

STATE OF South Carolina
In the Court of Appeals

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MAR 08 2019

Cover sheet For motion For
Counsel / GAL SC Court of Appeals

MARCH 6, 2019

Appellate Case No.: 2016-001553

2019-000113

Dear court:

See: *id* at 124-25. See *Von Moltke v. Gillies*, 332 U.S. 708, 724 (1948).

Regarding Respondents Request For Counsel /

GAL, I WAS MAKING A MISTAKE UNKNOWINGLY and unintelligent with eyes closed to the fact that it is court rules and procedures that would have allowed me to get merits and conflicts involving case on appeal resolved by a judge hearing the matter instead of prose being the only option. I had zero knowledge of those rules/procedures and it is much more ~~I do~~ I don't know currently. A judge can make sure that an accused professed waiver of counsel is understandingly and wisely made only from penetrating and comprehensive examination of all the circumstances of the case. My prose status is only because of conflict and misrepresentation clear upon the record and procedural default. Rules in South Carolina are strict. I need assistance to protect the U.S.C.A. *Very sincerely*

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Certiorari to York County
The Honorable Alison R. Lee, Circuit Judge
Appellate case No. 2016-001553
2019-000113

Trey A. Williams,

Respondent

The State

vs.

petitioner

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MAR 08 2019

SC Court of Appeals

Motion For Counsel / GA /

I Am Indigent, poor peasantry and I
Went PRO SE In this case because
counsel's of Record created fraud,
procedurally defaulted meritorious claims
IN the totality of my case AND A
Trey Williams #341036 v. State of South
Carolina, Appellate case No. 2019-000113
Writ/petition seeking Relief under Rule
245 of the South Carolina Appellate court
Rules is pending in the Supreme court

currently which shows the Colarable
meritorious claims supporting these
allegations. INVALID post conviction
Relief TRANSCRIPTS with evidences,
testimony missing from the Record
Along with my due Diligence in
timely Attempting to Fix the Record
IS INSIDE the petition, evidence OF
Attorneys committing FRAUD IS
INSIDE the petition which shows that
I had to go prose and be prejudiced
BECAUSE I could NOT get Adequate
counsel. Some of this mentioned evidence
has been presented to this very court in
motions that was neglected to be
Addressed. This Appeal can not be Justice
in being decided prior to the Supreme
Court petition being decided and
PCR transcripts being corrected. I
have been told via Clerk Staff at
this court that my case will be
Denied and my prose motions is

not helping but harming me And since I do not know the law and have mental Health Issues I request A professional GAL/counselor to Assist me In Adequately presenting motions to the court And to transfer to Federal courts to hear these extraordinary issues Before I get the Buck passed to Federal HABEAS so that the Federal courts know AS EARLY AS possible that I Am doing All I CAN to get FAIR, JUST Results And to meet Federal Exhaustion Requirements. I will ultimately need A new PCR Hearing etc, And only A competent Attorney According to the merits OF my CASE can help me prevent procedure smoke screens And my motions from being overlooked And Denied In favor of the State without merit. my litigation IS NOT up to LEGAL LAWYER STANDARDS who are Adequate In Representation. FALSE imprisonment, SUBJECT MATTER JURISDICTION AND MISCARRIAGE OF

Justice will continue to occur without adequate professional counsel.

See Case No.: 2019-000113

petition pending under Rule 245 of

S.C. Appellate Court as supporting evidence for counsel even though

I motioned to believe counsel because of the fraud, misrepresentation etc that attorneys inflicted upon my case in its totality. A competent attorney is needed in every step of the way.

Lastly, I am currently working on

a subsequent appeal bond petition that is adequate instead of the

frivolous one filed by counsel and I need to know do I file it in this court or the Supreme Court.

pg. 1-22 is other

supporting cause for counsel

in this case to protect rights.

The cover page at start of this motion is part of this motion.

[Cover is prior to pg. 1 of 4.]

(see pg. numbered 1-22 and supreme court case No.)

pg. 4 of 4

LEGAL MAIL
MAIL ROOM

- (3) Last finding procedure was not adequate
- (4) Substantial allegations of New discovered evidence
- (5) Not afforded a full and fair State hearing.

