistance of counsel for improperly informing
8 applicant he would receive rehabilitative treatment
9 following his guilty plea, and counsel failed to file an
10 appeal. The state filed its return October 28, 2015, and
11 he is present today and represented by Mr. Lance Boozer.

12 THE COURT: All right. Thank you.

13 MR. BOOZER: Thank you, Your Honor. If it pleases the
14 court? I do have just a preliminary matter I wanted to put
15 on the record.

16 THE COURT: Yes, sir.

17 MR. BOOZER: We had previously filed a motion for
18 funding in order to obtain a copy of a preliminary hearing
19 transcript, as well as some pretrial or trial portions of
20 what was, what was initially a trial.

21 We received the trial portions of the transcript.
22 Unfortunately on the preliminary hearing transcript -- this
23 is not the only case I've had this issue with -- apparently
24 in Kingstree there was a storm, and it wiped out recordings
25 and all data that would've contained the preliminary

G. WILLIAMS - DIRECT EXAMINATION BY MR. BOOZER

5

1 hearing transcript. When we attempted to order it, they
2 informed us of that. We could not get a copy of it. I've
3 informed Mr. Williams of that. So, we will be -- he will
4 be testifying as to what occurred at the preliminary
5 hearing.

6 Unfortunately in this case, the lawyer, his attorney
7 that he's complaining about, she was not representing him
8 at the time of the preliminary hearing. He had, I believe,
9 another lawyer, but I will have him discuss what his
10 complaints are and how that relates to his entire case, but
11 just wanted to put that ---

12 THE COURT: Okay. Sure. That's fine.

13 MR. BOOZER: And, Judge, at this time we'd go ahead
14 and call Mr. Williams to the stand.

15 THE COURT: All right, sir, if you're come on around.

16 GEORGE WILLIAMS, JR., BEING DULY
17 SWORN, TESTIFIES AS FOLLOWS:

18 BAILIFF: Please state your full name and spell your
19 last name for the record.

20 WITNESS: George Williams, Jr. W-i-l-l-i-a-m-s.

21 THE COURT: Thank you, sir.

22 Mr. Boozer.

23 MR. BOOZER: Thank you, Your Honor.

24 DIRECT EXAMINATION BY MR. BOOZER:

25 Q. Mr. Williams, how are you doing today?

G. WILLIAMS - DIRECT EXAMINATION BY MR. BOOZER

6

1 A. All right, sir.

2 Q. Okay. Do you know what, what we're doing here today?

3 A. Yes, sir.

4 Q. What is that?

5 A. Post-conviction relief.

6 Q. All right, and you filed a PCR application yourself
7 initially?

8 A. Yes, sir.

9 Q. And obviously you also filed an amendment?

10 A. Yes, sir.

11 Q. All right, and what is it that you're asking the court
12 for today?

13 A. Some relief in this, in this incident right here.

14 Q. And let's narrow that down. When you say some relief,
15 do you understand what it is that this court can do for
16 you?

17 A. A little bit.

18 Q. Well, let's talk about what we've discussed.

19 A. Okay.

20 Q. Do you understand ---

21 A. That we ---

22 Q. Go ahead.

23 A. I have some, some issues about the beginning of this
24 whole so serial -- what I'm being charged with. I felt
25 like I was not done right. I'm not a lawyer, but I got

G. WILLIAMS - DIRECT EXAMINATION BY MR. BOOZER

7

1 common sense; some things should have been done that wasn't
2 done.

3 Q. And you're -- and let me jump in here. You're talking
4 about some allegations you have against your former lawyer
5 and before that?

6 A. Yes. Yes, sir.

7 Q. Okay. Let -- we're, we're going to cover all that in
8 just a moment, but let's talk about what you're doing here
9 today. Do you understand that the only thing generally
10 that this court can do for you is to give you a new trial
11 on your original charges? Do you understand that?

12 A. Yes, sir.

13 Q. And that this court can't reduce your sentence or cut
14 your time or change anything about sort of the conditions
15 of your confinement. Do you understand that?

16 A. Yes, sir.

17 Q. All right. Tell, if you would. What were your
18 original charges?

19 A. Criminal sexual, criminal sexual conduct in the second
20 degree.

21 Q. What did you ultimately end up -- did you end up
22 entering a plea?

23 A. Yes, sir.

24 Q. What did you plead to?

25 A. Criminal sexual conduct in the first degree.

G. WILLIAMS - DIRECT EXAMINATION BY MR. BOOZER

8

1 Q. All right, and what type of sentence did you receive?

2 A. Twenty-five years.

3 Q. Okay, and, and you're wanting to go back and, and
4 basically start all over and have a new trial?

5 A. Yes, sir.

6 Q. All right. Now, who, who represented you for your
7 plea?

8 A. Ms. Amanda Shuler.

9 Q. All right. Before Ms. Shuler represented you, did you
10 have another attorney?

11 A. Yes, sir.

12 Q. Who was that?

13 A. Mr. Do -- Darvin [sic] Harvin.

14 Q. Okay, and how long did Mr. Harvin -- well, let me back
15 up. When were you first arrested on the charges?

16 A. I think it was, like, August 19, 2012.

17 Q. When did Mr. Harvin -- did you hire Mr. Harvin, or was
18 he appointed to represent you?

19 A. No, sir. He was appointed to me.

20 Q. Do you recall when Mr. Harvin began representing you?

21 A. Probably, like, a month after I got arrested before we
22 went to the preliminary hearing.

23 Q. Okay. So, did you have a preliminary hearing?

24 A. Yes, sir.

25 Q. All right, and before we get into this, let's talk

G. WILLIAMS - DIRECT EXAMINATION BY MR. BOOZER

9

1 about your allegations and frame those for the court so we
2 know what we're talking about here today. You've alleged a
3 variety of things, and let's just go through those. You've
4 alleged that your lawyer failed to investigate and suppress
5 evidence?

6 A. Yes, sir.

7 Q. You've also alleged that your lawyer failed to obtain
8 preliminary transcripts?

9 A. Yes, sir.

10 Q. And by amendment you've alleged that your plea was
11 involuntary?

12 A. Yes, sir.

13 Q. You've also alleged that your lawyer was ineffective
14 for informing you that you'd receive rehabilitation
15 treatment after your plea?

16 A. Yes.

17 Q. You've also alleged your lawyer failed to file an
18 appeal?

19 A. Yes.

20 Q. Okay. So, going back, we're talking about your
21 preliminary hearing. You had a preliminary hearing?

22 A. Yes, sir.

23 Q. Okay, and where was that?

24 A. At the Williamsburg County magistrate court office.

25 Q. What was so important about your preliminary hearing?

G. WILLIAMS - DIRECT EXAMINATION BY MR. BOOZER

10

1 A. The credibility of the investigator.

2 Q. Okay.

3 A. At the time during the preliminary hearing, Mr. Harvin
4 looked at my warrants and -- prior to all that, and he
5 asked the investigator, Ms. Wynn. He said after looking
6 over my client's arrest warrants, it don't look right.

7 Q. And this is a question that he was asking at the
8 preliminary hearing?

9 A. Yes.

10 Q. Okay, and we tried to get that transcript, right?

11 A. Yes.

12 Q. And it's not available?

13 A. For some reason, it disappear.

14 Q. Okay. Keep going about that.

15 A. Okay. So, he asked Ms. Wynn. He said I have three
16 questions I'd like to ask you concerning my client. He
17 said number one, was the statement -- he said is the
18 statement that's on my client arrest warrant is the same
19 statement you took to the judge to obtain a warrant? She
20 said no. So, he said so, therefore, you lied to the judge
21 to obtain the arrest warrant? She said yes.

22 He said number two. I see that you have on my client
23 arrest warrant that the victim was examined in a hospital
24 in North Carolina. She said yes. He said where is the
25 evidence, the report? She said there isn't any because the

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1 victim wasn't examined. He said, well, that's your second
2 lie under oath.

3 He asked her, so, how did she get involved with this
4 case? She said the victim's godmother, friend, cousin told
5 her about it and so that, like, put up a, like, uproar. He
6 asked her what, and she said again the victim's godmother,
7 friend, cousin told her about it. She never mentioned that
8 the victim came to her. She said that the godmother,
9 friend, and a cousin told her about it. And he said, well,
10 was you aware that Mr. Williams was on a monitor? She said
11 yes. He said was it obvious if you just go to his
12 probation officer and asked them to pull that up to see if

13 he'd been at these location? She said yes, she could have
14 done that, but she had three people say I done it, and
15 that's what she was going with.

16 Q. Let me ask you this. Those issues at the preliminary
17 hearing with what you allege, the detective making some
18 inconsistent statements, did you -- Mr. Harvin -- tell --
19 strike that. Why was Mr. Harvin no longer your lawyer?

20 A. I don't know as of today.

21 Q. All right. So, when did you get Ms. Shuler as your
22 lawyer?

23 A. I can't lie because I don't remember exactly what date
24 it been, but it wasn't a nine-month period before I came to
25 trial.

