

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Certiorari to Charleston County

Honorable Michael G. Nettles, Circuit Court Judge

ISAAC ROMELL WILLIAMS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2018-002147

APPENDIX

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State of South Carolina	)	Court of General Sessions
	)	Twelfth Judicial Circuit
County of Charleston	)	Case No. 2013-GS-10-7413

	)	
State of South Carolina,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Transcript of Record
	)	
	)	
Isaac Romell Williams,	)	
	)	
Defendant.	)	
	)	
	)	

July 10, 2015
 Florence, South Carolina

B E F O R E:

The Honorable Kristi Lea Harrington, Judge

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

Scarlett Wilson, Esquire
 Attorney for the Plaintiff

Adam Milynarczyk, Esquire
 Attorney for the Defendant

Krystal J. Smith
 Court Reporter

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(No Exhibits Presented)

1 JULY 10, 2015

2 (WHEREAS this matter was scheduled for a guilty plea, the
3 defendant appeared along with his counsel of record. The
4 hearing began at 3:12 p.m.)

5 THE COURT: Please stay seated. Thank you.

6 MS. WILSON: Thank you, Judge. Ms. Apps, are you there?

7 MS. APPS: (via telephone) Yes.

8 MS. WILSON: Okay. This is Scarlett. We are in the
9 courtroom now. The defendant is not here, but he is getting
10 ready to be brought in. We're going to go forward with the
11 murder plea and, like we discussed, we'll defer the sentencing
12 until a later date. And Judge Harrington --

13 MS. APPS: Okay.

14 MS. WILSON: Judge Harrington is on the bench and you
15 remember her from hearing her last time at least. Okay?

16 MS. APPS: Right. Thank you.

17 MS. WILSON: We can hear you very well. If there's a
18 time when you can't hear us, just let us know. Okay?

19 MS. APPS: All right.

20 THE COURT: All right. Good afternoon. It's Judge
21 Harrington. How are you doing?

22 MS. APPS: I'm good. Thank you.

23 THE COURT: If at any time you need me to repeat anything
24 or any questions, please let me know. Otherwise, I'm just
25 going to assume that you are able to hear. All right?

1 MS. APPS: Okay.

2 (WHEREUPON, the defendant entered the courtroom.)

3 THE COURT: All right. Ms. Wilson, please call the case.

4 MS. WILSON: Thank you, Your Honor. This is the State
5 versus Isaac Romell Williams. It's Indictment Number
6 2013A1010205477 for murder. The defendant is here today to
7 plead guilty. We have agreed to defer sentencing until his
8 co-defendant, Jaquan Scott, is sentenced. You heard his plea
9 under similar circumstances a few weeks ago. But he is
10 signing the sentencing sheet now just for you to have and then
11 we'll go from there.

12 THE COURT: Okay. Are you Isaac Romell Williams?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: Please stand. Please swear the defendant.

15 THE CLERK: Sir, please raise your right hand to the best
16 of your ability. Do you swear or affirm the testimony you
17 give the Court will be the truth, the whole truth, and nothing
18 but the truth, so help you God?

19 THE DEFENDANT: Yes, sir.

20 THE CLERK: Thank you, sir. If you could, please state
21 your first and last name.

22 THE DEFENDANT: Isaac Williams.

23 THE CLERK: Thank you, sir. Please speak up.

24 THE DEFENDANT: Isaac Williams.

25 THE COURT: Okay. Mr. Williams, we have to have you

1 speak up. It's very important that we hear everything that
2 you say. This is my court reporter. She is writing down
3 everything that you say, as well as everything that I say. So
4 I need you to speak loudly and clearly. Can you do that for
5 me?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: All right. I have the sentencing sheet in
8 which you've indicated that you wish to plead guilty on
9 Indictment 2013-GS-10-7413, which is a true-billed indictment
10 for murder. And the sentencing sheet indicates that it's
11 without negotiation or recommendation. Is that correct,
12 Solicitor?

13 MS. WILSON: Yes, ma'am. It's a straight-up plea.

14 THE COURT: And we will defer sentence to a later time.
15 I'm assuming we're still waiting on the PSI on the co-
16 defendant; correct?

17 MS. WILSON: That's my understanding.

18 THE COURT: All right. Mr. Williams, what we're going to
19 do here today is I'm going to go through your constitutional
20 rights, ask you some questions, and hear the facts. And then
21 at that point, I will either accept your plea or not accept
22 your plea and then, if I do, we will defer sentencing to a
23 later date. Do you understand?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: All right. Sir, tell me a little bit about

1 yourself. How far did you go in school?

2 THE DEFENDANT: I graduated at James Island Charter High
3 School.

4 THE COURT: You graduated high school?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Do you work?

7 THE DEFENDANT: I was working at Rick Hendricks Chevrolet
8 on Savannah Highway.

9 THE COURT: Are you married? Do you have children?

10 THE DEFENDANT: No. No, ma'am.

11 THE COURT: Okay. Ever been treated for the abuse of
12 drugs or alcohol?

13 THE DEFENDANT: Treated for the abuse of -- abuse of
14 alcohol you said?

15 THE COURT: Have you --

16 THE DEFENDANT: No.

17 THE COURT: -- ever been treated for any sort of
18 substance abuse issues?

19 THE DEFENDANT: No, ma'am.

20 THE COURT: Ever been treated for mental illness?

21 THE DEFENDANT: No, ma'am.

22 THE COURT: All right. And, Mr. Williams, I don't know
23 you. You're standing in front of me for the very first time
24 and your attorney will indicate to me some of these things
25 more appropriately at the sentencing, but it's important for

1 me to make a determination that you're entering into this plea
2 freely, voluntarily, knowingly, and intelligently. So I need
3 to make sure that you don't have any substance abuse or mental
4 -- any mental illness issues that would affect your ability to
5 understand what we're doing here today. Do you understand
6 what we're doing here today?

7 THE DEFENDANT: Yes, ma'am, I do.

8 THE COURT: And you wish to go forward with this plea?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: How long have you been in custody?

11 THE DEFENDANT: At least 21 or 22 months.

12 THE COURT: Sir, you do not have to plead guilty. By
13 pleading guilty, you're giving up certain rights. Your right
14 to a jury trial, your right to have a jury determine your
15 guilt beyond a reasonable doubt based upon the evidence the
16 State presents, as well as any evidence you may introduce. Do
17 you understand that right?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: And do you waive that right at this time?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: You also are giving up your right against
22 self-incrimination, which is your right to say nothing at all.
23 Do you understand that right?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: And do you waive that right at this time?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: You're also giving up your right to confront
3 and be confronted by the witnesses against you, as well as the
4 right to call witnesses on your behalf. Do you understand
5 that right?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: And do you give up that right?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: By pleading guilty here today, you give up
10 any defense you may have to this charge. Do you understand
11 that, sir?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: And do you give up any defense you may have
14 to this charge?

15 THE DEFENDANT: Yes, ma'am.

16 THE COURT: Understanding the charge that you are facing,
17 the possible punishment, which is 30 years to life -- do you
18 understand that potential punishment?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: That it is also a violent and a most serious
21 classification. Do you understand that?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Counsel, have you explained those two
24 classifications to your client?

25 MR. MILYNARCYZK: I have, Your Honor.

1 THE COURT: Did you commit the offense to which you are
2 entering your plea?

3 (WHEREUPON, the defendant and his counsel confer off the
4 record.)

5 MR. MILYNARCYZK: Your Honor, could --

6 THE COURT: You're here pleading guilty on 2013-GS-10-
7 7413, which is an indictment for murder. Did you commit that
8 offense?

9 MS. WILSON: Judge, if I could, I think part of the
10 problem here is the facts in this case involve this defendant
11 and a co-defendant. The State is not alleging that this
12 defendant was the actual trigger man. He was, however,
13 involved in the planning of the murder. He had knowledge of
14 the murder. He was present when the murder was committed.
15 And because of the planned murder and armed robbery, he's
16 guilty under an accomplice-liability scenario.

17 THE COURT: Okay. Based on the --

18 MS. WILSON: And I think he would agree to that.

19 THE COURT: Is that what you did, sir? Is that what
20 you're pleading guilty to?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: All right. Has anybody promised you
23 anything, threatened you, forced you to plead guilty here
24 today?

25 THE DEFENDANT: No, ma'am.

1 THE COURT: Are you entering into this plea freely?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: And voluntarily?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Have you been satisfied with the services of
6 your attorney?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Any complaints about the way he has handled
9 this case?

10 THE DEFENDANT: No, ma'am.

11 THE COURT: Do you need any additional time to meet with
12 him?

13 THE DEFENDANT: No, ma'am.

14 THE COURT: You will have the right to appeal your plea
15 and the sentence that I impose, but you will have to do that
16 ten days -- within ten days after I actually impose a
17 sentence. Do you understand?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: Please listen to the facts. Ms. Wilson?

20 MS. WILSON: Thank you, Your Honor. And before I go into
21 the facts, let me thank you for being here. I'm just moving a
22 little closer to the phone. I know that you had a full week
23 of court. You had a meeting in Columbia all day and this is
24 certainly not something you had to do, but it means a lot to
25 the State. It means a lot to the victim to have -- not have

1 to be worried about trial prep over the next few weeks, and
2 I'm sure it means something to the defendant's family that are
3 here also. So I appreciate that.

4 I also appreciate you deferring sentence, but before we
5 go further, I just want to make sure that everyone is clear
6 that once you accept this plea, it's accepted. Regardless of
7 what the co-defendant gets, regardless of what happens between
8 now and sometime later in the sentencing, he's not going to be
9 permitted to withdraw it, and I want to make sure that the
10 defense understands that.

11 MR. MILYNARCYZK: We do. We do, Your Honor.

12 THE COURT: Counsel, you've had -- you've explained that
13 to your client that this is a benefit? And typically I don't
14 like to defer sentence because then it opens up potentially
15 what Ms. Wilson just discussed. But I understand that this is
16 a unique circumstance.

17 Mr. Williams, you understand I'm going to keep -- I'm
18 going to have a few more questions to ask you after I hear the
19 facts of this case, but should your plea be accepted, you have
20 given up all of those constitutional rights that I just went
21 over, most importantly the right to a jury trial. Do you
22 understand that, sir?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: And so I just want you -- we'll continue with
25 the plea, but before we go, I just wanted to address a concern

1 that the State had.

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: And, Mr. Williams, you have gone over that
4 issue with your attorney; is that correct?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: This is not new to you?

7 THE DEFENDANT: No, ma'am.

8 THE COURT: All right. I just want to make sure. All
9 right.

10 MS. WILSON: Thank you, Judge, because we were -- the
11 case we have put on the trial docket for August 10th and this
12 will effectively remove that. Judge, I'm going to give you a
13 very mundane, brief version of the facts. You heard some of
14 the facts with Jaquan Scott. At sentencing, I'll be much more
15 detailed.

16 This occurred October 3rd of 2013, which was a Thursday.
17 The co-defendant had been speaking, texting, communicating
18 with Alex Apps for the purchase of Mr. Apps' truck. They had
19 communicated through Craigslist and otherwise.

20 Unbeknownst obvious -- obviously to Mr. Apps, this
21 defendant and Jaquan Scott were scheming to arm rob Mr. Apps
22 of the truck, and Jaquan Scott had planned to kill Mr. Apps.
23 And so on October 3rd, that's exactly what happened. They met
24 here in Charleston County. The murder was in Charleston
25 County.

1 In fact, after Ms. Apps and her son, Alex, met the two
2 defendants at the Hardees, Alex got in the truck with them
3 ostensibly for a test drive. According to the defendant and
4 also according to Jaquan Scott, Alex was shot twice on the
5 Cooper River Bridge and then his body was dumped near the
6 Channel 2 TV station.

7 After the murder, Jaquan Scott kept the truck.
8 Basically, he joy rode around South Carolina in it, bragging
9 and showing off to his friends. This defendant went back to
10 work immediately afterwards and, upon his arrest, they both
11 gave pretty convoluted statements.

12 As we will outline at the sentencing, earlier this year
13 the defendant began cooperating with the State. It has been a
14 bumpy road, but I'll get into that more later. In the end, he
15 was cooperative, but I'll fill you in on more of that -- more
16 of that later.

17 But basically, we're here in Charleston County. These
18 defendants planned to take the truck and planned to kill Mr.
19 Apps, and that's what happened in 2013.

20 THE COURT: All right. Mr. Williams, is that what you
21 did? What the State indicated, is that your involvement in
22 this case?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: I do find a substantial factual basis for
25 your plea. Your decision to plead guilty has been freely,

1 voluntarily, knowingly, and intelligently made. You've
2 indicated to the Court you've had the advice and counsel of a
3 competent attorney with whom you've told the Court you are
4 satisfied.

5 I hereby accept your plea of guilty and we will defer the
6 sentencing. We're still waiting on the co-defendant's PSI?

7 THE PROBATION AGENT: Yes, Your Honor. I should have
8 that prepared for you within the next week.

9 THE COURT: All right.

10 MR. MILYNARCYZK: And, Your Honor, if I may for the
11 record, we had discussed that the plan is that we would like
12 to do the plea the same day as Mr. Scott, but following Mr.
13 Scott's plea.