Petitioner meets all five of these prongs in Townsend. Even where procedure employed does not violate Constitutional Standards, it appears to be seriously inadequate for ascertainment of the truth, it is Federal Judge's duty on habeas corpus, or State Supreme Court to disregard State finding and take evidence over. When a evidentiary hearing is required because of unresolved factual dispute, State Court Level is competent evidence, and either party may choose to rely solely upon evidence thereon, but petitioner and State must be given opportunity to present other testimonial and documentary evidence relevant to disputed issues. See petitioner's letters to the Clerk of Court, See, Cullen v. Pinholster, 131 S.Ct. 1358 (2011), Federal Court can not substitute its in the lower court Record.

It is for the above reasons that this Pet hearing under these conditions can not be a semblance of a fair and full hearing unless the State Court actually "Reached" and "Decided" these issues presented. If initial Review collateral counsel was ineffective, these compliance would be imperceptible, and would constitute "Cause" under this Standard. Where a petitioner defaults a claim as a result of the denial of the right to effective assistance of counsel, the State which is responsible for the denial as a Constitutional matter, must bear the cost of any resulting default and the burden to States interest that Federal habeas Review entails. In other words it is not the gravity of the attorney's errors that matter, but that it constitutes a violation of petitioner's right to counsel, so that the errors must be seen as an external factor; imported to the State. Said actions for a counsel can be termed an actual conflict of interest, which breached counsels duty of loyalty. Counsel's loyalties were so conflicted that counsel no longer functioned as the counsel guaranteed by the Sixth Amendment, Counsel's failure to gather important material is more for the benefit of, and with more apparent sympathy towards the prosecution than the client counsel is defending. See, Fullwood v. Lee, 392 F.3d 663 (4th Cir. 2012); also Maples v. Thomas, 132 S.Ct. at 912 (2012). Such an abandonment by counsel constitute "Cause" to cause a procedural default where like today the client has no notice that he is effectively without representation at this relevant time, See, Holland, supra, and Coleman, 512 U.S. at 743.

Petitioner and the Record reflects due diligence in his attempts to comply with the Remedies afforded in S.C Uniform P.C. Act § 17-601 and has been impeded and abandoned by ineffective assistance of counsel at each critical stage. See, Anders v. California, 386 U.S. 738 (1967); and Entsminger v. Iowa, 386 U.S. 798 (1967) claimed that, although represented in name by counsel, (Mr. Beavis) petitioner has not received the type of assistance Constitutionally required. Such action substantially effected this proceedings and as such is a miscarriage of justice.

When Appropriate. The Supreme Court will not entertain matters in its original Jurisdiction when the matter can be determined in a lower court in the first instance, without material prejudice to the rights of the parties.

If the public interest is involved, or if special grounds of emergency or other good reasons exist why the original jurisdiction of the Supreme Court should be exercised, the facts showing the reasons must be stated in a petition with supporting Affidavits, A memorandum with citation of authorities in support of the motion.

In this Extraordinary writ at bar has meritorious colorable Substantial to the degree that only the South Carolina Supreme Court or Legal Agency as high as the World Court can hear and Adjudicate these claims.

A complete miscarriage, Fundamental miscarriage of Justice has deprived me every since I was accused of Criminal Sexual conduct first degree with a minor.

Such deprivations have resulted in one who is actually Innocent being continuously confined to False Imprisonment. The petitioner filing this extraordinary writ is a Laymen and has grew up in mental health institutions and group homes since 1997 - 2005.

The petitioner is Trey Williams and I have had and have Emotionally Challenged mental health conditions and is getting current pending treatment.

I was born September 21st, 1988 and was 20 years of age when I was accused of my first crime as an adult and only serious crime.

I was 21 years of age when I was denied an attorney to represent me, denied effective assistance of counsel, denied a jury trial, denied a mental health evaluation, denied being indicted to stand trial while having all my rights taken from me.

I am only prose filing this motion or prose in any stage and phase of this case because I have been deprived effective assistance of counsel in every stage even when I finally had enough family money to hire an attorney. It has never been a hearing conducted to hear my merits on why counsel is ineffective and the courts never instructed counsel to be effective however I have diligently addressed my merits that should have benefited me but I have only been deprived and dismissed with prejudice.