G. WILLIAMS - DIRECT EXAMINATION BY MR. BOOZER

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1 Q. You had Ms. Shuler for about nine months before
2 your ---

3 A. If it been that long.

4 Q. --- before your trial? How long did Mr. Harvin
5 represent you? Do you remember?

6 A. From the time I was arrested until he vanish. It had
7 to be from, like, 2012 to 2014, somewhere in there.

8 Q. When were you arrested?

9 A. August, around August 19, 2012.

10 Q. And then you ended up -- your plea was when?

11 A. January, February, I think.

12 Q. January 2015?

13 A. Yes, sir.

14 Q. Okay. How much contact did you have with Mr. Harvin?

15 A. Well, he came regular and, you know, he was asking a
16 lot of questions. He was checking into things for me, and
17 his main concern was that the victim's statement wasn't --
18 appeared to him -- like, he wasn't really believing it.
19 And for some reason he told me that, that the investigator
20 and the prosecutor came to him and there was something
21 going on with the case, and he asked me what happened. I
22 told him I didn't know, and then after all this, he just
23 disappeared.

24 Q. All right. So, Ms. Shuler enters the picture?

25 A. Yes.

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1 Q. All right. Do you recall -- did you ever bond out?

2 A. Yes.

3 Q. You did? Did you ever -- when do you first recall
4 speaking with Ms. Shuler?

5 A. She came to the county before I bond out, and she
6 explained some things to me, talked about that she's my new
7 attorney and stuff like that.

8 Q. All right. Do you know about many times you may have
9 met with Ms. Shuler prior to your plea?

10 A. I think should be approximately about three times.

11 Q. All right. Did you -- would y'all ever speak on the
12 phone, or was it always in person?

13 A. In person.

14 Q. Tell me. Did you have any discussion or did you make
15 any request of Ms. Shuler about trying to obtain the
16 preliminary hearing transcript?

17 A. Yes. I kept asking everybody about it because I
18 figured that was going to be -- if any -- if it would have
19 to go, it would have helped by what was said by the
20 investigator.

21 Q. Did you want that so that you could cross-examine the
22 investigator at a trial?

23 A. Yes, because ---

24 Q. Why?

25 A. --- Mr. Harvin asked that the case be dismissed, and

G. WILLIAMS - DIRECT EXAMINATION BY MR. BOOZER

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1 the judge was doing the case that time said seem like y'all
2 got a problem. I don't want to get involved with this.
3 How you don't want to get involved with it and you the
4 attorney? So, I got upset and he hit me with contempt of
5 court for turning over the table because he let this
6 investigator admit not once but two times that she lied
7 under oath, and you still saying you found probable cause.
8 So, he hit me with contempt of court.

9 So when I went, got the little paper to go back to the
10 contempt of court, I explained the same thing that I just
11 explained to y'all to this judge, and the judge statement
12 was he would've done the same thing if he was treated like
13 that, but you can't let your behavior cause you to make a
14 outburst in the courtroom.

15 Q. Well, let me ask you. You had a discussion with Ms.
16 Shuler about trying -- about what happened at the
17 preliminary hearing and about trying to get the preliminary
18 transcript?

19 A. Yes.

20 Q. All right. What was her response when you would have
21 that discussion?

22 A. I'll try to get it. Give me a minute.

23 (A PAUSE.)

24 A. I wrote to her on March 15th, and, and I'm trying to
25 find the right one.

G. WILLIAMS - DIRECT EXAMINATION BY MR. BOOZER

15

1 (A PAUSE.)

2 A. She said that:

3 I am in receipt to your letter dated March 15th
4 in regard to your concern. You entered a guilty
5 plea and did not request an appeal, so no one was
6 filed. I have not ordered your transcript. I do
7 not have them in my possession.

8 This in March.

9 Q. Well, when did you have a discussion with Ms. Shuler
10 about ordering your preliminary hearing transcript?

11 A. At the time I, I was -- the second time I met her and
12 after she had sent me to see a psychologist dude.

13 Q. Okay, and did you inform Ms. Shuler of why you wanted
14 the transcript?

15 A. Yes.

16 Q. To your knowledge, was she aware of why you wanted it?

17 A. No, sir.

18 Q. Let me ask you -- let me ask that question in a
19 different way. You asked her to order it?

20 A. Yes, I did.

21 Q. And you told her why you wanted it?

22 A. Yes.

23 Q. Okay. You've alleged that your lawyer failed to
24 investigate and suppress evidence. Tell the court what you
25 mean by that.

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1 A. She never investigate the, the witness, none of the
2 witness that was named and to be a -- the ones that was
3 going to testify against me. She didn't investigate the
4 victim. She didn't investigate the investigator because if
5 you would have get -- if that transcript would have been
6 present, you could have seen what was said in that
7 transcript and, therefore, you would have said, well, I
8 need to go check on this here, see what's going on with
9 this. Nobody been investigated. She didn't talk to -- and
10 my, and my thing, she ain't talk to nobody.

11 Q. Okay. What, what else do you feel like she failed to
12 do as far as investigating your case?

13 A. The medical report, the place the incident took place.
14 They trying to have -- it's, it's -- isn't -- it's not
15 adding up to what was done during the procedure of this
16 case. They said the charge -- the crime took place in
17 Williamsburg County from one time to another time. Then
18 they said it happened again at the same location. If you
19 would investigate it, that you would have knowed that I
20 wasn't living in that county at the time they said this
21 incident took part.

22 The victim was in North Carolina. I was in South
23 Carolina and not in the county, but you -- from the time
24 this thing took place, they saying this thing took place at
25 this home. I cannot be at this home where another family

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1 was living at another county and the victim is in another
2 state. It's impossible. If she would investigate that,
3 she would have seen that this couldn't been true. The
4 victim in one state. I'm in one state in another county.

5 Q. Okay. Did you review the arrest warrant with Ms.
6 Shuler?

7 A. Yes. They got a copy of it. I sent for that; nobody
8 won't send me nothing.

9 Q. Well, but did you review that with Ms. Shuler?

10 A. Yes, I did.

11 Q. And the dates that were alleged in the arrest warrant?

12 A. Right.

13 MR. BOOZER: And, Your Honor, I believe I'm looking at
14 a copy of the arrest warrant that should already be a part
15 of Your Honor's record in the packet.

16 THE COURT: Yes, sir.

17 BY MR. BOOZER:

18 Q. And, Mr. Williams, in the arrest warrant, it was
19 alleged that the incident occurred between May 25, '09, and
20 August 7th of 2012?

21 A. Right.

22 Q. What's the issue that you have with those dates?

23 A. On March 3rd, I had a monitor on. I wasn't living at
24 the address at the time. I was taking care of my mother
25 when I got home before she deceased.

1 Q. March 3rd of what year?

2 A. 2009.

3 Q. Okay.

4 A. Okay. They said from that time to August 7th at this
5 address. It's -- if -- it's impossible for me to be at
6 that address when I don't live at this address and a whole
7 nother family live at this address. The victim is in North
8 Carolina and I'm in South Carolina. So, how can I commit a
9 crime at this house if nobody involved in this case living
10 at this house? That's what I'm so upset about because
11 nobody did an investigation. You just went by what a
12 person said. You did hearsay. You didn't do no
13 investigation.

14 Q. Did, did you have any discussion with your -- with Ms.
15 Shuler about those dates that you just stated and about
16 where you were at that time?

17 A. Yes.

18 Q. What was her response to that?

19 A. She will look into it.

20 Q. Do you know if she ever did?

21 A. Apparently not.

22 Q. Okay. Let me ask you this. You initially went to a
23 trial. Is that right?

24 A. Yes.

25 Q. Okay. How far did y'all get in the trial?

G. WILLIAMS - DIRECT EXAMINATION BY MR. BOOZER

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1 A. I picked the whole jury.

2 Q. All right. Well, what happened that then led to you
3 entering the plea?

4 A. After the -- after I talked to her, I think it was
5 after I picked the jury or the next morning, I can't
6 remember, and she told me that she got the paper back from
7 the psychic dude, and he said that I can't be
8 rehabilitated. So, she'll try to get, me get me into a
9 place in Beaufort. I never heard of Beaufort.

10 Q. Okay. What, what was your understanding of the place
11 she'd get you to in Beaufort?

12 A. It's a place that helps somebody that can be
13 rehabilitated.

14 Q. All right. When were you having that discussion with
15 her?

16 A. It was that -- after I picked my jury or the next
17 morning after the jury.

18 Q. All right. So, when she has this discussion with you
19 about going somewhere in Beaufort for rehabilitation, what
20 did you then do?

21 A. I asked her. I said, so, that won't be like going to
22 prison or what is it, and that's when she explained to me
23 that it's a place where people go that can be
24 rehabilitated.

25 Q. And were you under the impression that after you pled,

G. WILLIAMS - DIRECT EXAMINATION BY MR. BOOZER

20

1 that that's where you would then be sent to?

2 A. Yes.

3 Q. Okay. Did that ever happen?

4 A. It was never -- no, sir, it was never mentioned.

5 Q. Okay. When you -- after you pled, did you end up
6 going to SCDC?

7 A. Yes, sir, same day.

8 Q. And is that where you have remained since?

9 A. Yes, sir.

10 Q. Have you ever been transferred or treated at any
11 rehabilitation center?

12 A. No, sir.

13 Q. Okay. Is that something you wanted?

14 A. Yes, because that's what my intention was with the
15 plea.

16 Q. All right. Had you known, had you know that you would
17 not have been transferred or placed in any sort of
18 rehabilitation center, would you have entered your plea
19 that day?

20 A. No, sir. I'd have went to trial.

21 Q. You would have gone to trial?

22 A. Yes.

23 Q. Okay. Now, do you recall there was an action -- at,
24 at the plea, the judge asked you a lot of questions. Do
25 you recall that?