14 MS. WILSON: The sentencing.

15 MR. MILYNARCYZK: The sentencing. So as soon as we know
16 what date that will be -- because I do need a little bit of
17 time to prepare a litigation package. I'm just getting on the
18 record that that's what we were planning to do for you, Judge,
19 if Your Honor is amenable to that.

20 THE COURT: All right. And we'll coordinate once you --
21 once you have the PSI, then we'll coordinate with and do it
22 all on one day because you'll need sufficient time.

23 MS. WILSON: I'll need a little time, Ms. Apps too, but
24 do you know when your court dates are in August?

25 THE COURT: I do.

1 MS. WILSON: I can't remember if you're here in --

2 THE COURT: Well, I do have that last week in August that
3 we had talked about before.

4 MS. WILSON: Okay.

5 THE COURT: GS Non-Jury.

6 MS. WILSON: Okay.

7 THE COURT: So that may be an appropriate week to do
8 that. So that's the 26th and the 27th at the latest. And so
9 then there would be no conflicting court for me.

10 MS. WILSON: That -- that -- that would be good. Ms.
11 Apps, we'll get with you on that later, but we'll be
12 discussing that with probation and with Mr. Milynarczyk and
13 Mr. Brown for Jaquan. So we'll be in touch on that. But that
14 sounds great, Judge.

15 THE COURT: All right. Thank you. Anything further from
16 the State?

17 MS. WILSON: No, ma'am.

18 THE COURT: Anything further, Mr. --

19 MR. MILYNARCYZK: No, Judge.

20 THE COURT: -- Milynarczyk?

21 MR. MILYNARCYZK: No, Judge.

22 THE COURT: All right. Thank you. Good luck to you, Mr.
23 Williams. I'll see you next month.

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Thank you.

1 MS. WILSON: Agatha, we're going to hang up, but we'll be
2 in touch. Okay?

3 MS. APPS: (via telephone) Okay. Thank you.

4 MS. WILSON: Uh-huh.

5 MS. APPS: Uh-huh. Bye-bye.

6 (WHEREUPON, the proceedings ended at 3:27 p.m.)

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1	State of South Carolina	)	
2		)	Certificate
3	County of Florence	)	

I, the undersigned, Krystal J. Smith, Notary Public and Official Court Reporter for the Twelfth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing pages, numbered 1 through 17 constitute a true, accurate, and complete Transcript of Record of all the proceedings had and evidence introduced in the hearing of the above captioned case, relative to appeal, in the Court of General Sessions for Charleston County, South Carolina, on the 10th day of July, 2015.

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

17 S/Krystal J. Smith

18	Court Reporter
----	----------------

20	Florence, South Carolina
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21 | August 22, 2015

STATE OF SOUTH CAROLINA

VS.

JQUAN SCOTT, and
ISAAC ROMELL WILLIAMS,

DEFENDANTS.

held before the Honorable Kristi L. Harrington
Mia Perron, Circuit Court Reporter, 9th Judicial Circuit
in the Charleston County Courthouse
Charleston, South Carolina
on August 26, 2015, Commencing at 2:19 p.m.

SUSAN "MIA" PERRON, CVR-CM-M
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State vs. Scott and Williams
Proceedings
August 26, 2015

PROCEEDINGS

THE COURT: All right. Solicitor, call your case.

MS. WILSON: Thank you, Your Honor.

First up, we have State of South Carolina versus Jquan Scott. It's 2013-GS-10-7416, 7418, 7419, and 7421.

His codefendant is also present in the courtroom, and his name is Isaac Romell Williams, and his indictment is 2013AGS10205477. Actually, I believe that's the warrant number.

Your Honor, as you will recall, but just for everyone else's benefit, these defendants were scheduled for trial earlier this year. Mr. Williams began cooperating with us, and shortly thereafter -- well, actually, a few months afterwards, shortly before the trial when we had a status conference, the defendant, Mr. Scott, decided to plead guilty.

Your Court, the clerk's office, everybody, bent over backwards to make that happen that day. We actually -- instead of the victims being present, we called them in by speaker-phone just so we could get that done. And we greatly appreciate that, for the Court's benefit and also for the clerk's office.

Because these two are codefendants, and because the victims are from out of town, we asked the Court to

MIA PERRON, CVR-CM-M

-5-

State vs. Scott and Williams
Proceedings
August 26, 2015

1 schedule these at the same time. We would like to go
2 forward first with Mr. Scott's case, and then after that
3 we'll have some more to add for Mr. Williams' case.

4 Again, we appreciate the Court accommodating us and
5 making this happen because with every step of this
6 process, it's taken extra effort for the Court and for
7 the clerk's office and it wouldn't have happened without
8 them. So thank you.
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MIA PERRON, CVR-CM-M

-6-

State vs. Jquan Scott and Isaac Williams
Sentencing of Jquan Scott
August 26, 2015

SENTENCING OF JQUAN SCOTT

THE COURT: Mr. Brown, you represent Mr. Scott?

MR. BROWN: I do, Your Honor.

THE COURT: Are you prepared to go forward at this time?

MR. BROWN: I am, Your Honor.

THE COURT: And, Mr. Mlynarczyk, you represent Mr. Williams?

MR. MLYNARCZYK: I do, Your Honor.

THE COURT: And are you prepared to go forward at this time?

MR. MLYNARCZYK: I am prepared.

THE COURT: Thank you.

To counsel and to members of the audience, and everyone involved in this case, I would like to first of all thank you for your patience.

We had some technical difficulty due to some information that Mr. Brown wished to present to the Court, based upon -- in mitigation for his client. The courtroom upstairs was not suited for that technology and so the clerk of court here, and her staff, have been working diligently to provide this courtroom so that we could have the -- so that Mr. Brown could present his mitigation on behalf of his client.

So thank you again for everybody's patience and

State vs. Jquan Scott and Isaac Williams
Sentencing of Jquan Scott
August 26, 2015

1 understanding. I know that we are off schedule, and I
2 apologize for that, but the clerk of court has made
3 every accommodation in attempting to facilitate. We all
4 rely so much on technology these days and we kind of
5 forget that we need to make sure and check to make sure
6 everything is up and running. So, again, thank you for
7 your patience, and I do apologize for the inconvenience.

8 Anything further regarding that matter? Mr. Brown?

9 MR. BROWN: Just at some point in time maybe the
10 comments in back, that I could put on the record at some
11 point in time, and maybe submit it.

12 THE COURT: All right. Thank you.

13 Mr. Mlynarczyk, anything else?

14 MR. MLYNARCZYK: Nothing, Your Honor.

15 THE COURT: Ms. Wilson?

16 MS. WILSON: No, ma'am, not as to that issue.

17 We just, again, appreciate your bending over
18 backwards, and the clerk bending over backwards, to make
19 this happen because we know we could have easily folded
20 up and had to come back another day.

21 THE COURT: Ms. Wilson, you have received the
22 pre-sentence investigation?

23 MS. WILSON: I have.

24 THE COURT: Any questions, concerns, about that?

25 MS. WILSON: No, ma'am.

State vs. Jquan Scott and Isaac Williams
Sentencing of Jquan Scott
August 26, 2015

1 THE COURT: Ms. Holmes, you prepared that pre-
2 sentence investigation?

3 PROBATION AGENT: Yes, Your Honor.

4 THE COURT: Any questions for Ms. Holmes regarding
5 the pre-sentence investigation on Mr. Scott?

6 MR. BROWN: No, Your Honor.

7 THE COURT: Mr. Mlynarczyk, anything --

8 MR. MLYNARCZYK: No, Your Honor.

9 THE COURT: -- regarding that matter?

10 And we will mark that as Court's 1. Without
11 objection, Ms. Wilson?

12 MS. WILSON: No objection.

13 MR. BROWN: No objection.

14 MR. MLYNARCZYK: No objection, Your Honor.

15 THE COURT: Thank you.

16 [Whereupon, Court's Exhibit Number 1 is marked by
17 the court reporter]

18 THE COURT: Ms. Wilson, we had an in-chambers, or
19 in-hallway conference as we were transitioning, and you
20 had indicated how you would proceed.

21 Mr. Brown, you are in agreement with that
22 scheduling?

23 MR. BROWN: Yes, ma'am.

24 THE COURT: Mr. Mlynarczyk?

25 MR. MLYNARCZYK: Yes, Your Honor.

State vs. Jquan Scott and Isaac Williams
Sentencing of Jquan Scott
August 26, 2015

1 THE COURT: Ms. Wilson, I will let you present
2 whatever you wish to present.

3 MS. WILSON: Well, I believe what we talked about
4 was Mr. Brown would go first and then we'll follow up
5 with him after he does his presentation.

6 THE COURT: All right. Mr. Brown?

7 MR. BROWN: May it please the Court, Your Honor.

8 [Off the record momentarily]

9 MR. BROWN: And, Your Honor, there is a sentencing
10 memorandum that I've handed up. And I actually planned
11 to actually introduce this one as Defendant's 1. But I
12 believe that Your Honor has been provided a copy, as
13 well as one to Ms. Wilson, the Solicitor.

14 THE COURT: And we'll mark that copy.

15 You provided a copy. You brought those to the
16 courthouse on Monday afternoon and gave it to my clerk;
17 is that correct?

18 MR. BROWN: That's correct, Your Honor.

19 THE COURT: To the videographer, are you sure what
20 you have in this? You are going to abide by the Court's
21 instructions.

22 VIDEOGRAPHER: [Indicates affirmatively]

23 THE COURT: Is that a yes?

24 VIDEOGRAPHER: [Indicates affirmatively]

25 THE COURT: Thank you.

State vs. Jquan Scott and Isaac Williams
Sentencing of Jquan Scott
August 26, 2015

1 All right. So that will be Court's 2.

2 MR. BROWN: Sure. Yes, ma'am. I had said
3 Defendant's 1, but either way.

4 [Whereupon, Court's Exhibit Number 2 is marked by
5 the court reporter]

6 MR. BROWN: Thank you.

7 Your Honor, in the memorandum I lay out four points
8 of mitigation. They're what I call traditional
9 mitigation points. And I mention that because they
10 appear in different types of court systems. But,
11 succinctly, we've got -- because you -- as a mitigator,
12 in the sense of less inculpability, and we've got a lack
13 of prior record, along with the cooperation that is
14 going to be shown through some videos, short stints that
15 I've got, and, finally, his acceptance of responsibility
16 recognized through his plea.

17 And if I may gently submit some stuff here on the
18 Power Point. And what we start with, Your Honor, is the
19 life expectancy data that we talk about during the less
20 inculpability related to youth.

21 And in this case the charge that has a mandatory
22 minimum that exceeds the other is, of course, a murder
23 case. So essentially that's the one -- you have to give
24 at least 30 years on that. And that's the maximum you
25 can give on the others without there being some type of

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1 consecutive sentence.

2 And, of course, the maximum on murder is a life
3 sentence. And there's been a lot of debate in courts
4 about propriety of life sentences and what those mean
5 for young people. And I point that out because the
6 first thing that was noted in the U.S. Supreme Court
7 opinions dealing with minors, persons below the age of
8 18, who get life sentences is that there's not a good
9 development of the brain because that brain development,
10 especially the frontal cortex that deals with judgment,
11 does not fully develop through late adolescence and even
12 further. Some studies say until you're about 25 years
13 of age.

14 THE COURT: How old is your client?

15 MR. BROWN: He was 19 at the time that this
16 happened, Your Honor. He's now 21 years old.

17 And, Your Honor, part of the thing about the life
18 expectancy, as the Court mentioned, a life sentence to a
19 16-year-old and to a 76-year-old is the same in name
20 only because the amount of time that they actually
21 serve, which is the punishment part of it, the time
22 suffering through the restraints of liberty, is
23 different if you're a 16-year-old, or in this case 19,
24 with a life expectancy.

25 And, Your Honor, that's what I would like to

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1 present in this slide that I've got, is the life
2 expectancy information contained in the brief and in
3 a Michigan study. 77 years is the average life
4 expectancy --

5 THE COURT: Is there a reason you selected Michigan
6 and not the --

7 MR. BROWN: Because the study was done by the ACLU
8 of Michigan.

9 South Carolina has a flat chart, but it doesn't do
10 any other breakdowns on it, and it was very hard to find
11 an attributable chart in South Carolina, Your Honor.
12 But the spread of data is pretty significant. It's a
13 400-person spread.

14 So we have 77 years of age, if a person is born
15 today. If they're sentenced to a life sentence at the
16 age of 18 or greater, if you go down to that low of a
17 number, then the average from the Michigan study of
18 Michigan inmates was 58 years, which means that somebody
19 who is sentenced to life at 18, 19, 20, even 40, the
20 average age that they'll live is to the age of 58. It's
21 not 58 years of life -- I mean, the 58 years in prison.

22 Then the next information, when you break it down
23 to African-American, you drop two more years. And that
24 is consistent with South Carolina's -- the African-
25 American life expectancy in prison, as a whole, not

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1 broken down for life sentences, is slightly lower, still
2 in the low 50s for both -- inmates of origin, African-
3 American inmates.