I do not want to be and never wanted to be
Prose at any criminal or civil Stage of collateral
proceedings however it is incontrovertible that
all attorneys that I have had on my case has
intentionally procedurally defaulted my claims,
mis advised me of facts, Laws, opinions that are
objectively unreasonable with mis applications
of clear Federal Constitutional and state law.
All my attorneys have lied to me about the laws,
rules and procedures that takes place in the totality
and circumstances involving my case every step of
the way and any investigative look at my case
will show clear upon the record such facts and
conclusions. At the time of my pre trial
General Session procedures I never knew that I
could Request or obtain another appointed counsel
from the one that I had and the trial Judge
told me that I could not get another public
defender and two days before my trial when I
asked if I could get an attorney upon the
trial Judge asking if I had any questions
about the proceedings, I asked if I could get
another attorney and I was told that I could
not.

The trial Judge told me that I could not get another attorney unless I hired one and even if I was to hire one on that Monday May 24, 2010 that on May 26, 2010 I would still be going to trial regardless.

In April 2010 prior to that proceeding I was prose from Relieving an Ineffective attorney before I was Indicted. See Pg. 30

On direct appeal my direct appeal attorney engaged in Fraud against me and Intentionally lied and kept meritorious issues off the Initial Brief record while allowing the state to file the Respondent Brief before the Initial Brief. See Pg. 55-66

Direct appeal Attorney informed me that I could not get another attorney At that stage.

The solicitor In the General sessions trial used several False testimony of evidence along with the Government Agencies examining and ordering examinations on the victim process prejudiced me in time frames, Speculation, hearsay testimony with unqualified trial expert witnesses.

ON PCR Post-conviction Relief I had five diverse PCR Attorneys on my case and I have been using due diligence every step of the way to the best of my ability to not be a victim of Procedural Smoke Screens and hurdles that will default my Federal claims once I made it to Federal Courts. I do not learn the law and legal procedures quickly at the time that I have counsel or counsel prevent me from filings and I have mental health episodes where I get over emotional from the injustices against me in these processes and broken family situations and I can't focus, however have diligently wrote the South Carolina Supreme Court, York County Clerk of Court, All my counsels of record, South Carolina Disciplinary Counsel etc on all my issues and concerns in a timely manner involving the totality of this case.

In my Amended PCR Application that PCR Attorney Filed on my behalf it was requested that my mental health records, expert witnesses, witnesses, investigator, discovery material and other documents be present for my PCR hearing.

and that any failure to have such evidence and documentation would result in PCR Counsel Being the cause and prejudice for my procedural defaults from counsel being ineffective.

PCR Counsel engaged in fraud as he told me that a PCR proceeding can not have witnesses or address any claim that is not ineffective assistance of trial counsel in efforts to procedurally default me of all my meritorious claims. PCR Counsel destroyed my expert witness documents, erroneously edited and deleted most of my substantial colorable meritorious claims in my Amended PCR Application All while abandoning to get me a fair bite at the apple. PCR Counsel told me if I paid him 15 thousand dollars he would then represent me more effectively. PCR Counsel filed my Amended Application that I did entirely in litigation, however he took out most of my litigation and left the remaining for filing from the hand written "judicial notice of adjudicated facts" that I sent him.

At the PCR hearing the stand by counsel from trial testified that he never recalled advising, explaining, discussing anything with me above and beyond what was on the record prior to trial

Regarding me going pro se and the PCR Attorney General of record testified that the record does not reflect adequate colloquy, inquiry or discussion with me.