G. WILLIAMS - DIRECT EXAMINATION BY MR. BOOZER

21

1 A. Yes, sir.

2 Q. And do you recall the day of the plea?

3 A. Yes, sir.

4 Q. Do you recall if the judge asked you if you'd been
5 promised anything about -- to get you to plead guilty?

6 A. Yes.

7 Q. Okay, and did you probably tell the judge that no, you
8 hadn't been promised anything?

9 A. Yes. I was told that if you, if you doing a plea --
10 not by her. Not going to say she said that. They said
11 usually the judge going to ask you the questions. Just go
12 along with that. But seem like every time you go along

13 with that, you get the short end of the stick. So, I see
14 now you got to tell the judge what's really going on.

15 Q. Okay. Looking back, should you have told -- would you
16 have told the judge that you been promised that you would
17 have been transferred or placed in a rehabilitation
18 facility?

19 A. Yes, sir.

20 Q. All right. When did you find out that you were going
21 to trial?

22 A. Well, I had that in mind from the time I got arrested
23 I was -- this was going to go to trial. I had that already
24 in my mind from day one because Mr. Harvin said that he
25 would put the victim up there and look at her statements

G. WILLIAMS - DIRECT EXAMINATION BY MR. BOOZER

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1 because from the statement she gave to the investigator on
2 one thing is totally different from the statement that they
3 got on the incident report. And it's, it's my fault for
4 not informing you about that when I looked through this, my
5 Rule 5. I see this.

6 And that's another thing what I'm saying about the
7 investigation. I'm not a lawyer. If I could look through
8 these paperwork and read -- I'm not the best reader, but I
9 can read a little bit -- and see something that don't make
10 sense to me, somebody who got a law degree ought to be able
11 to pick that up.

12 Q. Well, did you ever actually review any of your Rule 5
13 materials with Ms. Shuler?

14 A. No, sir.

15 Q. Okay. Did you review them with Mr. Harvin?

16 A. I ain't get -- I think she the one that got them. He
17 never gave them to me.

18 Q. Did she give them to you, or tell me about that.

19 A. Well, they was dropped off to the county jail, if I'm
20 not mistaken.

21 Q. Did y'all review them together?

22 A. No, sir.

23 Q. All right. Did you review them after you entered your
24 plea?

25 A. Yes, sir.

G. WILLIAMS - DIRECT EXAMINATION BY MR. BOOZER

23

1 Q. Okay. Is that when you discovered that there are some
2 inconsistencies that you thought you could challenge?

3 A. Yes.

4 Q. All right. Had, had you reviewed those with your
5 attorney prior to the -- to your plea, would you have pled
6 guilty?

7 A. No, sir.

8 Q. And you would -- would you have insisted on going to
9 trial?

10 A. Yes.

11 Q. When, when your trial began -- what, what sort of
12 trial preparations did you and Ms. Shuler enter into before

13 your trial?

14 A. Well, prior to the -- picking that, I seen her at the
15 courthouse, and they had a decent judge there, and I tell
16 her I wanted to see what was going on. They offered me
17 fifteen years and I told her. I'm not going to take no
18 fifteen years for the sentence.

19 Q. Was that early on?

20 A. This -- yes.

21 Q. Okay. Were --

22 A. And, and ---

23 Q. Were you served ever with a life without parole
24 notice?

25 A. Yes. That was, that was after I turned them down for

1 the fifteen years.

2 Q. Okay.

3 A. And so when I came over there and she mentioned that
4 they wanted -- about the fifteen years, I told her no, and
5 she told me, say fifteen years, you've got a chance. But
6 they going to try to seek life without parole on you. If
7 you get a life sentence, you ain't -- you can't come back,
8 but you could come back with a fifteen. At that time right
9 there, I should have seen something ain't been right with
10 this here to start with when you trying to offer me fifteen
11 years and telling me about a life sentence paper before I
12 ever get it. And then after I got the paper, that's when
13 I'm saying that, whoa, this here not -- something going on.
14 Then they were telling me I was indicted on from second all
15 the way to first.

16 Q. What discussions did you have Ms. Shuler about what
17 you guys would do at trial? Did you know what evidence you
18 would present or what your trial strategy would be?

19 A. No, sir. None.

20 Q. All right. Did she explain what -- any sort of
21 defenses you would have for your trial?

22 A. No, sir.

23 Q. Now, you've also alleged that your lawyer failed to
24 file an appeal.

25 A. Right.

G. WILLIAMS - DIRECT EXAMINATION BY MR. BOOZER

25

1 Q. Did you ask Ms. Shuler to file an appeal for your
2 plea?

3 A. Yes, I wrote her. In her -- I think this the letter.
4 She said wasn't -- none wasn't asked.

5 (A PAUSE.)

6 A. She said I entered the guilty plea and didn't ask for
7 none. I didn't know that I supposed to ask you to file
8 appeal.

9 Q. Did you want her to file an appeal for you?

10 A. Yes. That's why I wrote her the letter. I asked her
11 did she file appeal and then this letter right here, she
12 told me, said I didn't ask you -- I mean, I didn't ask her.

13 I shouldn't have to ask her. You the lawyer.

14 Q. All right, Mr. Williams, other than the allegations
15 involving the failure to suppress evidence and failure to
16 investigate, other than your allegation that your plea was
17 involuntary, and that she didn't obtain your preliminary
18 transcript and pursue that issue, and also her failure to
19 file the appeal, and your plea being involuntary, and other
20 than your allegation that you felt like your lawyer was
21 ineffective for telling you that you would be transferred
22 to a rehabilitation facility rather than the traditional
23 prison such as where you're housed now, is there anything
24 else that we've not covered that you want to cover with
25 regards to your allegations in Ms. Shuler's representation

1 of you?

2 A. Let me see. The -- really the main thing, Mr. Boozer,
3 is that I feel without my preliminary hearing report,
4 that's a big loss for me. You got -- this just like I'm in
5 a lake with no paddle because that is a big part of my
6 evidence that I don't have, and that could help more than
7 anything. The statement of the victims, none of this is
8 here because they all of a sudden when you ask for it, it
9 disappears.

10 Q. Okay. Let me ask you another question. Why didn't
11 you tell the court when you were entering your plea that
12 you wanted your lawyer to get a preliminary hearing
13 transcript but she never did? Why didn't you raise that to
14 the judge's attention?

15 A. I figured she already had that because when you, you
16 give me a Rule 5, Rule 5 supposed to contain everything
17 that, that was done. No warrants was in my Rule 5,
18 nothing. Only thing, just some hospital reports and stuff
19 that the investigator was talking to the victim with. Most
20 things is on the prosecutor side. It's nothing in the Rule
21 5 saying what she done.

22 Q. Had she had that preliminary hearing transcript, would
23 you have gone to trial and not pled guilty?

24 A. Yes, I would have went to trial, and I believe the
25 judge would have threw it out.

G. WILLIAMS - DIRECT EXAMINATION BY MR. BOOZER

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1 Q. All right, Mr. Williams, other than that -- I want to
2 make sure that you've covered everything because this is
3 your day, okay? Have you covered everything regarding your
4 allegations for your PCR application?

5 A. Not really. This -- I had another problem concerning
6 the victims. The victim wanted to come and testify and
7 tell that this allegation that was brought up against me
8 was a lie, but after -- given advice from my attorney to
9 ask -- let them know that he was going to talk to her and
10 explain what the consequences would happen to them because
11 they wanted to change they statement, now the victim don't
12 want to do that because when she talked to the investigator

13 again, the investigator told her if she changed her
14 statement this far down, she going to get locked up. So,
15 now I know I'm losing all the way around.

16 Q. Okay. Other, other than that, is there anything that
17 we haven't covered with regard to your allegations?

18 A. Yes, sir, you did.

19 Q. Okay.

20 MR. BOOZER: Please answer any questions Ms. Coleman
21 may have for you, okay?

22 WITNESS: Yes.

23 THE COURT: All right, Ms. Coleman your witness.

24 MS. COLEMAN: Beg the court's indulgence for a moment
25 please?

G. WILLIAMS - CROSS-EXAMINATION BY MS. COLEMAN

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1 THE COURT: Yes, ma'am.

2 MS. COLEMAN: Thank you, Your Honor.

3 (COUNSELORS CONFER.)

4 CROSS-EXAMINATION BY MS. COLEMAN:

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

6 A. Good morning. All right.

7 Q. Good. How many times did you say you met with Ms.
8 Shuler before your guilty plea?

9 A. Probably round about three times.

10 Q. Three, and you reviewed discovery with her?

11 A. No, sir -- no, ma'am.

12 Q. But she did send you the discovery, right?

13 A. Yes.

14 Q. Okay. Did you discuss any possible defenses with your
15 attorney?

16 A. No, ma'am.

17 Q. No? Did you give her any leads or witnesses to
18 investigate?

19 A. I told her to speak with -- to look at the house and
20 what's on the warrant. They said that it took place this
21 time. Then they said it took place this time. It was --
22 it's, it's just impossible.

23 Q. Did you give her the names of any witnesses that might
24 be able to prove that it was impossible?

25 A. Yes. The only thing she had to do was hit the

G. WILLIAMS - CROSS-EXAMINATION BY MS. COLEMAN

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1 tracking device if -- she would have seen if I been at that
2 location at the time of this incident.