4 But if you put it down where somebody is a youth --
5 now, they use youth to be people who are sentenced as
6 an adult in the Michigan, but it drops to 50. And part
7 of that is a reflection, Your Honor, that you'll see in
8 the footnote in that Michigan opinion, which is the
9 Appendix A on my memo, is that young people, youth, or
10 adolescents are five times as likely to suffer abuse in
11 prison as older adults. And that's a significant
12 factor. The Courts recognize that. In fact, the
13 federal courts have actually recognized that in the
14 opinions, that that is something to be considered when
15 imposing sentence.

16 And so what we've got here is if we apply that to
17 Mr. Scott's case, a 39-year sentence, given his age of
18 19, is what would get him to the age of 58. And that
19 was the number, Your Honor, for all Michigan inmates
20 sentenced to life, whether they were sentenced to 50 or
21 20. And so that type of sentence is essentially what
22 you're going to see as a life sentence under their data.
23 After that, it's more likely than not that he would not
24 still be living.

25 If you take the 470-month information, which is

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1 what the federal court uses when they do sentence
2 reductions -- and I indicate that, Your Honor, because
3 life means life in the federal system, as well.
4 However, when they do a sentencing cut for cooperation
5 or something of that nature, when they go back and
6 factor it, you can't say, well, a standard cut for
7 somebody who rolls on somebody else's, I cut it down,
8 you know, 40 percent, I gave him 60-percent of the
9 original sentence on a life sentence without putting a
10 number into it.

11 So the courts have agreed, promulgated originally
12 by the U.S. Sentencing Commission, and it's in the
13 sentencing guidelines and it's also in court opinion, is
14 that 470 months, which is 39 years and 2 months, is the
15 equivalent, functionally, for purposes of the analysis
16 under the federal court guidelines. Which is also
17 consistent with the same age, coincidentally, that would
18 get Mr. Scott -- the same amount of time that would get
19 him to 58, which is that average life expectancy time.

20 When we did go and look at the breakdown that had
21 it for youth that were African-American youth, we would
22 come out with an age -- a 37-year sentence gets them to
23 the 56. And then when we have the entire view, the
24 below -- including below the age of 18, then we end up
25 at a 31-year sentence, which is right at the bottom of

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1 the guidelines. And ,effectively, Your Honor, that's
2 what the odds are, so to speak. And it's consistent
3 with the South Carolina numbers.

4 The next part I want to talk about is cooperation.
5 And the phrase -- a proper Christian burial is a phrase
6 that appears in the video interrogation of my client.
7 But as Your Honor may recall, there is a case, Brimmer
8 v. Williams, it's actually a right to counsel case in
9 the U.S. Supreme Court. It deals with Messiah and sixth
10 amendment right. But, essentially, that case talks
11 about a proper Christian burial. The case goes up on
12 analysis of whether that's a coercive type of
13 interrogation.

14 But in this case that statement is made by law
15 enforcement. This is the quote. And I would like to
16 play it for you. But, essentially, they asked my client
17 to lead them to the body and he does.

18 THE COURT: Mr. Brown, your client pled guilty --

19 MR. BROWN: Yes, ma'am.

20 -- and by pleading guilty, he waived any defense,
21 which this would, in my mind, be a defense. Please tell
22 me why I need to hear this played now.

23 MR. BROWN: Well, this is the cooperation part,
24 because he did comply with it. And for that part of
25 this --

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1 THE COURT: You want me to hear it for purposes of
2 cooperation, not --

3 MR. BROWN: Yes, ma'am.

4 THE COURT: -- for purposes of challenging any --

5 MR. BROWN: That's --

6 THE COURT: -- any plea?

7 MR. BROWN: -- absolutely.

8 And I can even suggest to Your Honor that there was
9 a breakdown that we did about what would be less if we
10 were able to succeed on a suppression of his statement,
11 and it still did not put us in a situation where we felt
12 comfortable going to trial, Your Honor.

13 THE COURT: Ms. Wilson, there was some e-mail
14 exchange late last evening. Any objection to this? Do
15 I need it noted for the record?

16 MS. WILSON: My only objection -- I mean, it's a
17 red herring but if he wants to present it, I think he
18 should be able to present the full --

19 I don't believe those cases speak to cooperation
20 when someone has waived their fifth amendment rights,
21 has agreed to be interrogated, versus someone who has
22 been charged, appointed to a lawyer, said he didn't want
23 to speak without a lawyer, and then is coerced through
24 these conversations that take place in their presence
25 about religion and things like that, and that sort of

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1 induced or coerced them to then begin speaking without
2 their lawyer.

3 This is a situation where this defendant was
4 cooperating. He waived his rights. He had not been
5 formally charged, or taken before a judge, or anything
6 like that.

7 So I think they are different and -- but if he
8 wants to present that, I think he's entitled to.

9 THE COURT: I just wanted to place that on the
10 record.

11 THE COURT: All right, Mr. Brown. Thank you.

12 MR. BROWN: Yes, ma'am.

13 This is a short clip, and it's the quote I just
14 presented.

15 [Whereupon, video plays]

16 [Whereupon, video is not transcribed by the court
17 reporter]

18 MR. BROWN: And long story short, this is one of
19 three quotes I have in here regarding that.

20 And what we've got here is another quote where it
21 talks about if they'll just lead them to the body, that
22 they will tell the authorities -- that they'll tell the
23 authorities that my client cooperated.

24 THE COURT: Mr. Brown, please stop.

25 Please take this opportunity to turn your phones

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1 off. Everyone.

2 Thank you, Mr. Brown.

3 MR. BROWN: Thank you, Your Honor.

4 [Whereupon, video plays]

5 [Whereupon, video is not transcribed by the court
6 reporter]

7 MR. BROWN: And, Your Honor, one last clip.

8 Same thing. And again they told him -- law
9 enforcement told him, take us to the body, we'll tell
10 everybody that you cooperated, we'll take care of
11 everybody else, is what they say. And so, again, a
12 short clip on that, Your Honor.

13 [Whereupon, video plays]

14 [Whereupon, video is not transcribed by the court
15 reporter]

16 MR. BROWN: Your Honor, and I point that out again
17 for the fact that they've asked him to take them to the
18 body. He does not have a lawyer. He was arrested, I
19 guess formally informed he was arrested, after that
20 happened.

21 And I did put in there that, generally speaking,
22 the cooperation provision set up in our court system
23 assume that there is counsel.

24 And I tried to put in there, kind of the best way I
25 could, that the -- gratuity on assistance weighs after

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1. the assistance has been provided. And that's the truth
2. of the matter. There's nothing that has to be offered
3. to somebody after they've already given what somebody is
4. looking for on the other side.

5. But we do ask the Court to realize that after these
6. statements, in fact, very shortly after this last one,
7. is when Mr. Scott then took law enforcement and located
8. the body. And we ask that the Court accept that as
9. cooperation and consider what he was, in fact, told and
10. what it did, again, with a 19-year-old, taking that at
11. face value.

12. Now, I would like to present a little bit about
13. Jquan.

14. THE COURT: Mr. Brown, he pled without any
15. recommendation --

16. MR. BROWN: Yes, ma'am.

17. THE COURT: -- or negotiation; correct?

18. MR. BROWN: Absolutely.

19. THE COURT: And I advised him the penalties that he
20. was facing on each indictment?

21. MR. BROWN: You did, Your Honor.

22. THE COURT: And he understood. Knowingly and
23. voluntarily entered into that plea?

24. MR. BROWN: Absolutely.

25. THE COURT: All right. There was no negotiation or

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1 recommendation, Ms. Wilson?

2 MS. WILSON: Absolutely not, Your Honor.

3 And I was very clear that life was still on the
4 table and that that's what we would be pushing for.

5 MR. BROWN: And, certainly, Your Honor -- and the
6 law is very clear, unequivocal, that police officers
7 cannot bind an agreement with the government, that the,
8 you know -- but I do point that out because he did do
9 that.

10 And one of the things, before we go to the more
11 personal part of it that I think is worth saying, he did
12 accept responsibility. He hired a lawyer. He had a
13 preliminary hearing. It was all still in 2013. This
14 was an October 7th, 2013 arrest. We did not have
15 another contested hearing after that.

16 And we did, in fact, discuss a plea. The solicitor
17 and I had talked about a plea. And, actually, we had a
18 little discussion with another judge, very informal,
19 about a plea for my client to take. Never was an
20 agreement, never a recommendation. There was never
21 anything else offered to my client, and I'm not implying
22 there was. But I point that out because the acceptance
23 was not at the last minute. This was months earlier.

24 And, again, there never even -- he never even filed
25 for a bond setting in this case, because we knew the

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1 time he was getting was likely to go forward to
2 something that at some point in time might well result
3 in a conviction. And I just point that out, Your Honor,
4 because I do believe that that is about the biggest
5 acceptance of responsibility you can have, is pleading
6 without negotiations in a case that carries a life
7 sentence, Your Honor. And those -- that's my
8 presentation on that.

9 I do want to show you some of what I'm going to
10 call the more characteristics of Mr. Scott himself,
11 apart from any of the legal aspects. And, of course,
12 we've got him as a child. And these are photos that
13 I've gotten.

14 And I don't know how much Your Honor knows, but
15 it's fairly well-known that Mr. Scott is a football
16 star. He actually sports -- plays lots of sports. A
17 two-year Allstate football player, actually still
18 probably holds a rushing record for quarterbacks in
19 South Carolina. He's a 1-A. And you can see he's on
20 the All-star team. And I believe that was his junior
21 year, the 2011 year.

22 And actually, and this is a little ironic. The
23 gentleman, one of the coaches in that photo, is actually
24 from Beaufort and coached at a private school there and
25 coached my children. I coached with him and his child.

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1 And my wife and his wife have taught together. His wife
2 taught my children. He taught at the same school that
3 Mr. Apps attended,. And he coached Mr. Scott. And it
4 really is a small network in South Carolina, how
5 everybody is interrelated. And I didn't even know that
6 until I got that photo from the family.

7 And, again, a little bit of information. There he
8 is. I've stood with one of my sons at this very same --
9 spring sports, very same Allstate. Baseball for him,
10 football for Mr. Scott. Accepting his award there.

11 And I've got this short clip. This is the Jquan
12 his family knows.

13 [Whereupon, clip is played]

14 [Whereupon, clip is not transcribed by the court
15 reporter]

16 MR. BROWN: Your Honor, again, I mention that this
17 is the Jquan his family knows. This is the way they saw
18 him before this came about. Obviously, high school
19 graduation.

20 He did attend Crown College. He attended the fall
21 semester, fall of 2012. It is in Minnesota, St.
22 Bonifacius, Minnesota, and it's a division three
23 Christian college that he attended as a football player,
24 Your Honor. And so he was there less than twelve months
25 before he was arrested on this. And this is, again, the

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1 Jquan that everybody else in the courtroom, who knew him
2 before this, knows.

3 And, Your Honor, what I would like to do is present
4 some people here to speak on his behalf. We've tried to
5 make a cross-section. There are a few family members.
6 If my client and I can speak last. And I've asked them
7 to limit it to two minutes, is what I said. And I'm
8 just going to have them to stand, if they may.

9 And if I could have Jonathan Inabin speak first.
10 He was a coach. He also knows Jquan, because Jquan
11 worked at some point in time with Mr. Inabin.

12 THE COURT: Sir, if you could please state your
13 full name for the record, and spell your last name.

14 MR. INABIN: My name is Jonathan David Inabin.
15 Last name is spelled I-N-A-B-I-N.

16 THE COURT: Happy to hear from you, sir.

17 MR. INABIN: Thank you.

18 I've known Jquan for approximately ten years,
19 before I even started coaching him, before he came
20 around and started actually helping my business out.
21 Whenever we would be shorthanded, he would fill in for
22 some guys that wouldn't show up sometimes.

23 I've know Jquan well before this. As far as when
24 he was in school, he would always apply himself to get
25 his work done. As you know, to play any kind of varsity

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1 sports, you have to be eligible, which requires diligent
2 class work, especially at James Island Christian where
3 he attended private school, a little harder than the
4 traditional public schools to get through all the
5 classes and everything. He did well with that, pushed
6 through, and was always eligible to play when I was
7 coaching.

8 We had one incident that I wanted to bring to
9 light. During practice one time, he refused to
10 participate in a drill that we were doing. I gave him
11 three opportunities to participate in this one drill
12 that we were doing for basketball. On the third
13 opportunity, he would not do it so I asked him to leave
14 the gym. The next day he came back to me and he
15 apologized and he said that he wanted to do the drill
16 and that he wanted to be part of what the team had to
17 do.

18 And so through that, it just impressed on me his
19 willingness to actually realize that in default for
20 something, that he has to pay for the mistakes that he's
21 made. And not only was he willing to do that, he was
22 willing to take whatever punishment we had to go along
23 with his lack of willingness to participate in that
24 particular drill.

25 So he came back. He participated in that drill and

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1 he actually completed all the punishment work that we
2 had for him, as far as running and that sort of thing.
3 And so just through that moment, that time, I was
4 reminded that he had never actually apologized to
5 somebody on his own before like that, and that he would
6 usually have to have a prompt to go to someone to
7 apologize for his actions. In this instance, he didn't
8 need that prompt and he came straight to me and owned up
9 to what he failed to do at practice.

10 THE COURT: Thank you, Mr. Inabin.

11 MR. BROWN: I would also ask that you hear from
12 Mike Gooch. Mike has known Jquan, and he's actually --
13 he and his wife sent him a Bible when this happened.
14 They've been involved through the church. He did attend
15 James Island Christian School, as well as the church.