I and the PCR Judge agree along with the attorney General of PCR Record that the Fareta Requirements were not met and that incontrovertibly should grant and affirm my PCR order. At the time of my PCR

Hearing the PCR Counsel told me I could not introduce anything on the record, any documents, evidence or anything. After my PCR hearing was over I was still diligent in finding out if I could complete having a fair bite at the apple

As the courts, Judge of PCR record etc received all the documents that PCR Counsel of Record prevented from getting on the PCR Record. PCR Counsel of Record had another opportunity to get me a fair bite at the apple but declined to, then he finally allowed me to relieve him off my case. See Pg. 68-157

Another Attorney General became active on the case and filed a frivolous notice of appeal since all parties of PCR Record was in agreement with constitutional deprivations against me by way of PCR testimony of Record. Upon me

Getting A copy of PCR transcripts, I realized that PCR testimony was missing from the record where I Raised Ineffective Assistance of PCR Counsel Addressing All the issues I had with Counsel depriving me of my fair bite at the Apple and deleting all my meritorious issues. See pg. 159-171

The Next attorney on my case delayed in getting me my PCR transcripts, neglected to file my 59 a ore motion and proposed order that I filed to preserve all my PCR Issues. My PCR transcripts WAS Already late in being developed by the court Reporter and PCR Attorney Nathan Sheldon said that he was not going to address my PCR transcripts being incomplete nor file documents in relations to my case since he was not At my PCR hearing. He advised me that he does not think I will be meritorious or victorious on ANY of my cross Appeal issues of Prosecutorial Misconduct and Ineffective assistance of Counsel. This complete miscarriage of Justice and Ineffectiveness from Nathan Sheldon resulted in me Being forced to Go prose prejudice and drop cross Appeal AS I emotionally Broke down. Nathan Sheldon never had nor reviewed most of my case And was Incompetent to handle case

as he told me he had never done Appeals like mine before. The petition for writ of cert was based on false litigation clear upon the face of the record to deliberately deceive the Courts in its frivolous unconstitutional nature and it prejudiced me.

Because I was prose and deprived my Respondent Brief was Ignored, several diverse attorney generals have been on and off the case in clear attempts to falsify and fabricate the proceedings involving my case.

I am forced to litigate this case with incomplete transcripts leaving out substantial issues and testimony, being deprived of 59(e), Cross Appeals, Counsel and civil human rights.

I hired an attorney to file for an appeal bond and he took my money and filed an unlawful, prejudice erroneous Appeal Bond and became my Counsel of record preventing me from litigation. Every issue, concern and step of the way I notified the South Carolina Supreme Court, York County Clerk of Court, South Carolina Disciplinary Counsel addressing every issue even if I am being prevented from justice being fairly administered. S.C. Supreme Court has many of my filings prior to PCR and after PCR along with my motions, 59(e), Amended PCR Application, Due Diligence etc. I no longer have access to the documents, I need them from S.C. Supreme Court, York County etc.

10.

LEGAL MAIL

In the totality of my case since prior to my Arrest date in March 31, 2009 up until now Counsel's, prosecutors, detectives etc have served to procedurally deprive me and prevent me from effective counsel, fair pre and post trial processes and procedure. If not relief in this motion I will be procedurally defaulted.

A federal court ordinarily may not consider claims that a petitioner failed to raise at the time and in the manner required under state law unless "the prisoner demonstrates cause for the default and prejudice from the asserted error." *House v. Bell*, 547 U.S. 518, 536, 126 S. Ct. 2064, 165 L. Ed. 2d 1 (2006). However, in *Schlup*, 513 U.S. 298, 115 S. Ct. 851, the Supreme Court recognized that in certain exceptional cases, a compelling showing of actual innocence would enable a federal court to consider the merits of a petitioner's otherwise defaulted claims. In these cases, new evidence "establishes sufficient doubt about a petitioner's guilt to justify the conclusion that his execution would be a miscarriage of justice unless his conviction was the product of a fair trial." *Id.* at 316, 115 S. Ct. 851.

In disposing of a §2254 habeas corpus petition, Federal courts are substantially constrained, in their review of the state court convictions by the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA). The AEDPA was designed to further the principles of comity, finality, and federalism by limiting federal habeas proceedings. *Sharpe v. Bell*, 593 F.3d 372, 379 (4th Cir. 2010)