3 Q. Okay. At the guilty plea, do you remember waiving
4 your constitutional rights like your right to a jury trial
5 and your right to remain silent?

6 A. Yes, ma'am.

7 Q. Do you recall telling the judge that you were
8 satisfied with your attorney's services?

9 A. Yes.

10 Q. And you had no complaints against her at the time. Is
11 that right?

12 A. No. No, ma'am.

13 Q. Do you recall telling the judge that no one was
14 promising or threatening you in order to plead guilty?

15 A. Yes. Everybody told that.

16 Q. Do you remember telling the judge that you wished to
17 plead guilty?

18 A. Yes.

19 Q. Do you remember telling the judge that you were indeed
20 guilty of this crime?

21 A. Yes.

22 Q. Do you recall agreeing with the facts presented by the
23 state at the hearing?

24 A. Yes.

25 Q. And you were facing life without parole if you had

1 gone to trial. Is that right?

2 A. Yes.

3 Q. Do you want to go back and have a trial to face these
4 charges again?

5 A. Yes, ma'am.

6 Q. Did you ever ask your attorney to file an appeal on
7 your guilty plea?

8 A. Not at the moment, but I wrote her and asked her did
9 she file appeal because the judge say we have ten days.

10 Q. Yes.

11 A. So, when I wrote her and asked her did she file
12 appeal, she wrote me back and said I didn't ask you to -- I
13 didn't ask her to file appeal. I feel like if -- you
14 should file appeal. I'm not attorney, you know.

15 Q. Okay. So, you did not ask her to file an appeal
16 within those ten days?

17 A. I wrote a letter to her.

18 Q. Okay, asking for an appeal?

19 A. Yes.

20 Q. Do you have a copy of that letter in your notes, and
21 does it have a date on it?

22 A. March 15, 2015.

23 Q. Okay. That's right. You testified about that
24 earlier, and you pled guilty on January 27th. Is that
25 right?

G. WILLIAMS - CROSS-EXAMINATION BY MS. COLEMAN

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1 A. Right.

2 Q. Okay. Did Ms. Shuler ever tell you that you were
3 going to get rehabilitative treatment before the guilty
4 plea?

5 A. She said she would talk to the people and have me to
6 -- instead of to the prison, I would go to a rehabilitative
7 center somewhere, wherever Beaufort at. And so when they
8 was -- they keep saying life sentence without parole, life
9 sentence without parole, I see that everything, practically
10 everything I'm asking for is not there. You have not, you
11 haven't investigated nobody. So, I would've been a fool to
12 try to go with the trial. If you didn't investigate then,

13 you ain't going to do nothing for me then.

14 Q. Okay. Just one more thing. You were talking about
15 the preliminary hearing with Mr. Harvin.

16 A. Right.

17 Q. And is that -- like you said, we don't have a
18 transcript from that. So, I'm not sure what happened at
19 that hearing, but you were telling us about the three
20 issues that you saw with that. That the affidavit had
21 false -- to obtain a warrant had false information. Is
22 that right?

23 A. Yes. Her statement is not the same statement on my
24 warrant that she took to the judge to obtain a warrant.

25 Q. And did Mr. Harvin notice that at the hearing?

G. WILLIAMS - CROSS-EXAMINATION BY MS. COLEMAN

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1 A. Yes, ma'am.

2 Q. Did he argue that to the judge?

3 A. Yes, ma'am.

4 Q. And the judge said that it, it was denied, his motion,
5 was denied?

6 A. Yes, ma'am.

7 Q. Okay, and then you also mentioned the hospital report,
8 they said it never happened. You were never ---

9 A. She said -- she asked -- she had on my warrant that
10 the victim was examined in a hospital in North Carolina.
11 So, Mr. Harvin asked her where is the examination report.
12 Her statement was there isn't any because the victim wasn't
13 examined.

14 Q. Okay and he, he asked her that at the hearing?

15 A. Yes, ma'am.

16 Q. Okay, and then the last one, what was your last issue?
17 I'm sorry.

18 A. About how did -- he asked how did she get involved
19 with it.

20 Q. Yes.

21 A. The investigator. She said the victim's godmother,
22 friend, cousin told her about it.

23 Q. Okay.

24 MS. COLEMAN: Okay, thank you. No further questions.

25 THE COURT: All right, any redirect?

M.A. SHULER - DIRECT EXAMINATION BY MS. COLEMAN

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1 MR. BOOZER: There's no redirect, Your Honor.

2 THE COURT: Thank you, sir. You may step down.

3 (THE WITNESS EXITS THE STAND.)

4 THE COURT: All right, you may call your next witness.

5 MR. BOOZER: No further witnesses, Your Honor.

6 THE COURT: All right, the applicant rests.

7 Ms. Coleman.

8 MS. COLEMAN: State calls Amanda Shuler.

9 THE COURT: All right, ma'am.

10 MARY AMANDA SHULER, BEING DULY

11 SWORN, TESTIFIES AS FOLLOWS:

12 BAILIFF: Please state your full name. Spell your

13 last name for the record.

14 WITNESS: My name is Mary Amanda Shuler, S-h-u-l-e-r.

15 DIRECT EXAMINATION BY MS. COLEMAN:

16 Q. Good morning, Ms. Shuler. Thank you for coming today.

17 A. Good morning.

18 Q. How long have you been practicing law?

19 A. I graduated law school and passed the bar in 2008; I
20 did a one-year clerkship after that. So, I've been in
21 private practice since 2009.

22 Q. Okay. Do you recall whether you were appointed or
23 retained in this case?

24 A. I was appointed to represent Mr. Williams.

25 Q. Okay, and he mentioned that he had had another

1 attorney before you. Can you tell us a little bit about
2 how you became involved?

3 A. I became involved with Mr. Williams after Mr. Doward,
4 D-o-w-a-r-d, Harvin, H-a-r-v-i-n, indicated that he had a
5 conflict of interest in regards to Mr. Williams's case, and
6 I believe that I became involved in March or April of 2014,
7 I believe.

8 Q. How many times did you meet with the applicant prior
9 to his guilty plea?

10 A. Several times. I can't tell you the exact number. I
11 met with him at the county jail where we discussed bond and
12 moving for reduction in the bond amount. We had a hearing
13 on that. Prior to having that bond reduction hearing, I
14 met with Mr. Williams and went over the discovery with him,
15 at which time then I had him evaluated, as he stated, and
16 we discussed the evaluation after we had gotten it back.
17 The week before we went to trial, I met with him on a
18 couple of different occasions as well.

19 Q. Did you file any Rule 5 or *Brady* motions?

20 A. I'm sure that I did. I know that I had the Rule 5
21 material. It could've been me, it could have been Mr.
22 Harvin, but a Rule 5 certainly was done.

23 Q. Okay, and you did review this with the applicant?

24 A. I did.

25 Q. Did you discuss any possible defenses with the

M.A. SHULER - DIRECT EXAMINATION BY MS. COLEMAN

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1 applicant?

2 A. We certainly discussed his right to go to trial and
3 right to cross-examine witnesses. We discussed his
4 possible defense of impossibility because he stated that he
5 was not in the county at the time, that he was at SCDC. We
6 looked at his SCDC records. I looked in, into that
7 assertion that he was not here, and we also did look at
8 where the victim was living at the time as at one point in
9 time they were living in Georgetown County as well. So, I
10 did look into those things.

11 Q. You did investigate?

12 A. And we discussed those things.

13 Q. Okay. Did you think that that was a defense that
14 would be worth pursuing?

15 A. I did not.

16 Q. Okay. Did you ever discuss the applicant's version of
17 the facts?

18 A. Absolutely.

19 Q. Okay. Did you discuss the elements of the charges?

20 A. Yes.

21 Q. And can you briefly describe the evidence that the
22 state had against the applicant?

23 A. Sure. He had three separate cases, and, and the
24 majority of his testimony has been in regard to the
25 criminal sexual conduct with a minor in the first degree.

1 So, I guess that -- is that the one that you want me to
2 talk about?

3 Q. Sure. You can start with that.

4 A. Sure. With that case, Mr. Williams was alleged to
5 have engaged in vaginal intercourse with a young girl
6 between the ages of fourteen and sixteen. The girl was the
7 -- his girlfriend's daughter. The incidents occurred in
8 the home that -- while Mr. Williams was residing in the
9 home there with his girlfriend. And at one point in time
10 the minor, other minor child that was living in the home,
11 the brother of the victim, walked out of the bathroom -- or
12 was told to go take a shower by Mr. Williams. He walked
13 out of the bathroom after hearing commotion and saw Mr.
14 Williams on top of his, his sister. And Mr. Williams asked
15 him what he saw, and he didn't respond, didn't say
16 anything, but there were several instances of inappropriate
17 sexual contact that began initially as fondling and moved
18 on up to vaginal intercourse.

19 Q. And were the, were the, were the victim and her
20 brother going to testify as witnesses at trial?

21 A. They were.

22 Q. Okay.

23 A. As well as the victim's mother.

24 Q. Okay.

25 A. Who was also charged in a -- in the unlawful neglect

M.A. SHULER - DIRECT EXAMINATION BY MS. COLEMAN

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1 I, I believe it was.