16 THE COURT: Sir, if you would please state your
17 full name for the record, and spell your last name.

18 MR. GOOCH: My name is Mike Gooch, G-O-O-C-H, and I
19 appreciate the opportunity, Your Honor, to speak on
20 Jquan's behalf.

21 I'm in the -- I'm in the people business. And
22 currently I'm employed by Embassy Suites, I drive for
23 Goober [phonetic], and I'm a pastor in the city.

24 At the time, I've known -- I've known Jquan and his
25 family for nine years now. And when I first met him, I

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1 was a teacher at James Island Christian School, and then
2 went on staff at James Island Christian Church. And so
3 that's the time I'm going to speak to because that's the
4 time I know the Jquan that I knew.

5 Like I said, I knew -- I've known Jquan and his
6 family for nine years. I first met Jquan when his mom,
7 Rekay, was doing respite care for our special-needs
8 daughter Bethany. And Jquan and his brother Vance would
9 come with their mom, and I got to know them very well by
10 spending time together with them. And I was very
11 impressed with their mannerism, with their respect, and
12 the young men that they were becoming.

13 And so I was drawn to Jquan and his brother
14 Vance, and I really felt a drawing to encourage and
15 support Rekay in the good job that she was doing with
16 the boys.

17 So our son Andrew is two years older than Jquan.
18 And so what I started doing is, naturally, planning some
19 activity -- the activities we were doing with my son and
20 I, including Jquan and Vance in those. And we began
21 doing things. Like on Thanksgiving we would go and
22 serve a Thanksgiving meal to the homeless down at
23 Hampton Park, and we did that for about four years.

24 And whenever I needed -- as student minister at
25 James Island Christian, whenever I needed somebody to

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1 help me with setting up any of the youth events and all,
2 I could always count on Jquan and Vance to come and be a
3 part of that and give me a hand..

4 We did something throughout the year called Love
5 God, Serve Charleston, which was outreach events, and
6 Jquan was always involved in that. And that included
7 things like minor home repairs, painting, yard work.
8 And we worked with agencies and their clients, like
9 Meals on Wheels, and Lowcountry Work Relief, and things
10 like that. He was always very involved in that.

11 One of the last things that I just want to mention
12 about Jquan is during his time in high school, we had a
13 program for the elementary kids that involved soccer and
14 basketball, and Jquan twice a week gave of his time to
15 assist and to invest in the elementary kids by coaching
16 soccer and basketball.

17 And so when I heard of what had taken place, the
18 news about Jquan, my first thought was that's not the
19 Jquan Scott I know.

20 And so, Your Honor, I just appreciate the
21 opportunity to be able to speak on his behalf. Thank
22 you.

23 THE COURT: Thank you, Mr. Gooch.

24 MR. BROWN: Your Honor, if I may, he's got a cousin
25 here, Antonio Godfrey.

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1. And he I believe he also worked at The Oaks?

2. MR. GODFREY: My name is Antonio Godfrey. G-O-D-
3. F-R-E-Y.

4. THE COURT: Thank you, Mr. Godfrey.

5. MR. GODFREY: I'm a contractor. I have my own
6. business. Jquan has worked with me several occasions,
7. Eager to learn, willing to work. In the fall, when he
8. managed to go back to college, working at Dorchers, and
9. we exchanged numbers again, and he would call me and he
10. would come out and work for me. And it's an honor to be
11. here to represent him. And I hope God will show mercy
12. upon him.

13. THE COURT: Thank you, Mr. Godfrey.

14. MR. BROWN: Your Honor, Pastor Russ Miller is the
15. current pastor at James Island Christian Church.

16. MR. MILLER: Your Honor, I'm Russ Miller. My last
17. name is M-I-L-L-E-R.

18. THE COURT: Thank you.

19. MR. MILLER: I first want to say just that as a
20. pastor, that to speak on behalf of Jquan, just that his
21. actions that he did were senseless and evil. And I
22. think -- I do have something specific to share with you
23. that might be helpful.

24. I've known the family for the last 9 years, and I
25. worked very closely with them. Our church has a school

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1 connected to it and so I see them very regularly. His
2 mom, Rekay, is one of the hardest-working people I have
3 ever met. So she would work two or three jobs at a time
4 to make sure that he got a Christian education.

5 Truthfully, as some of the things that were shared,
6 there were times where he responded well to our
7 instruction and sometimes where he really frustrated us.
8 And there's been a long history of trying to point him
9 in the right direction.

10 But I wanted to share with you specifically a
11 couple of months ago when we were in your court and I
12 had a chance, with his mom and sister, to talk
13 specifically about him pleading guilty. And we did
14 that. We encouraged him to do that, not because it was
15 a great legal move but because it was the right
16 decision. And I saw his mom impress on him to make that
17 plea for the sake of the Apps family and to not have to
18 take this to trial. We encouraged him to take
19 responsibility for his action, and he did, and he did --
20 he definitely did willfully.

21 And I wanted you to know that I've seen a visible
22 change in his demeanor since then. So I've seen someone
23 go from being closed off and defensive to somebody being
24 teachable and humble. I was meeting with him yesterday
25 and again saw that. Very thankful that he had pled

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1 guilty and taken responsibility. And so I do have hopes
2 that his time away will be helpful to him.

3 And I wanted you to know, and the courts to know,
4 that our church has a wide commitment to their family.
5 And so wherever he is, we will continue to work with
6 him. We will continue to support his mom. And, if at
7 mercy on the other side of this, he's able to live out
8 in the world, that we would do everything we can to make
9 sure that he does that, doing good, with our people.

10 THE COURT: Thank you, Pastor Miller.

11 MR. MILLER: Thank you.

12 MR. BROWN: Your Honor, Mr. Walker, James Walker,
13 is his grandfather. And his grandmother is on the other
14 side. I think they both wish to address you.

15 MR. WALKER: I'll go first. My name is James
16 Walker, W-A-L-K-E-R.

17 I'm a forty-year police veteran. I was a detective
18 for Charleston City, Charleston County, spent the last
19 23 years with the CSX Railroad Police Department.

20 Jquan -- this is a shock to me. I have to repeat
21 what some of the others said. It's not the Jquan that
22 I --

23 I used to take Jquan around every summer. I taught
24 him how to drive a lawnmower, to cut grass. I took him,
25 his brothers, and other kids, to boy's weekend, we went

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1 to the lake, to try to instill in them some fact of
2 certainty.

3 My heart goes out to the victim's family. I can't
4 for the life of me understand what happened or why. I'm
5 just here in support, Your Honor.

6 THE COURT: Thank you, sir.

7 MR. BROWN: Your Honor, right before this hearing,
8 there was another gentleman that was here. His wife had
9 a cancer treatment at two o'clock. He was a coworker of
10 Mr. Walker, career law enforcement who knew Jquan, he
11 told me, from the time he was six years old. He was,
12 for the record, staff sargent in charge of CSX, David
13 Thomerson, T-H-O-M-E-R-S-O-N. And he was here but had
14 to leave, Your Honor.

15 And this is Ms. Walker's grandmother.

16 MS. WALKER: My name is Harriet Scott Walker.

17 THE COURT: I'm going to need you to speak loudly.

18 MS. WALKER: My name is Harriet Scott Walker,
19 W-A-L-K-E-R, and Jquan is my grandson, my oldest
20 grandson.

21 And I just want to say that he has always been
22 respectful, always listened to me, to my husband, to my
23 daughter. And when he was growing up and his mom had to
24 work, we would have like boy-girl talks and I would, you
25 know, try to direct him in the right way.

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1 He was raised in a Christian home. He was taught
2 every day to be kind, have manners, and respect other
3 people. And sometimes when kids do all this, and then
4 think after. But Jquan is still a good child. He's
5 still my grandson. I still love him. God loves him.

6 And I want to say for you to please have mercy on
7 him when you sentence him. Please do, because he's at
8 an early age where there is still time for him to --

9 And we all sin. And I asked him to go to God and
10 just ask God to forgive him for all this.

11 And I want to say to the Apps family, I don't know
12 the pain, but I sympathize and I pray for you guys. But
13 we have to learn to forgive and let God.

14 And I just want to say to my grandson, I love you.
15 I love you. Thank you.

16 THE COURT: Thank you.

17 MR. BROWN: Thank you.

18 Your Honor, in between the grandparents is Keandra,
19 Kiki is what she goes by, Scott. Stand up.

20 MS. KIKI SCOTT: My name is Keandra Scott.

21 S-C-O-T-T.

22 THE COURT: I'm going to need you to speak loudly.

23 MR. BROWN: Speak up.

24 [Off the record momentarily]

25 UNIDENTIFIED: Come back.

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1 MR. BROWN: And at that point, I'll also let you
2 know that he's got a brother, Vance, that is 17 years
3 old, and after discussions we decided it was better for
4 Vance not to be here. But it's not that he wasn't
5 willing to come. We just thought things were better
6 that way, Your Honor.

7 And I'll just tell you, when I was involved in this
8 case, Vance is 15. He was about this tall, and now, of
9 course, he's grown up. And I don't think it's been
10 positive for him that his brother is gone. And I tell
11 Your Honor that because that's just one of the things
12 that happens, how small, bad decisions, big, bad
13 decisions, kind of ripples and affects other people
14 outside of it. And I wanted to point that out.

15 We would also like to have his mother, Rekay Scott,
16 if she can speak, Your Honor.

17 MS. REKAY SCOTT: My name is Rekay Scott,
18 S-C-O-T-T, and I am Jquan's mother.

19 And I just want to say that there's three families
20 here that have been affected, not just mine, and not
21 just the Williams.

22 But my heart bleeds for the Apps family. I never
23 got the opportunity to just say to them I am sorry
24 for -- took their child. And I just wanted to take the
25 opportunity today to just say that I am sorry, and to be

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1 mindful that it's three families here that have been
2 affected by what's going on.

3 This is not the child that I raised. He's not --
4 the mistake that he made, he did not know it was a very,
5 very bad decision that he made in one moment that cost a
6 life. I just ask that you guys have mercy on him.
7 That's the way it was with Mr. Williams, also.

8 Again, I sincerely apologize to the Apps family. I
9 don't know if he -- I cannot even imagine what you must
10 be feeling. It's just nonsense. It was just nonsense
11 to do whatever he did.

12 MR. BROWN: Your Honor, if my client can speak
13 briefly.

14 If you're here -- if you'll just raise your hand if
15 you're here for Jquan.

16 There were many other people who did volunteer to
17 speak, Your Honor, and of course we tried to limit it,
18 to make it an appropriate presentation.

19 THE COURT: Is there anyone else that wishes to
20 address the Court, Mr. Brown?

21 MR. BROWN: I'm not sure right now.

22 Is there anyone else? Ms. Keandra, do you want to
23 speak?

24 Thank you, Your Honor. I think that's okay.

25 THE COURT: There's no one else?

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1 MR. BROWN: If you could hear -- yes, ma'am.

2 THE COURT: All right.

3 MR. BROWN: If you could have Mr. Scott -- if you
4 could swear him in?

5 THE COURT: Please swear Mr. Scott.

6 THE CLERK OF COURT: Mr. Scott, please raise your
7 right hand.

8 [Whereupon, Mr. Scott is duly sworn by the clerk of
9 court as follows: do you swear or affirm the testimony
10 you give the Court will be the truth, the whole truth,
11 and nothing but the truth, so help you God]

12 MR. SCOTT: Yes.

13 THE CLERK OF COURT: Thank you, sir.

14 MR. SCOTT: I would like to apologize to Ms. Apps
15 and his family. I know what I did wasn't right.

16 THE COURT: We cannot hear you. I need you to
17 speak louder, please.

18 Mr. Brown, if you'll move that microphone closer,
19 perhaps?

20 MR. BROWN: Sure.

21 MR. SCOTT: I want to first apologize to Ms. Apps
22 and her family. I know what I did wasn't right. I
23 can't imagine how she feels right now. I can't give her
24 back her boy, so I wanted to ask her forgiveness and
25 mercy.

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1 I apologize to my mother and the rest of my family
2 for the pain that I brought them, too. It wasn't the
3 way I was raised. I slipped up. I'm sorry. I ask for
4 your forgiveness from you, the rest of the court. It's
5 the worst thing I ever did in my life. And I'm just
6 sorry for everything and to everyone. Ask you for your
7 mercy.

8 THE COURT: Thank you. Mr. Brown?

9 MR. BROWN: Your Honor, if I may just close.

10 You've heard the thing about this not being the
11 Jquan that any of these people knew. And I don't think
12 there's any indicator out there -- there were a lot of
13 text messages. If you read through them, almost every
14 bit of them -- and it's from several friends, Mr.
15 Scott's family -- all of it's high school stuff. I
16 mean, it's not all I go to church, certainly not. But
17 there's nothing else like this on those calls any time
18 that he is dealing with his high school friends.

19 On the conversations you can see, as things get
20 closer, it's a little desperation. Everybody else is
21 back in school. And like I said before, you can see a
22 kind of a little shift when there was a point -- I think
23 at one point with an army recruiter or a military
24 recruiter, he had made that. I think there was some
25 tension. Otherwise, there's no way that I can

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1 rationalize an irrational act, Your Honor.