Accordingly, if a state court adjudicates a petitioner's claim on the merits, a federal court may only award habeas relief if the resulting state court decision is contrary to or involved an unreasonable application of federal law, or is based on an unreasonable determination of the facts in light of the evidence that was before it. 28 U.S.C. § 2254(d). A state court's decision is contrary to clearly established federal law only if it is substantially different from the relevant Supreme Court precedent, it is an unreasonable application of clearly established federal law only if it is objectively unreasonable. *Wolfe*, 565 F.3d at 159 (quoting *Williams v. Taylor*, 529 U.S. 362, 405, 409, 120 S.Ct. 1495, 146 L.Ed.2d 389 (2000)). While both the cause and prejudice standard and Schlup's fundamental miscarriage of justice standard excuse a procedural default and allow a federal court to review defaulted claims on the merits, a petitioner must meet the cause and prejudice standard with respect to each claim. *McCleese v. United States*, 75 F.3d 1174, 1179 (7th Cir. 1996). Claims are reviewed individually for purposes of determining whether they overcome a procedural default, each claim must meet the cause and prejudice test.

In my case I have been deprived counsel and of deprived effective assistance of counsel every step of the way in the totality of legal processes and procedures every step of the way and consequently my ability to establish my innocence according to the united states constitution etc. Attorneys have been criminal and below professional norms and objectively unreasonable while attempting to have me faulselfy imprisoned. I have never obtained the opportunity to have effective counsel nor have I had the opportunity to have the courts conduct a hearing while I have counsel active on my case to attempt to mediate, resolve and give instructions to adequately correct the errors, issues and concerns that is well within the discretion of the courts in the intress of justice. Not having effective assistance of counsel is equivilant to being deprived counsel for representation. I have been threatned by counsel, verbally abused by counsel, emotionally abused, black mailed, discriminated against, evidence, statements

and documentation of mine has been lost,
destroyed and manipulated by counsel. I have had
the York County clerk of court ultimately neglect
me from writing the courts as they discontinued
to acknowledge, certify and reply to any of my
writings to show due diligence in addressing
legal issues for the courts to adjudicate as well
as address conflicts with counsel. I absolutely
was forced to write another agency than counsel
while my case has been pending or active because
only writing counsel about my conflict with them
individually and legal issues, investigations etc that
I have merit to raise will and ended up ignored
as if I never addressed any issues which would
prejudice and have prejudiced me. I am and
have been procedurally defaulted for federal review,
state court review on a plethora of issues
that is outlined in my original hand written
"Judicial notice of Adjudicated Facts" which
was suppose to be my Amended PCR Application
but PCR counsel erased most claims erroneously. I
must file this extraordinary writ to show more
due diligence prior to federal habeas corpus.

A petitioner's satisfaction of the Schrup standard does not require a showing that a fundamental miscarriage of justice caused or underlies each procedurally defaulted claim. Rather to satisfy the Schrup standard, a petitioner must instead demonstrate that the totality of the evidence would prevent any reasonable juror from finding him guilty beyond a reasonable doubt, such that his incarceration is a miscarriage of justice. See -Schrup, 513, U.S. at 327, 115 S.Ct. 851. If a petitioner passes through the Schrup gateway by satisfying this standard the district court then considers, and reaches the merits on all of the petitioners procedurally defaulted claims.

I have been placed as the blame for each conflict with each attorney involved in the totality of my case and the evidence of me being actually innocent, falsely imprisoned by way of prosecutorial misconduct from trial, denied counsel every step of the way is incontrovertible in light of the evidence clear upon the record when investigated.

The Supreme court has held that both withholding of exculpatory evidence from a criminal defendant by a prosecutor and the knowing use of false testimony violate the due process clause of the Fourteenth Amendment to the United States constitution. see Brady v. Maryland, 373 U.S. 83, 86, 83 S.Ct. 1194, 10 L.Ed. 2d 215 (1963).

Giglio v. United States, 405 U.S. 150, 153-55, 92 S.Ct. 763, 31 L.Ed. 2d 104 (1972). "The suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment irrespective of the good faith or bad faith of the prosecution. In analyzing materiality, courts must determine whether there is a "reasonable probability" that the result of the proceeding would have been different if the evidence would have been disclosed. *Kyles v. Whitley*, 514 U.S. 419, 434, 115 S.Ct. 1555, 131 L.Ed. 2d 490 (1995).

This showing does not reflect/require demonstration by a preponderance that disclosure of the suppressed evidence would have resulted ultimately in the defendant's acquittal, citing *United States v. Bagley*, 473 U.S. 667, 682, 105 S.Ct. 3375, 87 L.Ed. 2d 481 (1985). Rather a petitioner can fulfill the materiality standard by showing that the "Cumulative Effect" of the suppressed evidence could reasonably be taken to put the whole case in such a different light as to undermine confidence in the verdict.