2 Q. How would you characterize the state's evidence?

3 Would you describe it as strong, a strong case against him?

4 A. Yes. It's not often that you have an eyewitness to an
5 alleged CSC.

6 Q. Did he give you any potential leads or witnesses to
7 investigate in his defense?

8 A. He did.

9 Q. And did you investigate those witnesses?

10 A. I did. I was asked to look into his SCDC
11 incarceration times and the ankle monitor times, and I did
12 look into those things.

13 Q. Okay. Before the guilty plea, did you review the
14 applicant's constitutional rights?

15 A. Yes.

16 Q. Did he ever tell you that he did not understand
17 something?

18 A. No.

19 Q. Did you ever promise him rehabilitation?

20 A. No, and I'm assuming that what that's coming from is I
21 explained to Mr. Williams that since he had a prior
22 conviction for criminal sexual conduct and a -- if he were
23 to be found guilty of a second conviction or pled guilty
24 and had a second conviction for criminal sexual conduct,
25 that he would be evaluated under the state sexually violent

1 predator law. And that if he was found to be unable to go
2 back into the general population as a result of that
3 instance, or because of the likelihood that he could
4 reoffend, then he would not be released.

5 Q. Okay. As far as the preliminary hearing transcript
6 goes that he's been testifying about this morning, did he
7 ever ask you to order that for him?

8 A. I don't recall that specific request. Had he asked me
9 to do it, I certainly would have gone to the magistrate's
10 office and, and gotten the transcript. That was something
11 that I routine -- well, not a transcript but a recording.
12 That was something that I could routinely do. All I had to
13 do was take a CD over to the magistrate's office, and they
14 would put the audio on a CD. So, I don't recall him asking
15 me to do that. They wouldn't have given us a transcript.
16 I would have had to have gotten a funding order to get it
17 transcribed.

18 Q. Okay. Did he tell you about his issues with the
19 hearing that he thought were of importance?

20 A. That I do not recall.

21 Q. Okay.

22 A. I do know that we discussed some of those issues.
23 Don't recall if they specific -- he said that came up
24 specifically at the preliminary hearing or not, but we
25 discussed those things.

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1 Q. Okay, and if you thought that any of these were worth
2 pursuing, would you have made these arguments before a
3 judge again?

4 A. I would have.

5 Q. Okay. Ultimately whose decision was it to plead
6 guilty?

7 A. Mr. Williams's.

8 Q. Did he ever indicate that he wanted to go to trial?

9 A. After there was an offer -- and I believe he's correct
10 of fifteen years -- and they would withdraw the life
11 without parole, I believe that offer was given or presented
12 to him prior to him getting an additional charge, but time

13 wise I can't remember exactly. He indicated he wanted to
14 go to trial. We selected the jury and went to trial, and
15 at some point in time I was presented with another offer
16 that they would offer twenty-five years and withdraw the
17 notice of life, and I presented that to him at that time,
18 and that's whenever he indicated that he would accept that
19 offer.

20 Q. Okay. What kind of trial preparation did you do for
21 this case?

22 A. I ---

23 Q. Were you prepared to go to trial?

24 A. I, I was prepared. I had researched the law. I'd
25 pulled the elements of the, the crime. I'd looked over all

M.A. SHULER - DIRECT EXAMINATION / CROSS-EXAMINATION 40

1 the Rule 5 information, and I was prepared and ready to go.

2 Q. Okay. After the guilty plea, did the applicant ever
3 ask you to file an appeal of his guilty plea?

4 A. He did not.

5 Q. Did you ever think there was any legal reason for him
6 to appeal his guilty plea?

7 A. Since he was sentenced to the recommendation, I did
8 not think that there was any reason to file an appeal.

9 Q. Okay.

10 MS. COLEMAN: Thank you. No further questions.

11 THE COURT: All right, Mr. Boozer.

12 MR. BOOZER: Thank you, Your Honor.

13 CROSS-EXAMINATION BY Mr. BOOZER:

14 Q. Ms. Shuler, how are you?

15 A. Doing well.

16 Q. Good. You got this case because of a conflict from
17 his prior lawyer, Mr. Harvin?

18 A. Yes.

19 Q. Do you -- did you have any discussion with Mr. Harvin
20 about the case or about what he had done in it?

21 A. Yes.

22 Q. Okay. What was, what was that?

23 A. About what Mr. Harvin had done?

24 Q. Correct. Yes, ma'am.

25 A. Mr. Harvin indicated that he had had some information

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1 from the SCDC, that he had looked into the witness
2 statements, and had talked to the probation office I
3 believe is what it was.

4 Q. Okay. Did you have any discussion with Mr. Harvin
5 about anything that was done or said at the preliminary
6 hearing? Do you have any recollection of that?

7 A. I don't have any recollection of that. Not saying
8 that it didn't happen, but I don't recall.

9 Q. Do you recall having any discussions with Mr. Williams
10 about the preliminary hearing during your representation of
11 him?

12 A. I don't have any specific recollection of discussing
13 the preliminary hearing with Mr. Williams.

14 Q. And you also -- you don't -- you indicated you didn't
15 recall him asking you to obtain the recording or trying to
16 get it transcribed from the preliminary hearing?

17 A. No.

18 Q. Okay. Obviously you've heard his testimony here today
19 in the courtroom?

20 A. Yes.

21 Q. And you heard the three issues that he indicated were
22 presented at the preliminary hearing?

23 A. Yes.

24 Q. If, if that's what was stated at the preliminary
25 hearing and those were the issues that were brought up,

1 would you agree that that could have been used to possibly
2 impeach or put the investigator -- paint that person in a
3 bad light in front of the jury ---

4 A. It could ---

5 Q. --- at trial?

6 A. It could have been used for impeachment purposes for
7 sure.

8 Q. Do you think that that would have been beneficial to
9 him in a trial setting?

10 A. Would it have been beneficial had we gone to trial for
11 me to impeach the witness, most certainly. I, I -- it
12 could have been beneficial to him, but did it overcome the
13 volume of evidence against him that the state had?
14 Absolutely not.

15 Q. You indicated that you had prepared for trial, and you
16 indicated some things that you did in your preparation.
17 What was the trial strategy in the, in the case?

18 A. The only thing that I felt like we could do would be
19 to try to bring out the inconsistencies that --
20 inconsistencies in the victim's story, as well as anybody
21 else that was involved in the case, bring out their
22 inconsistencies.

23 Q. Were you prepared to present any sort of timeline or
24 defense where it would have been impossible for him to have
25 committed these crimes at the dates and times that they

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1 said that they were committed?

2 A. I was.

3 Q. Okay, and did you review that with him?

4 A. Yes. That's where I got the -- some of the
5 information from. He gave me his card from SCDC that had
6 his admission dates on it.

7 Q. When was it that he indicated to you that he wanted to
8 plead guilty, or tell us all about how that came about
9 because y'all were in a trial setting, and then you had the
10 plea. What happened?

11 A. We selected, if I'm not mistaken, we selected a jury
12 on a Monday afternoon, and we came back to court on Tuesday

13 morning. Just before we began opening statements -- I
14 believe that's correct -- I let him know that there was an
15 offer that they would withdraw the recommendation of life
16 without parole if he chose to -- pled guilty, and it would
17 be a recommendation of twenty-five years.

18 Q. How much time did you have to discuss that offer?

19 A. Oh, I don't know. I can't tell you; I don't remember.

20 Q. Was it something that happened the same day?

21 A. He -- I was presented that offer the morning before we
22 started, would have started opening statements, if I'm not
23 mistaken, and we discussed it before that time, before what
24 would have been opening statements. So, I can't tell you
25 how much time it was, if it was ten minutes, fifteen

1 minutes. I know that we had time to discuss it. The jury
2 was in the grand jury room waiting to come back.

3 Q. Do you know about how long you were representing him?

4 A. I don't. It was -- I believe I was appointed some
5 time in March of 2014, and then he, he pled in January of
6 2015.

7 Q. Throughout your representation of him, was he fairly
8 adamant that he wanted a trial in the case?

9 A. He was fairly adamant that he wanted to get out on
10 bond.

11 Q. Did that happen?

12 A. He did.

13 Q. Okay. Well, how about from the trial perspective?

14 A. There, there were discussions about pleas early on
15 whenever I first got the case. There was a offer when I
16 first got the case, and I was not prepared to discuss that
17 offer with him because I had not had the chance to meet
18 with him. And he at that time was considering a, a guilty
19 plea. So, no. Was he adamant about trial from the
20 beginning? No.

21 Q. What, what offer did you indicate that you weren't
22 prepared to discuss with him?

23 A. It was an offer of -- I believe it was a offer of
24 fifteen years, and we did ultimately discuss it. It was
25 presented to us during a term of court and I had just

M.A. SHULER - CROSS-EXAMINATION BY MR. BOOZER

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1 gotten the case within the last few days, and we haven't
2 had time to sit and discuss those things. It was one of
3 those -- I did present the offer to him. He ultimately
4 declined it, but it was during the term of court that I had
5 just gotten the case and hadn't looked over the case yet.

6 Q. But y'all had discussed the offer?

7 A. We did.

8 Q. Did you make any recommendation on the offer at that
9 point since you hadn't really had a chance to review the
10 case?

11 A. We discussed it after the term of court came to a
12 close, and I thought that it was a good offer. And then he

13 then insisted on trying -- being out on bond, and that's
14 whenever we proceeded with efforts to get out on bond.