2 But I would suggest, in the words of Professor
3 Delgado [phonetic], from the law school, a person is
4 more than the sum of their worst acts. And I think
5 certainly Jquan, even though he only had 19 years before
6 he was arrested, that there certainly was a lot more to
7 him up to that time.

8 We know that prison is serious. We know the
9 General Assembly decided that a sentence for murder, not
10 manslaughter, not self-defense, not involuntary -- we
11 know that the General Assembly in Columbia at some point
12 believed that there are people charged and convicted of
13 murder for whom a 30-year sentence was sufficient to
14 meet the aims of the justice system. We urge Your Honor
15 to see this as one of those cases.

16 We've presented the information to Your Honor and
17 we ask that you consider that on October 3rd, 2013, the
18 worse decision that Mr. Scott ever made. The biggest
19 decision related to this case, since that time, is the
20 one that you're about to make and we ask that you use
21 the mercy and wisdom, that Mr. Scott did not use, when
22 you turn -- when you pass down your sentence, Your
23 Honor.

24 I don't think there's a person in this courtroom
25 that wouldn't turn back the clock and send all three

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1 sons back home to their family, if they could do so,
2 Your Honor.

3 And, again, we ask for your mercy. We ask that you
4 consider the information that we've provided today, and
5 give a sentence that shows appropriate retribution as
6 needed, but certainly tempered with the mercy and
7 justice that Your Honor also -- that that robe brings
8 Your Honor and the law. Thank you.

9 THE COURT: Why wasn't he in college?

10 MR. BROWN: There was a financial reason that he
11 could not go back the second semester. If I understand
12 it, he was in a private school. It's a private school.

13 And he had -- and he tells me that there's a
14 recruiting -- and that's not the right word -- NCAA at
15 the site that you've got to go back on, put your
16 information back on, to transfer to another school. He
17 had been in discussions. There's another coach -- one
18 of the coaches that works in another college here, and
19 it's my understanding he did go back and did update that
20 information so his scores would be eligible to be sent,
21 for eligibility purposes, with the governing authorities
22 of the sports leagues, Your Honor, so he could go back
23 to school.

24 And, again, there was -- and it came up in his text
25 messages. I've never ever spoken to his mother about

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1 it. But there was reference in there about him having
2 an appointment with the recruiter. He didn't go. This
3 was in September of 2013. It was a month before.

4 Like I said, if anybody in this courtroom could
5 turn back the clock, I'm sure they would. Certainly, if
6 he could come up with that meeting, there's a chance
7 that that's what he would be doing right now, is serving
8 our country and possibly back in school that way, as
9 well, Your Honor.

10 But this is the first thing he did -- and I don't
11 need to repeat everything. But we just ask that you use
12 some mercy and wisdom, that was not shown that day, in
13 this important decision. Thank you.

14 THE COURT: Ms. Wilson?

15 MS. WILSON: Thank you, Your Honor.

16 Judge, before I get started in talking about the
17 crime here, I think it's important that we focus also on
18 Alex and his life.

19 As we set up to get ready -- and, again, I thank
20 the Court for all your patience.

21 I thank the media for their patience, as well. As
22 I mentioned before, all these things happened very
23 suddenly so I think they felt a little in the dark not
24 having known that we had resolved the cases and that we
25 were ready for sentencing.

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1 One of the things that I've discussed with
2 Mr. Brown and Mr. Mlynarczyk is that despite how
3 horrible this case is, that we did feel like we had
4 such great people on both sides. The defendants' side:
5 I've met Mr. Williams's mother. I've heard a lot about
6 Mr. Scott's family.

7 And certainly Ms. Apps and the entire community
8 around Alex has risen to the occasion and has been more
9 than patient with my office, with the goings-on in
10 court. They've been fabulous to work with. And,
11 really, they've sat back and let all of us do our jobs,
12 and that's all I can ask for in a case.

13 What's doubly painful to watch today as these good
14 people, who I have no doubt are fine, fine, devout
15 people here for Mr. Scott, and the bottom line is he
16 fooled them. He was and is a silver tongued devil. And
17 they believed him. He was living a double life that
18 they had no idea about.

19 And all of this, and Alex's good-hearted and good
20 nature, played into the double life that he was living,
21 because Alex was everybody's friend. He was a
22 Renaissance man. I mean, he is what any mother would
23 want in a child: hunting and fishing, and all of those
24 things, along with the softer side. He was a history
25 buff. He loved to dance.

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1 This is a picture from when he was younger and I
2 guess he was taking cotillion, or whatever the more
3 civilized people -- that I am not -- do, learning to
4 dance. And that continued on through his life.

5 He was just full of life. He loved this city. He
6 loved the Lowcountry and all that it had to offer. And
7 he really took advantage of it.

8 This is Alex and his mom. She was a single mom.
9 Her husband, Alex's father, had been killed, murdered,
10 just a few years before this when Alex was in his high
11 school years. And that took a major toll on Alex. And
12 certainly it did Ms. Apps, too. But they persevered,
13 and they persevered together, and it was clear what a
14 close relationship they had.

15 And all the struggles that he went through in high
16 school, and then come into college where he could be in
17 a place of -- unlike any other, especially in the United
18 States, for history. Part of the time that he worked,
19 he worked as a tour guide, telling people about this
20 great place.

21 And it just really is a shame. People ask, you
22 know, Craig's List, why Craig's List. Because as you
23 recall, this was about Alex selling his truck on Craig's
24 List. Well, again, as a testament to Alex and his
25 family, this was not the first time, you know, that he

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1 had been involved with the purchase of a vehicle over
2 the internet and that sort of thing. He had actually
3 bought the truck -- that Jquan Scott wanted so
4 desperately so that he could remain this star in
5 everyone's minds, I guess. Alex had bought that truck
6 online or through correspondence with someone in another
7 state.

8 He went to go buy the truck with his mom. They
9 flew out there. They got it. Alex remains friends with
10 the guy. You know, he just hit it off with him,
11 continued to be friends with a guy from some other state
12 that sold him the truck. That's the kind of guy Alex
13 was. You met him, you loved him, and from then on he
14 was a friend.

15 And so I have no doubt that Alex thought that he
16 was entering into the same type of agreement with this
17 person, Jquan Scott -- not Isaac Williams -- Jquan
18 Scott, that he was going to be selling this truck to.
19 They had numerous interactions back and forth about the
20 sale of this truck.

21 And I think it's important to realize that this was
22 not a split-second decision. Yes, there was always a
23 time that Jquan could have changed his mind and not
24 killed Alex. This was a plan. This was not an armed
25 robbery gone bad. This was not a drug deal gone bad.

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1 This was a planned execution.

2 And I understand that that is not the Jquan that
3 these good people know, but that is the Jquan who is
4 here to be sentenced. And that is the reason that we
5 were so adamant, that we were willing to go to trial, no
6 plea offer, no nothing, because a life sentence is
7 what's appropriate for someone who sets another person
8 up who's been nothing but nice and nothing but
9 accommodating.

10 There was no bad blood, there was no nothing. He
11 just wanted the truck, he couldn't afford a truck, he
12 knew he had conned how many people for how many years
13 about who he was and what he was, and he thought he
14 could get away with this.

15 And this notion that he cooperated? Yes, he did
16 lead the authorities, who are here and who have sat here
17 all day, who were here for the trial prep when we needed
18 them -- because we had been through all of that. We had
19 done the trial prep. Agatha Apps has had to go through
20 trial prep.

21 He thought he could fool them. And so while he's
22 in his 10 hour of interviews, he started crying. Yeah,
23 he cried at one point. But he even says he's crying
24 because he's thinking about the money he's lost, because
25 one of his stories was that Alex went off with the money

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1 and somebody must have robbed him later.

2 You know, as it went through, on and on, hour after
3 hour, even taking them out there, it's not just that he
4 couldn't own up, it's not just that he fingered his
5 codefendant, he started naming people, real people, and
6 blaming them. I mean, these cops were going out
7 interviewing real guys that he knew that he tried to
8 finger for this murder. You know, that's not exactly
9 what the feds are thinking about -- and I've been a
10 federal prosecutor -- when they're talking about
11 acceptance of responsibility and cooperation. That's
12 not what it's about.

13 So Jquan set up this deal. And I'll show you in a
14 minute, he was looking for an accomplice. He had been
15 looking for an accomplice to help him out with this for
16 a long time before. The reason the deal didn't go
17 forward was because Alex was having trouble with his
18 truck so Alex, being the good guy that he is, he's not
19 trying to sell Jquan a lemon. He's trying to see about
20 getting it fixed and see if he can get the things right
21 before he turns it over. He doesn't want Jquan to have
22 some truck that, you know, breaks down or that has some
23 kind of problems. He wants to make good on it and to
24 assure that Jquan knows exactly what he's getting. And
25 so there was a delay.

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1 And during that time of delay, Jquan's shopping
2 around for his buddies. Not these good people, because
3 this isn't who all Jquan always hung out with. He had
4 plenty of drug-dealing friends, he had plenty of armed-
5 robbery friends, and it was not the blind leading the
6 blind. He knew exactly who he was dealing with.

7 So finally when they do set up this deal to make
8 this purchase with Ms. Apps, with the title, they meet
9 at Hardees. Ms. Apps is actually there waiting for them
10 to return from this test drive. I mean, she's waiting
11 for hours because they were just supposed to ride off,
12 let Jquan do the test drive, and then come back. Well,
13 Alex never comes back. Well, little does she know, her
14 son is dead and this guy is texting her for hours, and
15 even the next morning, pretending to be Alex. I can't
16 imagine how that feels as a mother. I really can't
17 imagine that. Knowing --

18 You know, her husband was murdered. Alex's father,
19 murdered. She knew in her heart and in her soul that
20 something was wrong when he never showed up and day
21 after day after day after day goes by with nothing. She
22 knew Alex wouldn't do that to her.

23 His friends, what are they doing? They're going
24 over to my neck of the woods, where they used to go
25 hunting, looking for him out there, maybe he went out

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1 there to go hunting. They're trying anything to just
2 make it not be true, because everybody knew that Alex
3 wouldn't have done that to his mama and he wouldn't have
4 done it to his girlfriend Lauren. These people had to
5 suffer from Thursday on into Monday before they find out
6 the ultimate truth.

7 You know, one of the things that touched me in
8 looking at this -- this is Alex's apartment that he
9 shared with Lauren, his girlfriend. And when the police
10 came in, this is what they saw. This is just one shot
11 of it. As you can see, there is a mounted deer. He was
12 an avid hunter. Another shot.

13 But what got me was that and that [indicates],
14 because you want to believe, you want to have hope.
15 What those were were notes that Lauren had left, and put
16 them on the two places she thought for sure when he came
17 in he would see them. One was on the big-screen TV,
18 another was on the mirror in the bathroom. Alex, call
19 me and your mom. You know, at this point, she's gone
20 back to Beaufort with her mother because they know
21 that -- they're still hoping. They're still hoping.

22 But as we know, this truck, this truck, is what was
23 so important to Jquan Scott that he planned an execution
24 and that he dragged Isaac Williams and tried to drag
25 another guy into. He had an imagine to maintain. And I

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1 can just imagine how it happened. You're in school,
2 you're a nice-looking guy, you're a smart guy, you're
3 setting records, you go to college, you come home from
4 college for whatever reason. All your friends have
5 moved on. All your friends are doing well. They're at
6 USC Beaufort. You know, they're hanging out and you're
7 a little loser down here in Charleston, no job, no
8 nothing, what can I do to make me look bigger and
9 badder, more important. Get a cool car. Get a big,
10 manly truck.

11 You know, one of the things that also pains me
12 about this case, and what I think is so hard, again, I
13 know from Ms. Apps, is this was the first real adult
14 decision that she let Alex make. And she was a good
15 mom. And she had the insurance policy in her hand, she
16 thought, and that was the title. She knew he couldn't
17 mess up too badly because he had the title.

18 So she lets him make all these plans to get rid of
19 the truck because, like you might imagine, Ms. Apps
20 knew, like any good mother would know, he did not need
21 that truck living in downtown Charleston. You can't
22 drive it around. You can't park. He was having to park
23 way away from where they lived. He was having to pay
24 for parking. It was impractical. He insisted. She
25 went along with it. And then sure enough, guess what?

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1 Mama's right, and he's got to get -- he's got to get rid
2 of it.

3 So that's what started all this. And it fell right
4 into Jquan's M.O. He wanted this truck. Because what
5 did he do right after he got the truck, Judge? You
6 know, after he drops off Isaac, and there's blood in the
7 truck, he cleans it out, he cuts out the seatbelt. He
8 goes down to USC Beaufort.

9 And these are just some pictures from inside the
10 truck. You can't see real good, but there's still blood
11 in the truck. It's still on the seats.

12 He's partying in Beaufort with all of his friends
13 from high school, who are doing well and who he hopes to
14 impress with this truck. You know, he's not worrying
15 about all of that. Why is he not worried? Because he's
16 got the silver tongue. He's got the gift of gab. He
17 can explain it away, just like he almost did with some
18 of the first detectives he talked to.