False Testimony as Grounds for Habeas Relief:

Knowing use of False Testimony violates due process,

This Rule Applies regardless of whether the False

Testimony is Solicited, or merely allowed to

stand uncorrected after it appears.

IN Appendix 79, lines 3-12 it will point to the Solicitor at trial going on A Fishing expedition while Cross examine Doctor Dewight Reynolds AS she Alluded to the victim possibly confusing Actual penetration with Attempted penetration when the ~~photo~~ Defendant is at trial For Allegedly RAPING A Six year old.

See Appendix 78, lines 19-24 where the Solicitor used the Delay time Frames of examinations to create Speculation of evidence of rape being Found in A case where No evidence of rape was Found.

IN Appendix 73-83, speculation And expert testimony was Given by A doctor who was not expert in the field of certain testimony Given AS well AS the doctor lied About medical Findings contradicting Discovery materials From his Agency.

See Appendix 84-105 where I was prevented From using up to five Discovery documents from Agencies who interviewed the victims mom And Gave A Disposition of conflicting statements All contradicting each other. See Appendix 48-55 where A emergency medicine physician was made to be A expert in sexual Abuse And Appendix 52, lines 18-21 where the Solicitor used False discovery medical Findings of A Fisser to manipulate witness in evidence testimony AS expert.

See Appendix 39-40 where the Judge does not Allow Anyone including me to See the victim demonstrate with dolls Any Sexual Acts that WAS Alleged to be displayed.

See Appendix 30, lines 5-12 where the Judge denied my Right to A public trial AS he influenced people to leave without even Advising me of my RIGHTS. See APPendix 233, lines 17-22 AS per Attorney erroneously attempted to Address the Judge letting everybody Go from the court room. The court has applied Fundamental miscarriage of Justice exception to overcome various procedural defaults, including The Decisions that seek balance in the societal interests in Finality, comity, and Conservation of Scarce Judicial resources with the individual interest in Justice that Arises in the extraordinary case. See - Schlup, 513 U.S. at 324, 115 S. Ct. 851, 130 L. Ed. 2d 808. Sensitivity to the injustice of incarcerating an innocent individual should not Abate when the Impediment is AEDPA'S Statue of Limitations. Under Schlup'S demanding Standard the Gateway should open only when A Petitioners evidence of innocence is so Strong that A court can not have confidence in the out come of the trial unless the court is ALSO Satisfied that the trial was free of non harmless ~~that~~ constitutional error.

In *Holland v. Florida*, 560 U.S. 631, 130 S.Ct. 2549, 177 L. Ed. 2d 130 (2010), This court addressed the circumstances in which a Federal Habeas petitioner could invoke the doctrine of "equitable tolling". *Holland* held that a habeas petitioner is entitled to equitable tolling only if he shows (1) that he was pursuing his rights diligently, and (2) that some extraordinary circumstance stood in his way or prevented a timely filing. A prisoner may have his federal constitutional claim considered on the merits if he makes a proper showing of actual innocence - citing *Sawyer v. Whitley*, 505 U.S. 333, 112 S.Ct. 2514, 120 L. Ed. 2d 269 (1992), see - *Murray v. Carrier*, 477 U.S. 478, 496, 106 S.Ct. 2639, 91 L. Ed. 2d 397 (1986). In an extraordinary case where a constitutional violation has probably resulted in the conviction of one who is actually innocent, a federal habeas court may grant the writ even in the absence of showing of cause for the procedural default. In other words, a credible showing of actual innocence may allow a prisoner to pursue his constitutional claims. This rule of fundamental miscarriage of justice exception is grounded in the "equitable discretion" of habeas courts to see that federal constitutional errors do not result in the incarcerations of innocent persons. See - *Herrera*, 506 U.S., at 404, 113 S.Ct. 853, 122 L. Ed. 2d. 203. See - *Keeney v. Tamayo-Reyes*, 504 U.S. 1, 11-12, 112 S.Ct. 1715, 118 L. Ed. 2d 318 (1992)