15 Q. Going back to his testimony and allegation about the,
16 I guess, the rehabilitation or the rehab facility that he,
17 that he's alleged is in Beaufort, I think your, your
18 testimony was that you think that that may have been some
19 discussion about he, he may be subject to the sexually
20 violent predator program. Is that what your recollection
21 is?

22 A. Yes.

23 Q. Okay. Do you know -- why did you have him evaluated?
24 What was the evaluation for?

25 A. I had him evaluated because we had discussed the

1 guilty pleas in the beginning, and I felt like if there was
2 a -- if we had a positive evaluation, that I could present
3 to the solicitor's office that he was not likely to
4 reoffend, then we could get a better offer than what was
5 presented at the table. That and as well as I wanted to
6 make sure that there was no issues as to competency.

7 Q. Okay, but your testimony is that y'all did not have
8 any sort of discussion about him being placed instead of in
9 a typical SCDC prison versus a rehabilitation facility?

10 A. No. The only time that possibly could come up was
11 whenever we discussed the sexually violent predator law.

12 Q. Do you think that he understood what you were talking
13 about with regard to the sexually violent predator law?

14 A. I thought he did.

15 Q. Do you think that he interpreted that in any way to
16 mean that he was going to be serving some time in a
17 facility that wasn't a prison?

18 A. I certainly can't tell you what he would have
19 interpreted it as. I can't. That, I don't know.

20 Q. If that were her -- if that was his interpretation of
21 it, do you think that that would be something that would
22 induce someone to plead guilty if they were going to be in
23 a rehab facility versus an actual prison?

24 A. That I can't tell you.

25 Q. You would agree that that probably would be a better

M.A. SHULER - CROSS-EXAMINATION BY MR. BOOZER

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1 place than a prison?

2 A. That I can't tell you either.

3 MR. BOOZER: Court's indulgence, Your Honor?

4 THE COURT: Yes, sir.

5 BY MR. BOOZER:

6 Q. Did you indicate you reviewed all the Rule 5 materials
7 with Mr. Williams before the trial?

8 A. Yes.

9 Q. Did y'all have any discussion about any
10 inconsistencies in an incident report versus the victim's
11 statement? Do you recall anything like that?

12 A. I don't recall specifics on that.

13 Q. Do, do you recall -- you don't recall having any sort
14 of discussion with him about that?

15 A. I'm sure we did because I had some letters in my file
16 that he had given me from the victim that the victim had
17 written him. So, I'm sure that we did discuss it. Do I
18 remember the specifics? I don't.

19 Q. Was the victim trying to maintain contact with him
20 after he was arrested?

21 A. That -- based on my recollection, I believe that was
22 what it was, yes.

23 Q. And, and going back to the ---

24 A. And I -- let me take that back. I'm not sure if it
25 was after he was arrested or if it was after she had moved

1 from South Carolina to live with her aunt in North
2 Carolina. It was either after he had been arrested or
3 after he had -- she had relocated to live with her aunt in
4 North Carolina.

5 Q. Going back to the issue of the appeal, did you have
6 any discussion with him either right after the plea or
7 before the plea or at any time about appealing the plea?

8 A. We, whenever we discussed his constitutional rights, I
9 would have discussed with him his right to appeal. We
10 would have discussed that prior to him entering a guilty
11 plea. I don't know if we discussed it afterwards; I don't
12 have any recollection of us discussing it afterwards.
13 Certainly wouldn't have a reason to since the solicitor
14 recommended twenty-five years and he was sentenced to, to
15 twenty-five years.

16 Q. Do you recall him asking or inquiring about an appeal
17 sometime after the plea and then you responding via a
18 letter?

19 A. Yes.

20 Q. Okay. Do you recall that he did actually ask for an
21 appeal after complete -- sometime later?

22 A. Yes. It was well after the term of court he asked. I
23 believe he asked if I would file the appeal.

24 Q. Okay, and would you agree that your response was:

25 In regards to your concerns, you chose to enter a

1 plea and did not request an appeal, so one was
2 not filed.

3 Would you agree with that?

4 A. Yeah.

5 Q. Okay.

6 A. Yes.

7 MR. BOOZER: Thank you. That's all the questions I
8 have.

9 THE COURT: All right, any redirect, Ms. Coleman?

10 MS. COLEMAN: No redirect, Your Honor.

11 THE COURT: Thank you, ma'am. You may step down.

12 WITNESS: Thank you, Your Honor.

13 (THE WITNESS EXITS THE STAND.)

14 THE COURT: The state may call its next witness.

15 MS. COLEMAN: The state has no further witnesses, Your
16 Honor, but I would request that, if it's okay with you, we
17 might leave the record open to obtain maybe an affidavit
18 from Mr. Harvin from the preliminary hearing if you think
19 that that might be useful in deciding this case.

20 THE COURT: Mr. Boozer, what's your position on that?

21 MR. BOOZER: Court's indulgence, Your Honor.

22 (A PAUSE.)

23 MR. BOOZER: Judge, in all candor with the court, I
24 attempted to make contact with Mr. Harvin prior to today,
25 sometime prior to today, and never received a return call

1 because I was interested to see what his testimony may be.
2 So, I certainly have no problem with that. I've also
3 spoken with my client; he does not object to that.

4 I don't know. Maybe we -- if, if it's something that
5 we could maybe just do via a conference call together with
6 the state when we speak to him, or if we just independently
7 speak with him. Just so long as both of us have the
8 opportunity to speak with Mr. Harvin.

9 MS. COLEMAN: And that's fine, and I apologize for not
10 having him here. I wasn't sure what the testimony would be
11 about the preliminary hearing.

12 THE COURT: Well, let's do this. Since there's no
13 objection to the request, I don't mind leaving the record
14 open but, I mean, you know, Mr. Williams has been waiting
15 for a long time for his day in court. I don't want to
16 just, you know, say okay, we'll do that and then, you know,
17 five months down the road we still don't have an affidavit.
18 So, there will be a time limit on it.

19 MS. COLEMAN: Okay.

20 THE COURT: Okay?

21 MS. COLEMAN: I'll see if I can do that within maybe
22 ten days.

23 THE COURT: All right. We'll leave the -- well, we'll
24 give you a little bit more time on that. I'm going to
25 leave the record open for twenty days, okay?

1 MS. COLEMAN: Thank you, Your Honor.

2 THE COURT: For y'all to get together with the first
3 attorney and prepare -- I guess I don't know for lack of a
4 better word. Not a deposition but y'all can prepare a
5 joint affidavit based upon what he both tells you -- tells
6 both of you and then y'all can sign off on it, acknowledge
7 that that's what his testimony would have been, and I'll
8 give it whatever weight and credibility it deserves based
9 upon my review of the entire record, okay?

10 And what I'm going to do then, Mr. -- do you have
11 anything in reply?

12 MR. BOOZER: I do not, Your Honor.

13 THE COURT: Okay. Mr. Williams, what I'm going to do,
14 I have a bunch of paperwork to look at. Obviously I've got
15 the transcript of the guilty plea, as well as some other
16 documents I need to look at. And plus as I'm leaving the
17 record open to get the affidavit from the first attorney,
18 I'm not going to make a decision today, okay? I am,
19 however, I assure you I will make a decision within ten
20 days of receiving that affidavit from the first attorney if
21 they're able to get that, okay, and then I will let your
22 lawyer know, as well as the state's lawyer. Then they in
23 turn can let you know, okay? Thank you very much. Good
24 luck to you.

25 --- END OF TRANSCRIPT OF RECORD ---

CERTIFICATE

I, THE UNDERSIGNED ELIZABETH B. HARRIS, CERTIFIED
VERBATIM OFFICIAL COURT REPORTER FOR THE FIFTH
JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO
HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE
AND COMPLETE TRANSCRIPT OF RECORD OF ALL THE
PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE HEARING
OF THE CAPTIONED CAUSE, RELATIVE TO APPEAL, IN THE
CIRCUIT COURT FOR WILLIAMSBURG COUNTY, SOUTH CAROLINA,
ON THE 7TH DAY OF NOVEMBER, 2016.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN,
COUNSEL, NOR INTEREST IN ANY PARTY HERETO.

/S/ELIZABETH B. HARRIS, CVR-M-CM

COLUMBIA, SOUTH CAROLINA

JULY 6TH, 2017

STATE OF SOUTH CAROLINA
COUNTY OF WILLIAMSBURG

George J. Williams, #191416,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

2015-CP-45-321

AFFIDAVIT OF TESTIMONY

I, the undersigned Doward K. Harvin, do hereby certify and testify to the following:

1. I represented Applicant George J. Williams for a period of time on the criminal charges that are the subject of this action for post-conviction relief. I was relieved as counsel when Applicant was charged with a subsequent crime which created a conflict of interest based on my personal relationship with the victim of the crime. Amanda Shuler, Esquire, was then appointed to represent Applicant.
2. I was present and represented Applicant at a preliminary hearing in the magistrate court prior to his entry of a guilty plea. I have no specific recollection of the events at the hearing because I no longer have access to my case file which included my personal notes and because of the large volume of preliminary hearings I did at the time for various clients.
3. Based on my experience and my typical practices, it is my opinion that, at the preliminary hearing, I would have moved to quash the arrest warrants in this case based on a lack of specificity in the dates of the alleged events in the affidavit used to obtain the warrant. Based on the fact that the case continued forward and the warrants were not quashed, it is my belief that the court denied my motion.
4. If any inconsistent testimony was presented at the preliminary hearing, it is my opinion that I would have objected to it and made the proper motions based upon this testimony. Based on the fact that the testimony was allowed in, it is my opinion that the court denied my motions.
5. It is my legal opinion that, even if the motion to quash the arrest warrant had been granted, it is a high likelihood that Applicant still would have been convicted at trial because the victim would have clarified law enforcement's mistakes on the warrant and they would have corrected the warrants prior to trial.