19 His clothes, they're at home. No effort to destroy
20 them, or wash them, get rid of them, his clothes with
21 Alex's blood on them. You know, he had one thing on his
22 mind, and that was impressing his friends with this
23 truck. Again, all over him. All over him.

24 You know, Judge, that eventually we found -- law
25 enforcement found Alex's body right around where that

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1 red circle is, just to orient you. This is from Mount
2 Pleasant looking to Charleston. And that's Channel 2
3 right there. I'm sure you've seen that. This was right
4 on the other side of the road from Channel 2 where they
5 dropped his body. And I remind you, Judge, that this
6 took place in broad daylight. That's how brazen, that's
7 that's how brazen, Jquan Scott was.

8 I want to go through with you again -- I
9 highlighted and I mentioned the fact that this had been
10 going on for some time. These are texts between Jquan
11 and another guy, Devin Heyward, that took place on
12 September 16th and September 18th, before he had met
13 Alex. And eventually, Judge, he takes Devin Heyward to
14 meet Alex the week before the murder. And, again, Alex,
15 being a good guy, was not ready to let him have the
16 truck because the truck wasn't working.

17 So these are texts of Jquan's -- Jquan's words are
18 in red. What is he saying? Might as well do the ATM
19 thing. Lol. I'm dead broke right now until next week.
20 Do the ATM thing? I'm broke? The response from Devin
21 is nobody gets paid on no money -- Monday, may got to
22 wait Thursday or Friday or Saturday. And then, you
23 know, you call. Then Jquan's response: yeah, man, I'm
24 going to need a whip. Lol. A whip is a gun. I'm going
25 to need a whip. Lol. You trying to help me with

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1 something? It'll benefit you. Then he says, y'all
2 call Black and see if he got it. And then Jquan: need
3 you to bring the strap. If you've got an extra, bring
4 another. The strap is a gun. I think somebody was
5 saying a whip is a car. A strap is a gun. I don't
6 think anybody's going to argue about a strap being a
7 gun.

8 So he's talking with Devin about getting a gun.
9 He's talking about needing money. And, again, this is
10 on September 20th, with the other guy, Devin, again
11 before meeting Alex for the first time.

12 He's saying, Devin, you got the .40 with you?
13 Devin tells us the .40 is his .40 caliber, that Jquan
14 knew he had a .40.

15 And then Devin says: Jquan, bro, listen, the truck
16 worth it. But, bro, you know, ain't -- you ain't know
17 who you robbing, bro.

18 Look at that. I mean, this is a full 14, 13 days
19 that Jquan is thinking about doing this. And Devin is
20 saying, you know, we go out separate ways, he needs --
21 just needs 150.

22 And when you talk about being able to back out,
23 Devin Heyward didn't want to go through with this. He
24 didn't go along with it. And that's where Isaac
25 Williams came in. And what Isaac eventually told us,

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1 after some other stories, is that this was planned. And
2 when I say this was planned, I don't mean just the
3 robbery. You can see that the robbery was planned --
4 but that the murder was actually planned. And Isaac
5 knew that, as well.

6 And so let's take a look at some of the texts
7 between the two of them. We've moving now -- Devin is
8 out of the picture. Devin has met Alex. They met at
9 the same Hardees. And Devin wanted out. Jquan kept
10 trying to get him to go for this test drive, and Devin
11 wouldn't go. He said, we're not going. That falls
12 true.

13 All right. So Jquan is telling Isaac that, the
14 dude ordered the wrong part for my truck so I couldn't
15 get it until this Thursday to head up the road to re-up.
16 Jquan responds, all right -- I mean, I'm sorry. Isaac
17 responds, all right, just hit me up.

18 This is very telling. If you want to help me with
19 something, I'll call you in a little bit to tell you.
20 All right. Sooner is better. Just don't say shit to
21 anyone. Williams' response: I won't even say anything
22 to myself.

23 They rock along. Then we move to the 3rd. This is
24 actually in the hours before the murder.

25 Now I'm having technical difficulties.

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[Off the record momentarily]

MS. WILSON: All right. Isaac Williams is at work. They are supposed to go meet Alex at Hardees. And so Jquan is telling Isaac, he said: we could meet at 3:45. He's telling Isaac to: take your lunch at 3:00 and Isaac is saying, no, I'll take it at 3:30.

Then we have Jquan telling Isaac he's on the way. Isaac responds: all right. And then the key points: you want a bus or you want to drive? And Isaac will advise that bus means bus or cab. Do you want a bus or cab, or do your want to ride -- drive. And he then reminds him: don't say anything in front of this other guy who's giving us a ride. Don't say anything to him.

Because this Michael guy, who we have talked to and who was willing to testify, he knew nothing about any of this at all. At all. So he drops them off.

And then Jquan tells him when he's arrived that they're at the back. And, again, Isaac tells him, I want to drive, I don't want the bus, I don't want a bus or cab.

The other thing that, you know, is important when you're -- you've got to remember they killed Alex in broad daylight, dumped his body in broad daylight, in Mount Pleasant just over the bridge. And there does not seem to be any real reflection on this, any -- certainly

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1 no remorse. Because later that night, what are they
2 talking about and forth? They're talking back and forth
3 about the money situation and whether or not they can
4 use a card.

5 And we know that later on that weekend, while at
6 USC Beaufort, Jquan Scott ends up using Alex's card to
7 make purchases to buy food, to buy shoes. But what
8 Isaac is trying to get from Jquan is whether or not they
9 can get some cash from the card, and which Jquan says, I
10 don't have the pin, I forgot the pin. I don't know
11 whether or not Jquan ever knew the pin. There's no
12 indication from Isaac that he did. I don't know if he
13 saw the pin somewhere in Alex's belongings. I just
14 don't know. But there's no question that that night,
15 they're still trying to figure out a way to get money.

16 So those are the things that I think the Court
17 should think about when -- because I understand that
18 mitigation, part of mitigation, can be a snap decision,
19 you know, when somebody loses their cool, when somebody
20 loses their temper, when somebody gets upset. That's
21 not what we're dealing with here.

22 [Whereupon, video plays]

23 [Whereupon, the video is not transcribed by the
24 court reporter]

25 MS. WILSON: I wanted you to see, Judge, just a

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1 couple of short clips.

2 This is from the Hardees where Alex and Ms. Apps
3 met Jquan and Isaac. And the white SUV that you see
4 there on the left, that is Agatha's car. That's what
5 she and Alex -- well, she came in, and Alex brought the
6 truck. And so what you'll see in this is you'll see
7 them greeting Jquan and Isaac. That's Alex standing to
8 the right, by the truck, and that's Isaac and Jquan
9 walking. Ms. Apps is beside Alex.

10 You can see that Jquan -- you may not be able to
11 see it on there, Judge, but Jquan had on a book bag.
12 Isaac had nothing. What Isaac tells us is that the gun
13 was in the book bag, and that Jquan got in the back
14 seat. Of course, Jquan later lies about where everybody
15 was seated. And then you see Ms. Apps get in her car.

16 One of the things that has haunted her -- and
17 again, as a mother I don't -- I don't know how you
18 handle this like she had handled it. But they shook her
19 hand, they looked her in the eye, knowing that they were
20 driving her son to his death. You know, I don't know
21 how people deal with that. And then to have to sit in
22 my office and watch this stuff, you know, two years
23 later, is just beyond comprehension. It really is. If
24 there were a time to turn back, that was it. These guys
25 knew that she was sitting in that car waiting. What

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1 kind of brazenness, what kind of cockiness, is it to do
2 something like that?

3 Yes, there has been a change in his demeanor.
4 Let's keep it changed. Let's keep his demeanor changed
5 by keeping him where he is -- where he belongs.

6 We see them back out. Again, Isaac is driving, you
7 can tell by the dark outfit, and they drive away. She
8 watches her son drive away.

9 I think I've given you a pretty good outline of the
10 crime and the type of person that we're dealing with
11 here.

12 Again, when we -- we can't stop someone from
13 pleading guilty straight up. If someone -- they have a
14 right to plead guilty. He took that right, and he did
15 that, and it -- and I argue was not timely. We had been
16 through all of this. We had made Ms. Apps sit down and
17 go through all of this with us. We're talking just a
18 week out, before he decided to see what he could get.

19 And I think it's clear that from what little bit
20 I've shown you here today, that he knew where this was
21 heading. And this wasn't about saving her. This was
22 about saving him from a life sentence. He knew that's
23 what we wanted, and I think they know that that's what
24 this calls for.

25 Judge, I have a number of people who want to speak

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1 with you, and then I'll have one other thing to say.
2 I'm not sure what order we want to go in.

3 MS. FORD: My name is Stacey Ford. F-O-R-D.

4 We have been friends with the Apps since my
5 daughters, I have a set of twin daughters, were in first
6 grade. And our families vacationed together. We became
7 friends with the whole family. And Alex was very close
8 to us.

9 Unfortunately, my two daughters, who had other
10 commitments, could not be here today and they wanted me
11 to read two statements to you from each of them,
12 statements from each of them, about Alex.

13 Allison said, Your Honor, my name is Allison Ford
14 and I'm currently a fourth-year medical student at the
15 University of South Carolina School of Medicine. I've
16 known Alex since I was in first grade. We were friends,
17 we were study-buddies, we were ballroom dance partners,
18 and lovebirds on several occasions.

19 There are plenty of kids who have grown up together
20 their whole life, but relationships like Alex and I
21 shared was truly unique. Despite having to write his
22 eulogy, and writing this letter over and over again, I
23 have never been able to find the right words to
24 articulate how special Alex was to me.

25 Our relationship is a feeling that is deeply

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1 ingrained, and there are truly no words able to express
2 the magic of our wonderful memories. Every day, I hear
3 Alex's big belly-laugh and see his beautiful smile with
4 his adorable dimples. Every day I feel myself blushing
5 as he teased me for taking too long to get his jokes. I
6 see him roll those dark, hazel eyes at me as I would
7 tell him I was too busy to go out with him because of
8 school. I can feel his arms around me as he walked me
9 through the streets of Charleston one night to cheer me
10 up. I can feel the pride he would have as we would walk
11 into a bar and head straight to the dance floor and he
12 would gracefully twirl me six times in a row, just to
13 show off.

14 And now, even almost two years later, I feel hope
15 for Alex. I hope that every time when I see a horse and
16 carriage go by on the streets of Charleston, that that
17 driver will turn around and it will be Alex holding the
18 reins of that horse, wearing his khaki hat, smiling at
19 passengers. I hope that I will go to our family's
20 annual Christmas party and we'll show up and try to beat
21 my dad at a game of basketball outside. I hope he'll
22 make it to my wedding next year and sweep me onto the
23 dance floor and twirl me around and around until I'm too
24 dizzy to stand up. I hope that he will call me, or
25 he'll send me a quick text, and tell me he knew how

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1 special he was to me.

2 I remember as a little girl being out on the dance
3 floor waltzing with Alex at the Christmas Ball in
4 Beaufort, South Carolina. He was dressed in a rented
5 tux and I in a beautiful silver dress and he whispered
6 the lyrics in my ear, if I can have this dance for the
7 rest of my life. At that time we both chuckled, and I
8 replied yes. We were probably ten at the time, and the
9 rest of our life seemed so far away. If I had known
10 that we would not dance together forever, I would have
11 never left the dance floor. I replay that moment like
12 this over and over in my head and try hard to hold onto
13 the strength of the most wonderful memories and feelings
14 I've had with Alex.

15 As I write this letter, I have an entire box of
16 tissue paper in my lap and my keyboard is wet with
17 tears, many of them happy memories that Alex and I
18 shared, but most of them is despair of the emptiness
19 that I'm left with following Alex's tragic death.

20 Please consider the deep ache and loss that those
21 close to Alex experience every day as you sentence this
22 young man who committed this senseless and terrible
23 crime. I hope this letter can convey the tragedy that
24 Alex's loss has had not only on myself, but the entire
25 community. And I hope you can feel Alex with you as you

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1 read this letter, because these words on these pages
2 will never be enough to capture the true, special man
3 Alex was. Thank you for your time.

4 And can I read one more from my other daughter?

5 THE COURT: Just so the record is clear, some of
6 these letters were already part of the --

7 MS. FORD: Yes.

8 THE COURT: Your daughter's letter was part of
9 my --

10 MS. FORD: Yeah. Would you like me not to read?

11 THE COURT: That's fine. I will allow it.

12 But I just wanted -- so that you know that I have
13 already read --

14 MS. FORD: Okay. Well, then, I don't have to.

15 But I would like to say that Alex's friends and
16 family, and his mother, who's my best friend, all of our
17 lives will never be the same again. My best friend will
18 never have the opportunity to see her only son rock her
19 grandchild. She will never have the opportunity to have
20 that mother-son dance at the wedding, and to watch Alex
21 just grow up, and it truly breaks my heart.

22 And our whole lives have been affected by this and
23 that we will never be the same. Thank you for your
24 time.

25 THE COURT: Thank you.

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1 MR. BOSWORTH: Your Honor, my name is Bill
2 Bosworth. B-O-S-W-O-R-T-H.

3 I first came to know Alex when I started dating
4 Agatha about ten years ago. It was not hard to see the
5 loving relationship they had together. Alex, he was all
6 the world to Agatha, and Alex adored his mom.