Where Failure to Develop Facts in State Court occurred. In disposing of a § 2254 habeas corpus petition, the provisions of the A.E.D. P.A. substantially constrain review of an evidentiary hearing review of an underlying state court decision. See - 28 U.S.C. § 2254 (d). Pursuant thereto federal habeas corpus relief may be awarded only if the state courts adjudication of the claims resulted in a decision that was contrary to, or involved unreasonable application of clearly established federal law, as determined by the Supreme Court of the United States or (2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the state court proceeding. The federal courts have made it clear that the unreasonable application prong of § 2254 (d) (1) permits a federal habeas court to grant the writ if the state court identifies the correct governing legal principle from this court's decision but unreasonably applies that principle to the facts of case. See - Williams v. Taylor, supra, at 413, 120 S. Ct. 1495, see also - Bell v. Cone, 535 U.S. 685, 694, 122 S. Ct. 1843, 152 L. Ed. 2d 914 (2002). In other words a federal court may grant relief when a state court misapplied a governing legal principle to a set of facts different from those of the case in which the principle was announced. See - Lockyer v. Andrade, 538 U.S. 63, 76, 123 S. Ct. 1166, 155 L. Ed. 2d 144 (2003).

A State prisoner seeking § 2254 Faces Several procedural obstacles. Importantly, the petitioner should have presented his claims in State Court unless "A miscarriage of Justice" *Wainwright v. Sykes*, 433 U.S. 72, 90-91 97 S.Ct. 2546, 115 L.Ed. 2d 640 (1991). A proper showing of Actual Innocence is sufficient to satisfy the miscarriage of Justice Requirement. See *House v. Bell*, 547 U.S. 518, 536-37, 126 S.Ct. 2064, 165 L.Ed. 2d 1 (2006). The Higher Courts Review De Novo A District Denial of relief in § 2254 habeas corpus proceedings see- *Barbe v. McBride*, 521 F.3d 443, 452 (4th Cir. 2008). The courts Review for Abuse of Discretion, however such a courts decision not to conduct evidentiary hearing see- *Conaway v. Polk*, 453 F.3d 567, 582 (4th Cir. 2006) A court usually abuses its discretion when it makes an error of Law see Federal rules of Civil procedure 12 (b) (6) on properly conducting or dismissing evidentiary hearing!

In this case At BAR Regarding this extraordinary writ the petitioner seeks to preserve All Issues that should have been raised, could have been raised based on the merits in State Court to safe guard Federal Review in Habeas corpus proceedings For proper State Court Adjudication In the interest of Justice.

The Following documents and discussion will serve as supporting Affidavits/evidence to support the totality of this case's court proceedings and procedures from General Sessions — up until this current motion has been a mockery of the court, complete miscarriage of justice and point more so to actual innocence. Many documents, discovery, motions and litigation that show due diligence are in the possession of York County Clerk of Court, South Carolina Supreme Court, discovery material and expert witnesses, witnesses and other people and agencies that are suppose to be involved in this case if it was not for being denied counsel, abuse of discretion of trial judge, prosecutorial misconduct but most of all ineffective counsel at pre trial proceedings, ineffective counsel on direct appeal and PCR proceedings that establish the merits for this motion. This extraordinary writ is my further attempts of asserting due diligence in preventing procedural defaults and federal habeas proceedings when justice should prevail in state court. See Appendix 1 - 280 as well as these documents and discussion as follows —

A 2nd, additional Rule 245 motion numbered 1 of 3 along with S.C. Supreme court letter and appellate case no. 2019-000113 pending in this case in Supreme Court. ~~DO~~ Please grant counsel ~~and~~

2D. Respectfully submitted
[Signature]
LEGAL MAIL

STATE OF SOUTH CAROLINA
IN THE ~~COURTS OF APPEALS~~ ^{Supreme Court}

Certiorari to York County

The Honorable Allison B. Lee, Circuit Court Judge

Appellate Case No. 2016-001553

2019-000113

Trey A. Williams,

Respondent

The STATE

vs.

petitioner

2nd, additional / subsequent extraordinary writ to support initial portions of above Appellate cases. ON February 27, 2019 Filed an order denying a motion to conform to the evidence on appeal that I filed. And it was decided erroneously by misapplied rules governing my motion. I did not file a motion to supplement the appendix as the state's return and courts litigated, my motion clearly stated the rules, procedures of SCRCP and meritorious reasons for the

Motions that I filed and it was completely unaddressed. Evidence of PCR transcripts being incomplete along with my timely due diligence in fixing it was presented, Counsel of Record at the time refused to address it to the courts because he was not present at PCR hearing and I presented that in the motion along with other documents to conform to evidence per SCRCP Rule 15 (a), (b), (c), (d) that does not prejudice any party.