6. It is my legal opinion that, even if the investigating officer had been impeached at trial on any alleged inconsistencies in his testimony, Applicant still would have been convicted at trial.
7. Although I possibly handled his preliminary hearing, I have no recollection of Applicant asking me to order the transcript from the preliminary hearing.



Doward K. Harvin, Esquire

SWORN to and subscribed before me this 21st
day of December, 2016.



Notary Public

My Commission Expires: April 11, 2024

STATE OF SOUTH CAROLINA
COUNTY OF WILLIAMSBURG

George J. Williams, #191416,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT

2015-CP-45-321

ORDER OF DISMISSAL

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This matter comes before the Court by way of a post-conviction relief (PCR) application filed on July 2, 2015. Respondent submitted its return on October 28, 2015. An evidentiary hearing was convened on November 7, 2016, at the Sumter County Courthouse. Applicant was present at the hearing and was represented by Lance Boozer, Esquire. Respondent was represented by Assistant Attorney General Julie A. Coleman of the South Carolina Attorney General's Office.

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Williamsburg County Clerk of Court. Applicant was true bill indicted at the May 2012 term of the Williamsburg County Grand Jury for two counts of grand larceny, value 10,000 or more (2012-GS-45-0111). Applicant was subsequently indicted at the January 2013 term of the Williamsburg County Grand Jury for criminal sexual conduct with a minor in the first degree and unlawful conduct toward a child (2013-GS-45-0007). Applicant was true bill indicted at the May 2014 term of the Williamsburg County Grand Jury for criminal sexual conduct – third degree (2014-GS-45-0074). Amanda Shuler, Esquire represented Applicant. On January 27, 2015, Applicant pled guilty as indicted before the Honorable George

C. James, Jr. Judge James sentenced Applicant pursuant to a recommendation by the State to a ten year term of imprisonment for grand larceny, twenty-five year term of imprisonment for criminal sexual conduct – first degree, and ten year term of imprisonment for criminal sexual conduct – third degree. Applicant did not appeal his guilty plea or sentence.

II. ALLEGATIONS

In his current application, Applicant alleges that he is being held in custody unlawfully based on the following allegations:

1. Ineffective assistance of counsel
 - a. Failed to investigate possible defenses
 - b. Failed to obtain preliminary hearing transcript.
 - c. Improperly informing Applicant he would receive rehabilitative treatment following his guilty plea.
 - d. Failure to file an appeal
2. Involuntary Guilty Plea

III. APPLICABLE LAW

In a post-conviction relief action, the Applicant bears the burden of proving the allegations in their 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, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove counsel's performance was deficient. Id. Under this prong, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, any 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." Id. at 117-18, 386 S.E.2d at 625. With respect to guilty pleas, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366 (1985).

IV. SUMMARY OF RELEVANT TESTIMONY

At the evidentiary hearing, Applicant testified on his own behalf. Respondent presented testimony from Plea Counsel Amanda Shuler. Following the evidentiary hearing, Respondent submitted an affidavit of testimony from Doward K. Harvin, Esquire.

Applicant testified that he was originally represented by Doward K. Harvin, Esquire, on these charges. He stated that Mr. Harvin represented him at the preliminary hearing, but there is no longer a record of this hearing because the transcript no longer exists. Applicant testified that there were three problems with his preliminary hearing: (1) the affidavit used to obtain the arrest warrant was false; (2) there was no report from the hospital of the Victim's injuries; (3) the Victim's godmother's friend's cousin told her about the abuse. He stated that Mr. Harvin argued these issues at the hearing, and the court denied his motions to suppress. Applicant testified that Mr. Harvin represented him for a year and a half but then was relieved due to a conflict of interest. He stated that Plea Counsel took his case about nine months before the plea.

Applicant testified that he bonded out of prison and he met with Plea Counsel about three times total. He stated that he pled guilty on January 27, 2015. He stated that he requested Plea Counsel to get a copy of the transcript from the preliminary hearing in a letter dated March 15, 2015. He stated that she told him that she did not file an appeal and she did not order the transcript. Applicant testified that Plea Counsel failed to investigate the preliminary hearing and the medical reports, which he stated did not add up. He stated that the arrest warrant said that the crime happened in Williamsburg County, but he was not even living there at that time and the Victim lived in North Carolina. Applicant testified that he reviewed the arrest warrant with Plea Counsel before the plea and he explained to her how it could not have been valid.

Applicant testified that they picked a jury for trial. He stated that Plea Counsel told him that he could not be rehabilitated so he might go to the Sexual Violent Predator section of the Department of Corrections. He stated that he wanted to go to a place where he could be rehabilitated, and that's why he pled guilty. Applicant stated that he did not review the discovery with Plea Counsel until after the plea. He testified that he was served notice of a Life Without Parole sentence after he turned down the State's offer of a fifteen year sentence.

Applicant testified that he did not ask Plea Counsel for an appeal. He stated that she was the lawyer, and he didn't think he had to ask her. He testified that he did not ask the judge for the preliminary hearing transcript at the guilty plea because he figured Plea Counsel already had it.

Plea Counsel testified that she represented Applicant on these charges which stemmed from three different cases. She stated that the criminal sexual conduct case arose from several instances of sexual conduct with the minor Victim, who was the daughter of Applicant's girlfriend. She testified that Applicant was living with his girlfriend and her two children when it occurred. She stated that on one occasion, Applicant told the Victim's brother to go take a

shower, and when he came out of the bathroom he saw Applicant on top of his sister. Plea Counsel stated that this was a strong case against Applicant because it is not often that you have eyewitnesses to criminal sexual conduct.

Plea Counsel testified that she never promised Applicant that he would be rehabilitated. She stated that she told him he would be evaluated under Sexual Violent Predator law. She stated that she would have ordered the preliminary hearing transcript if Applicant had asked her to, but she did not recall him asking for it. Plea Counsel stated that the preliminary hearing transcript could have been used at trial for impeachment purposes, but it absolutely would not overcome the volume of the State's evidence. She stated that she was prepared for trial, and she and Applicant had discussed some of the issues that they would have pursued at trial. She testified that Applicant did not ask her to file an appeal.

V. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (1985).

As a matter of general impression, this Court finds Applicant's testimony and assertions to be not credible. In contrast, this Court finds Counsel's testimony to be credible and persuasive. These credibility findings have been applied to the Court's findings and conclusions set forth below.

INEFFECTIVE ASSISTANCE OF COUNSEL

Applicant raises an allegation arguing that Plea Counsel was ineffective in her representation surrounding his guilty plea. In post-conviction relief cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. See Al-Shabazz v. State, 338 S.C. 354, 363, 527 S.E.2d 742, 747 (1999) (citing Drayton v. Evatt, 312 S.C. 4, 9, 430 S.E.2d 517, 520 (1993)). This Court finds that the testimony presented at the PCR hearing satisfies neither prong of the Strickland test; Applicant can show neither ineffectiveness nor prejudice, thus these allegations should be denied and dismissed with prejudice.

Applicant's first attorney, Mr. Doward K. Harvin, testified in his affidavit that he represented Applicant at a preliminary hearing in the magistrate court. He testified that he believed that he would have moved to quash the arrest warrants and the motion was denied. Mr. Harvin testified that he would have objected to any inconsistent testimony at the hearing, and his motion was denied. He further testified that, in his legal opinion, Applicant would have been convicted at trial even if the arrest warrants had been quashed and the investigating office had been impeached at trial. He testified that he had no recollection of Applicant asking him to order the transcript from the preliminary hearing. Based on this testimony, this Court finds that Applicant has failed to prove that Mr. Harvin was deficient in any manner or that any deficiency prejudiced him.

Plea Counsel testified that she investigated Applicant's case and was fully prepared for trial because he pled guilty after they picked a jury. She stated that she did not recall Applicant asking her to order the preliminary hearing transcript until months after he pled guilty, and even if she had the transcript to use at trial, it would not have helped overcome the State's strong

evidence. She stated that she never promised Applicant that he would receive rehabilitative treatment. Plea Counsel further testified that Applicant never asked her to appeal his guilty plea.

Based on the testimony presented, this Court finds that Plea Counsel's representation did not fall below the standard of reasonableness under professional norms set out in Strickland. Plea Counsel acted competently in Applicant's best interest throughout the course of her representation and went above and beyond what was required of her. Applicant has failed to prove that Plea Counsel was ineffective in any way. This Court finds that Plea Counsel properly investigated Applicant's case and was not ineffective for failing to file an appeal or order transcripts.

Furthermore, this Court finds that Applicant has not shown that he was prejudiced by Plea Counsel's alleged ineffectiveness because he has not proven that he would have chosen to go to trial rather than plead guilty. Plea Counsel credibly testified that Applicant was never adamant about going to trial and he considered plea offers throughout her representation. Applicant was facing a sentence of Life Without Parole if he were convicted at trial, and the evidence against him was very strong. The likelihood of his conviction was high. Based on these factors, this Court finds that Applicant has failed to meet his burden of proving prejudice to satisfy the second prong of the Strickland test.