7 Watching Agatha struggle for almost two years with
8 the grim fact she'll never hold her son in her arms
9 again has been heart-wrenching. Not only has Agatha's
10 life changed, she has become a different person as a
11 result of this crime. Her relationship with me, her
12 family, her friends, has changed forever.

13 She'll never see Alex get married, nor will Agatha
14 ever hold a grandchild in her arms. How do you ever
15 recover from that? Agatha will forever be the parent of
16 a murdered son. Nothing will ever change that fact.

17 Not a day goes by that Alex isn't missed. Not a
18 day goes by without a tear being shed for Alex. Not a
19 day goes by without seeing the pain in Agatha's heart
20 for Alex. Not a day goes by we don't miss the sound of
21 Alex coming through the front door, or his voice on the
22 other end of the phone. Not a day goes by that I don't
23 ask God to ease the pain in her soul for Alex being
24 taken from us.

25 He left a lasting, positive impression with all he

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1 came into contact. And as people come and go on this
2 earth, William Alexander Apps was truly an exceptional
3 soul. Thank you.

4 THE COURT: Thank you.

5 MS. APPS: My name is Agatha Apps. A-P-P-S.

6 To share who Alex was and what he meant to me, a
7 few words on paper seem so small and insignificant, and
8 really impossible.

9 Alex was not just the victim of some senseless,
10 horrific crime. He was real. He was -- this is my
11 Alex. My Alex was -- he had beautiful eyes and a great
12 smile.

13 Alex was so many things to so many people. He was
14 such an advocate with the City of Charleston. Even he
15 cherished it. Its history he had shared with so many
16 people when he was a tour guide. Anybody who ever spent
17 any time with Alex was destined to learn something about
18 Charleston and to appreciate something about Charleston.

19 He was really such an ambassador for the College of
20 Charleston where he was -- he was just really proud to
21 be a student and where he was so close to reaching his
22 goals. His dream was to go on to law school here in
23 Charleston. He was a true history buff, and he majored
24 in history at the College of Charleston. He was really
25 into historic preservation. And I really always thought

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1 he could be a wonderful history professor.

2 He was -- and some of his friends know that he was
3 a staunch supporter of wildlife preservation, and just
4 conserving natural resources. He really felt strongly
5 about those causes.

6 And then on the sports-playing side, Alex was an
7 avid soccer fan. And even though he lived in South
8 Carolina, he loved those Georgia footballs --

9 He was a very social person. He just loved his
10 family and friends, and he enjoyed friendships with a
11 wide variety of racial and socioeconomic backgrounds.
12 He thrived on in-depth conversations with anybody that
13 was willing to debate any topic, especially those that
14 were dear to his heart.

15 I could share so much about who Alex was. But most
16 importantly, Alex was the kind of friend that anyone
17 would wish for. I'm not saying that he couldn't be a
18 pain sometimes. I know there are some of you here that
19 could attest to that. But he was always loyal, and
20 tried to be helpful and available. He would be there,
21 until the bitter end, for anybody who needed him.

22 He was a member of a really close family. He was
23 the youngest grandchild of a loving grandfather. He was
24 a nephew, and a cousin, and a second cousin, and a half
25 brother. And our family just was so important to him.

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1 He rarely ever missed a family gathering.

2 You know, Alex was the true love of the girl that I
3 really believed would be the mother of my grandchildren
4 one day. And Alex wasn't only my only son, he was my
5 only child.

6 His father and I were so blessed to have him around
7 because he completely filled our world, and he reached
8 into the lives of all those around him. He was the
9 absolute focus of our lives. And at times -- at times
10 I'm sure we were too hard on him and expected way too
11 much, but he certainly lived up to those expectations
12 more often than not.

13 His thirst for knowledge really began to surface
14 when he was about three and he became obsessed with
15 dinosaurs and whales. And he could recite all their
16 proper names in -- and you could ask him about any one
17 of them. And, really, that thirst always continued
18 throughout his whole life. He never shied away from
19 homework for classes at school. And he was too
20 frequently less concerned with the grade he would get,
21 rather than what he could learn. I was always reminding
22 him that grades were important. But I really did love
23 that he enjoyed learning so much. I wish I had told him
24 that. I never did.

25 We did everything together as a family. We would

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1 work and we played and we rested. And he wasn't allowed
2 to sit and watch TV or play video games. When we were
3 doing chores, he was doing them with us. And we really
4 tried to teach him how to have satisfaction in doing
5 things together.

6 He did well in school and he established himself as
7 a leader fairly early on in lower school, and he
8 continued to be an active leader in his class and in
9 student government through high school. He was often
10 relied on by his peers for fights and resolving
11 conflicts.

12 He really started participating in sports when he
13 was five. And he was coached on his first soccer team
14 by his dad. He really loved soccer. And he especially
15 loved it when he started wrestling with his dad at the
16 high school that he didn't even attend. And he just --
17 he just loved the sport. And that love never
18 diminished. I know here in Charleston he would go and
19 play in pick-up games with people. And, you know, he
20 just loved it.

21 And Alex faced more than his share of challenges
22 during his teenage years, primarily the death of his
23 father, as you've been told. Our lives really were
24 devastated. But his grieving, he survived. But that
25 is -- I guess all of his life's experiences really made

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1 the person that everybody loved.

2 He encountered more adversity when he -- during his
3 first year of college. That was the year that he dealt
4 with some unresolved grief about his dad, and it
5 resulted in -- his performance. He left the College of
6 Charleston. But he came up with a plan that would allow
7 him to return to school and finish what he started.
8 Moving on to another school wasn't an option he even
9 considered. He worked as a server at Barbara Jean's
10 restaurant, and took classes at Trident Technical
11 College, working that plan to get back to the College of
12 Charleston. And he did that. I was never so proud of
13 him.

14 After he left college, he -- left for college,
15 he -- our times always seemed so short because when he
16 would come home, he was always stopping by all your
17 houses. And, you know, I would expect him home at 8:00,
18 and I might see him at 12:00. But that was Alex. I
19 just learned from the time that he was born that he was
20 destined to be shared with family. And people just
21 seemed to be drawn to him.

22 So how do I possibly describe the impact of his
23 loss? How can I impart the anguish and the desolation
24 and the despair? The 25 years that Alex had on this
25 earth, I am -- and I was honored to be his mother. But

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1 I just long to touch him, and to hear the sound of his
2 voice, and hear his footsteps walk across the floor.
3 And that laughter that everybody talks about that, it
4 was so contagious.

5 And I'm sure that everybody remembers that -- his
6 burst of excitement whenever his team would score a
7 goal, and the roof would just rattle. His animation and
8 his exuberance, you know, when he would get into a topic
9 that he really could get behind. And his wit, and his
10 charm, and, oh, his powers of persuasion. I just want
11 to hear all the different ways he would say mom when he
12 would start his conversations with me.

13 Grief of this kind is just really all-consuming.
14 It affects every aspect of life. And things you never
15 even realize could happen to you. There's so many.
16 There's just such overwhelming sadness, and
17 uncontrollable crying, and sleeplessness. And then you
18 sleep around the clock, and you have nightmares, and you
19 have -- and you can't focus, and you can't work, and you
20 just feel so hopeless. And you just feel isolated
21 because the world is just moving on and you're just not
22 moving with it. And then you have such fears of another
23 tragedy.

24 That -- somebody will think that time will help to
25 cope with that loss, but that kind of pain doesn't go

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1 away, and I know this because I've lived through it
2 before. It doesn't go away.

3 So I've asked myself over and over and over again,
4 how is it possible that Alex's life, that was so full of
5 life and promise, how has it ended so soon? And the
6 answer to this unbelievable, real-life reality is that
7 Jquan Scott and Isaac Williams live among us. They're
8 just two humans with no humanity. They don't have any
9 regard for human life. I don't feel that they've
10 sincerely accepted responsibility for their crimes.
11 They waited over 19 months after committing them to --
12 and just days before their trials were to begin, to
13 plead guilty.

14 There hasn't been any remorse for what they did for
15 Alex. No remorse for the stress that it's caused his
16 family and his friends. There have been no pangs of
17 conscience. To look at me in the eyes knowing --
18 shaking my hand, knowing they were about to kill my son.
19 I don't think there's any regret for leaving me waiting
20 there for them to come back while they disposed of
21 Alex's body, and then carrying on a conversation with
22 me, texting back and forth, pretending to be Alex. And
23 they called me the next morning, and texted me again,
24 pretending to be Alex.

25 I mean, I just -- I don't think there's been any

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1 remorse for those gut-wrenching hours, four days of
2 waiting -- around -- not knowing if he was okay, where
3 he was, our desperation in trying to find him, and then
4 the horror of getting the phone call, or for the trip to
5 the ER that night.

6 I don't think there's been any demonstration of
7 shame for brazenly driving Alex's truck around the
8 vicinity of his hometown, and using his debit card,
9 pretending to be him. I really feel like he took my
10 son's life just to impress a girlfriend and have a
11 couple of days of fun.

12 This tragedy has -- it's affected so many lives,
13 not just mine. The heartache, the emptiness, despair,
14 it's felt by many, not just me. The kind of anguish
15 that we have suffered, it scars forever.

16 They took away Lauren's future with Alex. They
17 took away Alex's future, his family, his children. They
18 took away my future with Alex, the hope for my
19 grandchildren.

20 I will never be able to see Alex smile again, or
21 hug him and feel his arms around me and tell him how
22 proud I am of him and how much I love him. All these
23 things, well, I'll be denied forever. No matter how
24 impossible it is to believe or accept, my child is gone
25 forever and life will never again be okay for me or for

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1 Alex's family and friends.

2 So I'm asking that you please spare anybody else
3 from suffering at the hands of these men. They should
4 never have a chance to hurt another human being and
5 devastate the lives of so many. Please give these men,
6 with such evil in their hearts, who are capable of such
7 a cold-blooded act, the maximum sentence for the crime.

8 I don't know who they were before, and I don't know
9 how all these people knew him, but that's not the person
10 that he is now. And I would ask that you consider, Your
11 Honor --

12 I just wanted to mention that -- the talk about how
13 young he is, how young they are, and how many years, you
14 know, they might have to stay in prison and what the
15 outcome might be of that. But I just want to say the
16 man that shot and killed my husband, he was 70. So they
17 can still be capable of such a thing when they do get
18 out.

19 MS. WILSON: Judge, I think that's pretty much it
20 from us, as to Mr. Scott.

21 You know, and, again, I just remind you that this
22 defendant spent hours telling law enforcement, that
23 Monday before he led them to Alex's body, and even the
24 Sunday before when he talked to Beaufort, that he had
25 given Alex the money from the truck, that Alex must have

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1 been robbed, and that Alex owes him the title.. And I
2 believe that he thought he could get away with it. I
3 don't think this was just he thought he was going to
4 joyride and impress his girlfriend, who was here for two
5 days. He thought he was going to get away with it,
6 because he had done so well living this double life.

7 And it was interesting. You know, one of the
8 up-sides to doing the work that we do is the great
9 people that we get to meet. And Ms. Hughie and I got to
10 meet with some of Alex's friends, some of his buddies,
11 and, you know, they seemed a lot like Alex. But to hear
12 these grown, burly men talking about their love and
13 affection for him, and about how --

14 What I was interested to see is how they were going
15 to be covering for him that first night that he didn't
16 come home, you know, that maybe he was out catting
17 around doing something. And all of them were like, no,
18 no, no, no; he wouldn't have done that to Lauren; he
19 loved Lauren; that is not what he was about; he had
20 found the one. He was just a prince of a guy.

21 And Jquan Scott, I don't know what his problem is.
22 He's got one. And letting him out of prison to continue
23 with whatever is wrong with him, and to hurt somebody
24 else, is just not an option. We were ready to go to
25 trial, we would have won this trial, and we would have

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1 asked then for a life sentence because that's what he
2 deserves. That's exactly what he deserves.

3 Alex's friends put that on facebook, justice for
4 Alex Apps, because of their hope for justice. And
5 justice in this case, Judge, we believe is a life
6 sentence.

7 THE COURT: Mr. Brown?

8 MR. BROWN: Briefly, Your Honor.

9 THE COURT: Mr. Brown, take all the time you need.
10 If there's any additional people you wish to address the
11 Court, I'll be happy to hear them.

12 MR. BROWN: I don't be --

13 THE COURT: If there's any --

14 MR. BROWN: I don't believe there's anybody
15 additional to present.

16 I would like to only briefly respond, Judge, to the
17 facts. There's no question that I mention the month of
18 September. There is a change you see in the text
19 messages. The stuff before that, as far as any kind of
20 drug-dealing friends or anything like that, there is a
21 lot of discussion about pot. And we're talking about a
22 quarter bag of pot here. And it's a discussion with a
23 lots of teens on lots of phones. And I point that out
24 because there's not these drug-dealing friends.

25 In fact, the question was how did he have the money

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1 to buy a truck. That's what law enforcement asked.
2 And, in fact, they were very clear, you know, you're not
3 a drug dealer that had enough money to buy the truck.
4 So it can't be really two ways where he both was a big
5 drug dealer and a small drug dealer. I think there's no
6 question at all that the only reference in there had to
7 do with some marijuana. We do see some desperation --

8 THE COURT: There was some indication of
9 counterfeit money to use to buy the truck; is that
10 correct?

11 MR. BROWN: That's the only reference, is what's in
12 that pre-sentence report, Your Honor, that statement.
13 It is a statement from my client that he did make. I
14 was there at the time he spoke with them. There has
15 been no other reference to that that I've found anywhere
16 else.