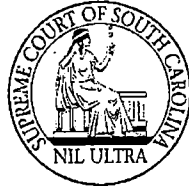
The courts denied the motion in the court of appeals as it was a motion to supplement the appendix and it was not. I am prose now because I chose prose over counsel procedurally defaulting me. Zero merits was given not addressed in why my motions for ~~prose~~ summary judgment was denied however the PCR transcripts

Remain INVALID with evidence but the case is still being active. Under extra ordinary circumstances I request that all motions letters, filed in the

COURT OF APPEALS by me and the State
Be placed under review in the Supreme
Court and that the Full Case be placed
on Hold until Case No. 2019-000113
Be Decided Along with All other motions
filed in Court of Appeals Be Decided
in this Court as it all relates to
Case No. 2019-000113. I also would
like to know which Court do I file
A subsequent Appeal bond in that
will be adequate this time because
it was inadequate filed last time
according to Rules, merits. Respectfully
I can not file certain submitted
petitions, I am prejudiced & my reasoning
because I was denied access to indigent
defense providing copies by Court of
Appeals so much of all I file I loose
personal copies because I can't get enough
copies before mailing out and I am being
persecuted from Court. ^{PP. 3 OF 3} ~~my reasoning~~

See the copy of A motion to
conform to evidence numbered
1 of 4 and additional court of
appeals documents.

LEGAL MAIL
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The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

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February 25, 2019

Trey Williams, 341036
McCormick Correctional Institution
386 Redemption Way
McCormick SC 29899

Re: Trey Williams # 341036 V. State of South Carolina
Appellate Case No. 2019-000113

Dear Mr. Williams:

Your petition seeking relief under Rule 245 of the South Carolina Appellate Court Rules is pending under the above case number. You will be advised when the Court takes action on this petition.

As to your letter dated February 21, 2019, this Court has access to the appendix and other documents filed in Appellate Court Case Number 2016-001553 which is current pending before the South Carolina Court of Appeals.¹ If it becomes

¹ All of the documents filed in that case are available for viewing or printing on the public access version of our appellate court case management system at www.sccourts.org/ACMS/index.cfm. Simply enter the appellate case number on the search page.

necessary or appropriate for this Court to consider the documents filed in that case,
it can do so.

Very truly yours,

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by a series of loops and a long horizontal stroke extending to the right.

CLERK

cc: John Benjamin Aplin, Esquire
The Honorable Jenny Abbott Kitchings

STATE OF South CAROLINA
IN the COURT OF APPEALS

Certiorari to York County
The Honorable Allison R. Lee, Circuit Judge
Appellate Case No.: 2019-000113
2016-001553

Tref Williams vs.
The State,

Respondent
petitioner

CERTIFICATE OF SERVICE

I certify that the undersigned placed
a hand delivered copy of these documents
to SCDL Notary public mail staff
addressed to Attorney General office,
Supreme Court AND COURT OF APPEALS
IN South CAROLINA, ~~by mail~~

Sworn or affirmed to and subscribed
before me this 6 day of March, 2019

[Signature]
Notary public

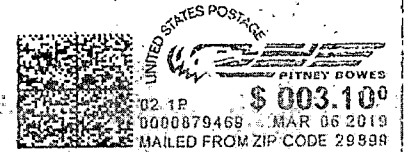
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MAR 08 2019

SC Court of Appeals

my Commission expires: 9-30-26

TREY A. Williams, # 341036
M.C.D. RHU # 69
386 Redemption Way
McCormick SC 29899



THE South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

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MAR 08 2019
SC Court of Appeals