Because Applicant has failed to meet his burden in proving that Plea Counsel was ineffective and that her ineffectiveness prejudiced him, these allegations are denied and dismissed with prejudice.

INVOLUNTARY GUILTY PLEA

Applicant argues his plea was not given freely and voluntarily. This Court finds otherwise and concludes that Applicant's plea was entered freely and voluntarily. To find a guilty

plea is voluntarily and knowingly entered into, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238, 89 S. Ct. 1709, 23 L.Ed.2d 274 (1969). Defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and "may be accomplished by colloquy between court and defendant, between court and defendant's counsel, or both." Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (citing State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). A guilty plea is a solemn, judicial admission of the truth of the charges against an individual; thus, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. Dalton v. State, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Blackledge v. Allison, 431 U.S. 63, 97 S. Ct. 1621, 52 L.Ed.2d 136 (1977)). Therefore, statements made during a guilty plea should be considered conclusive unless a criminal inmate presents valid reasons why he should be allowed to depart from the truth of his statements. Crawford v. United States, 519 F.2d 347 (4th Cir.1975).

Applicant claims his plea was given involuntarily because Plea Counsel misled him as to the rehabilitative treatment he would receive in exchange for his guilty plea. This Court finds that this allegation is untrue. Applicant was never promised or offered rehabilitative treatment in exchange for his guilty plea, and there is no evidence in the record or in the testimony presented to support his reliance on this idea. This Court finds that the record reflects that Applicant was fully advised of the rights he was giving up by pleading guilty. Applicant presented no credible evidence as to why he should be able to depart from his statements at the plea hearing. This Court finds very credible Plea Counsel's testimony that she advised Applicant of all facts and risks of pleading guilty.

The record reflects Applicant fully admitted his guilt to the plea court. "A guilty plea constitutes a waiver of nonjurisdictional defects and claims of violations of constitutional rights." Jamison v. State, 410 S.C. 456, 467, 765 S.E.2d 123, 129 (2014) (citing State v. Rice, 401 S.C. 330, 331-32, 737 S.E.2d 485, 485-86 (2013); Hyman v. State, 397 S.C. 35, 44, 723 S.E.2d 375, 379 (2012)). Notably the South Carolina Supreme Court has held "[a] guilty plea represents a break in the chain of events which has preceded it in the criminal process." Id. (citations omitted). "When a criminal defendant has solemnly admitted in open court that he is in fact guilty of the offense with which he is charged, he may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea." Id. (citing Rice, 401 S.C. at 332, 737 S.E.2d at 486). Therefore, this Court finds the plea judge correctly found Applicant's plea was freely, voluntary, and intelligently made. Accordingly, this allegation must be denied and dismissed with prejudice.

ALL OTHER ALLEGATIONS

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this Order, this Court finds the Applicant failed to present any testimony, argument, or evidence at the hearing regarding such allegations. Accordingly, this Court finds the Applicant has abandoned any such allegations.

VI. CONCLUSION

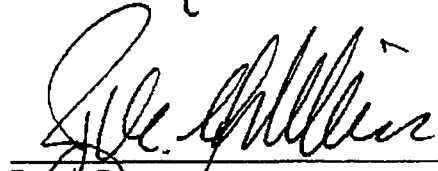
Based on all the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notes that Applicant must file and serve a notice of appeal within thirty days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a Notice of Appeal on the Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this ____ day of 2/21, 2017.


BRIAN GIBBONS
Presiding Judge
Third Judicial Circuit

_____, South Carolina

WITNESSES

Juan Ballard
Williamsburg County Sheriff

ARREST WARRANT NUMBER

M687191 M687190

ACTION OF GRAND JURY

True Bill
Michael D. Jones
Foreperson of Grand Jury
Date: 5/3/12

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2012-GS-45-0111

The State of South Carolina

County of WILLIAMSBURG

COURT OF GENERAL SESSIONS

MAY TERM 2012

THE STATE

vs.

GEORGE JUNIOR WILLIAMS

Indictment for

Grand Larceny, value \$10,000 or more (x2)

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

FILED

2012 MAY -3 AM 11:48

**CAROLYN F. WILLIAMS
CLERK OF COURT
KINGSTREE, S.C.**

STATE OF SOUTH CAROLINA)
)
COUNTY OF WILLIAMSBURG)

INDICTMENT FOR

Grand Larceny, value \$10,000 or more (x2)

At a Court of General Sessions, convened on May 3, 2012 the Grand Jurors of WILLIAMSBURG County present upon their oath:

COUNT ONE - GRAND LARCENY (VALUE OVER \$10,000)

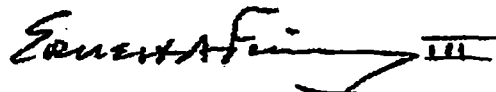
That George Junior Williams did in Williamsburg County on or about March 8, 2012, take and carry away the personal goods of , having a value of more than ten thousand (\$10,000.00) dollars, described as follows: refrigerator, axles, stainless steel bolts, transmissions, and other miscellaneous items valued in excess of \$10,000, with the intent to deprive the owner permanently of such property and to convert the goods to his/her own use, in violation of Section 16-13-0030(B)(2), S. C. Code of Laws, 1976, as amended.

COUNT TWO - GRAND LARCENY (VALUE OVER \$5000)

That George Junior Williams did in Williamsburg County on or about March 8, 2012, take and carry away the personal goods of , having a value of more than ten thousand (\$10,000.00) dollars, described as follows: irrigation pipes, tractor weights and other metal items valued in excess of \$10,000, with the intent to deprive the owner permanently of such property and to convert the goods to his/her own use, in violation of Section 16-13-0030(B)(2), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Solicitor



WITNESSES

Justin Whack
Williamsburg County Sheriff

ARREST WARRANT NUMBER

2013A4510101004

ACTION OF GRAND JURY

TRUE BILL

Date 5/8/14

Shelley Powers

Foreperson of Grand Jury

Date: 5/8/14

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2014-GS-45-0074

The State of South Carolina

County of WILLIAMSBURG

COURT OF GENERAL SESSIONS

MAY TERM 2014

THE STATE

vs.

GEORGE JUNIOR WILLIAMS

Indictment for

**CRIMINAL SEXUAL CONDUCT, THIRD
DEGREE**

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

FILED
MAY -8 PM 1:30

STATE OF SOUTH CAROLINA)
COUNTY OF WILLIAMSBURG)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT, THIRD DEGREE

At a Court of General Sessions, convened on May 8, 2014 the Grand Jurors of WILLIAMSBURG County present upon their oath:

COUNT ONE - CRIMINAL SEXUAL CONDUCT, THIRD DEGREE

That George Junior Williams did in Williamsburg on or about December 7, 2013, engage in sexual battery with the victim, Minor 2, using force or coercion, in violation of §16-030-0654, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Solicitor

Ernest A. Fin III

WITNESSES

Williamsburg County Sheriff

ARREST WARRANT NUMBER

2012A4510100154 2012A4510100153

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 1-17-13

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2013-GS-45-0007

The State of South Carolina

County of WILLIAMSBURG

COURT OF GENERAL SESSIONS

JANUARY TERM 2013

THE STATE

vs.

GEORGE JUNIOR WILLIAMS

PATRICE CUTTINO

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A MINOR
IN THE FIRST DEGREE; UNLAWFUL CONDUCT
TOWARD A CHILD

Ernest A. Finney III

ERNEST A. FINNEY, III, SOLICITOR

FILED

2013 JAN 17 PM 2:39

WILLIAMSBURG COUNTY
CLERK OF COURT
KINGSTREE, S.C.

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF WILLIAMSBURG)

CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE
FIRST DEGREE; UNLAWFUL CONDUCT TOWARD A
CHILD

At a Court of General Sessions, convened on January 17, 2013 the Grand Jurors of WILLIAMSBURG County present upon their oath:

COUNT ONE - CRIMINAL SEXUAL CONDUCT WITH A MINOR, 1ST DEGREE

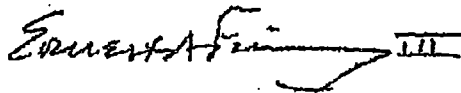
The defendant, George Junior Williams, did in Williamsburg County, South Carolina, between May 2009 and June 2012, engage in sexual battery with the victim, Minor 1, date of birth, , her being a child who was less than sixteen years of age and the defendant had previously been convicted of, pled guilty or nolo contendere to, or adjudicated delinquent for an offense listed in § 23-3-430(C) or has been ordered to be included in the sex offender registry pursuant to §23-3-430(D), in violation of §16-3-655(a)(2), Code of Laws of South Carolina (1976, as amended).

COUNT TWO - UNLAWFUL NEGLECT OF A CHILD

That the defendant, Patrice Cuttino, a parent, guardian, or person having charge or custody of the victim, Minor 1, a minor child under the age of seventeen, did in Williamsburg County, South Carolina between the dates of May 2009 and June 2012, did place the child at unreasonable risk of harm affecting the child's life, physical or mental health, or safety; or did cause to be done unlawfully or maliciously bodily harm to the child so that the life or health of the child was endangered or likely to be endangered, all in violation of § 63-5-70, South Carolina Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Solicitor



CSCMINPRI