17 THE COURT: And you're saying that was a statement
18 given to you?

19 PROBATION AGENT: Yes, Your Honor.

20 That was a statement given to me during the
21 pre-sentence investigation, with his counsel present.

22 MR. BROWN: We agree.

23 THE COURT: Thank you.

24 MR. BROWN: Absolutely.

25 But, again, I just mention that there's no other

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1 reference at all to that anywhere in any of the text
2 messages or anything --

3 In fact, about six weeks before this incident,
4 there's a friend that Jquan is in discussions with that
5 asked whether -- what happened to your old car. And it
6 appears this guy is still in high school. And he says,
7 oh, they got me another one because that one would
8 barely run. Why? Do you want to buy it -- why? Do you
9 want to buy it, and he says yes. And we're talking
10 about a car that the guy -- the other fellow just said
11 it barely even runs, they had to get me a new car. And
12 so that's one period of time.

13 School started back and everybody else was going to
14 school. And I'll tell you, that's when there is some
15 change. And I just point that out. But it just is
16 not -- there's not a history of robbing and stealing.
17 Law enforcement don't know him before this.

18 Certainly, he hangs out with people from a poor
19 socioeconomic class. That's the people that he grew up
20 with, and it's hard to change that. You've heard that
21 his mother did work multiple jobs to send him to a good
22 school.

23 His sister actually attends medical school, as
24 well, here and graduated from Clemson. And that's the
25 same family that raised Jquan.

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1 And he didn't pull the wool over their eyes, of all
2 of these people for all of that time. That's not the
3 way it is. There is no way to make this thing a
4 rational act, Your Honor.

5 But, again, I ask that you just take into
6 consideration what he did do, as far as acceptance of
7 responsibility. There was never even a phone call
8 about, hey, what do you want us see happen on this case.
9 The text messages that we were delivered were delivered
10 in the weeks before trial, if not two weeks before
11 trial, as far as whether or not we were somehow or other
12 trying to game the system. We never asked for a bond
13 hearing. The codefendant did.

14 At our plea, it was pretty clear -- the solicitor's
15 statement -- I do not have the actual transcript of the
16 solicitor's statement as to the effect that Mr. Williams
17 had lied multiple times. It's kind of an awkward,
18 backward benefit to say that my client's guilty plea
19 prevented them from having to cut a deal with the
20 codefendant. But in some ways it did.

21 And he did admit guilt. When we asked -- when I
22 spoke with him, he had no idea the case was up for trial
23 until we got the actual trial notice.

24 And that leaves my final point here. Deterrence
25 comes from your ruling. We know that, Your Honor. But

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1 we ask that your ruling also deter people from taking
2 chances when there's not a benefit. My client realized
3 that he was guilty. He accepted and pled. There was
4 not a conditional plea or a hesitation at the time that
5 Your Honor asked him if he was guilty. And I tell you
6 that because when he pled, he knew that it would turn
7 the case to you to decide whether or not he could make
8 something out of what he could not change. And, Your
9 Honor, that's the acceptance of responsibility. That's
10 where we are right now.

11 And what you rule in a lot of ways will ripple
12 through the community for people to say, hey, it's in
13 your benefit to plead guilty, it's in your benefit to
14 cooperate with us and lead us to the body, it's in your
15 benefit to come and tell everybody what you did. And
16 that's a deterrence from people needlessly going to
17 trial. And it's something that all of the courts that
18 consider things like acceptance do understand, Your
19 Honor. We ask that you consider that he did -- I think
20 the words from the solicitor at Mr. Williams' plea, that
21 it makes a big difference not to have to put people
22 through the anguish of a trial. And we ask that you
23 encourage that type of judicial disposition or
24 recognizing his acceptance. Thank you.

25 THE COURT: Counsel, just approach for scheduling.

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1 Mr. Mlynarczyk.

2 [Whereupon, an off-the-record bench conference is
3 held]

4 THE COURT: Just for the benefit of everybody
5 in the courtroom, Mr. Williams, and Mr. Mlynarczyk,
6 representing Mr. Williams, were here to observe.

7 Mr. Williams is of course the codefendant. I will
8 do his sentencing -- but due to the large amount of
9 people involved, and observations on both sides, it is
10 out of an abundance of caution, just to make sure that
11 everyone's safety and comfort are preserved.

12 We are going to sentence Mr. Scott, take a break.
13 Mr. Brown will be available outside of the courtroom, so
14 for those of you, family members or other members who
15 wish to speak to Mr. Brown, he will meet you in the
16 courtroom.

17 Is there anything further --

18 MS. WILSON: No, ma'am.

19 THE COURT: -- before I impose sentence?

20 MS. WILSON: No, ma'am.

21 THE COURT: Mr. Scott, please stand.

22 [Whereupon, Mr. Scott complies]

23 THE COURT: Mr. Scott, is there anything you wish
24 to tell the Court before I impose sentence?

25 MR. SCOTT: I apologize again for everything I did.

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1 THE COURT: Mr. Scott, I apologize. I cannot hear
2 you, and it's vitally important that everything you say
3 is on the record.

4 Could you please repeat what you just indicated to
5 the Court?

6 MR. SCOTT: Apologize to everyone for the trouble
7 that came about for this poor decision. I'm sorry. If
8 I could take it back, I wish I could. Just ask for your
9 mercy.

10 THE COURT: Anything further, Mr. Brown?

11 MR. BROWN: No, Your Honor. Thank you.

12 THE COURT: I appreciate the Power Point that you
13 have presented to the Court, and all the -- the brief
14 that you gave us earlier in the week, and for your
15 courtesy to the Court here today.

16 Mr. Scott, one of the toughest things that I have
17 to do as a judge is impose sentence. And your attorney
18 has done an excellent job going through why we sentence,
19 and philosophies behind sentencing, retribution, and
20 protection of the public and all of those things.

21 I sat here. I've listened to you plead guilty on
22 May 27th. I didn't understand what happened then. I
23 certainly even less understand now, after hearing all
24 the support from your pastor, your friends, your family
25 members.

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1 Mr. Brown can probably tell you that I sentence
2 people every day and rarely do I have people who have
3 graduated high school and has the support throughout
4 high school that you had, the career in athletics that
5 you had, the option to go to college that you had.
6 Looking back, three rows of people who have said nothing
7 but very, very kind things and very supportive things
8 from you and about you.

9 But I can't get over the fact of what you did. I
10 do not understand what you did. It makes absolutely no
11 sense to me what you did. You had more than one
12 opportunity to stop what you were doing. You planned
13 this, based upon the text messages and the statements
14 that you gave to police officers and in your pre-
15 sentence investigation.

16 Based upon everything that has been presented, it's
17 the order of the Court on indictment 2013-GS-10-7418,
18 that you be committed to the State Department of
19 Corrections for a term of thirty years. I will give you
20 credit for the time that you have served.

21 It's the order of the Court on 2013-GS-10-7421 that
22 you be committed to the State Department of Corrections
23 for a term of five years. I will give you credit for
24 the time that you have served.

25 It's the order of the Court on 2013-GS-10-7419 that

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1 you be committed to the State Department of Corrections
2 for a term of thirty years. I have noted that this is
3 not a sexual offense.

4 It's the order of the Court on indictment 2013-GS-
5 10-7416 that you be committed to the State Department of
6 Corrections for a term of life.

7 J Good luck to you. All will run concurrent.

8 Do we want to proceed, or do we need to take a
9 break to situate the courtroom?

10 [Off the record momentarily]

11 We'll take a small comfort break, Ms. Wilson. If
12 you'll get everybody. Thank you.

13 [Whereupon, a recess is taken from 4:13 p.m. to
14 4:26 p.m.]

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SENTENCING OF ISAAC WILLIAMS

THE COURT: Ms. Wilson?

MS. WILSON: Judge, I don't believe we need to rehash all of the facts of the case. Mr. Williams was present.

This is an awkward presentation for me as a solicitor, not as the prosecutor in this case, necessarily, because the facts are pretty heinous. Even though we do not believe this defendant was the triggerman, we believe that he was very heavily involved.

But I say that it's awkward because I do recognize acceptance of responsibility and how important it is to an efficient process that preserves resources and also helps victims in their healing process. And in this case we have an awkward acceptance of responsibility-cooperation type situation. So I'm going to just tell you what it is.

I've been very straightforward with Mr. Mlynarczyk about this. I don't believe that this defendant is in the same shoes as Jquan Scott, but he's in a bad situation. When it became time for us to start talking about getting ready for trial, Isaac Williams agreed to proffer with my office. And as you know, and some of the media may know, what that means is that they are

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1 able to talk with us, tell us the truth about what
2 happened and when we learn new and different information
3 because they're being up-front with us, we aren't able
4 to use that against them.

5 And so we started down that path with Mr. Williams
6 because what we were faced with was a situation where we
7 had two guys leaving in a truck with Alex Apps, doing
8 this sort of thing, and who is the triggerman.

9 At that point, we had not gotten into the text
10 messages yet. There were some issues because it was an
11 iPhone and those are sometimes harder to get into. So
12 we were relying -- we were relying on Mr. Williams who,
13 I even relayed to the family, he did an excellent job
14 talking with us. He would have made a fantastic witness
15 and we were prepared, and getting prepared for him, as
16 we moved forward towards Mr. Scott's trial date.

17 What then happened was the text messages. Because
18 Mr. Williams had made it sound like he had no idea this
19 was going to happen, that they got in the car and he was
20 driving, and we believe that he was driving because of
21 the video seeing the dark outfit. He actually was
22 picked up from work, went -- Alex was killed, his body
23 was dumped. Isaac went back to work. He went back to
24 work at a car dealership in West Ashley.

25 So Williams' story that he didn't know it was going

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1 to happen at first seemed to make some sense because he
2 worked at a car dealership and thought, well -- and he
3 said, you know, he was kind of flattered that, you know,
4 because maybe he worked at a car dealership and knew a
5 little more about cars, that that's why Jquan wanted him
6 to go along for the test drive. That was all adding up,
7 until the text messages. And when we saw the text
8 messages saying, do you want a ride or bus -- and he
9 acknowledged that bus meant bus or cab -- we knew then
10 that this had been planned. We confronted Mr. Williams,
11 and he acknowledged that he had not been truthful to us.

12 You know, at that point, it was a more difficult
13 trial for Mr. Williams. We were going to have some
14 issues because he was not the one with Alex's credit
15 card, using it, he was not the one riding around with
16 blood in the car. So our case against him was never
17 going to be as strong as the case against Jquan, who was
18 negotiating with Alex for the truck and who got all of
19 the benefit out of it. So we were a little concerned.

20 But that being said, while I am always encouraging
21 of people to cooperate, I tell them over and over and
22 over again that they don't need to cooperate until
23 they're ready to be truthful because when they lie to
24 me, it's over and everything that they said is going to
25 be used against them and that we're done with them. And

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1 that's what happened in this case. We said the proffer
2 is over, we don't want to go forward anymore.

3 Now, to his credit, what he said was is I'll
4 continue to talk with y'all without the benefit of a
5 proffer. And that's a pretty big step for a defendant
6 to make, to be willing to continue to talk knowing that
7 everything you say is going to be used against you. And
8 it boxes a defendant in from trial because, as you know,
9 we can't use what Jquan says against him. You know,
10 we've got to have his own words. So he continued to
11 talk with us.

12 The final story that he gives, I do not believe.
13 It makes no sense. The only thing that makes sense is
14 the part that we see in the text messages, which is that
15 this was a planned murder, and that he was going to
16 benefit from the theft, and that there was some hope of
17 some money for him. Not the truck. There was never any
18 indication that he was going to get the truck.

19 But what he claimed in talking to us was that Jquan
20 was able to sell anything and he sold him this idea --
21 and this is farfetched. Again, there is not anything
22 about this that I think we could say is true, but I'm
23 just telling you because I told Mr. Mlynarczyk I'm
24 laying it all out here. What he said was that Jquan
25 came to him and wanted him to help to do a hit, and the

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1 hit was over someone who had helped put Jquan's daddy in
2 prison, and that Jquan wanted to take revenge on behalf
3 of his father, and that his father was going to give
4 them money for doing this hit. Okay. That's not true,
5 obviously. And Alex Apps had nothing to do with --
6 anything to do with Jquan's family.

7 You know, Mr. Williams has maintained that that was
8 the story that he was told. I've explained to him, and
9 I'm sure Mr. Mlynarczyk has, that it makes him sound
10 even worse because he's claiming that he's going to do a
11 hit and he was willing to take money for a hit. I don't
12 know what to make of that. What it doesn't change is
13 that they knew that Alex would be killed.

14 Now, Mr. Williams had never met Alex. He had never
15 been in the negotiations. So, you know, the relative
16 culpability I think is different. But the cold fact of
17 his knowing there was going to be a murder is the same.

18 It's our belief that he was driving while this
19 happened on the bridge. Both men have been consistent
20 about it happened on the bridge. And, then, of course,
21 where the body was found.

22 The defendant I think has no record. No record.
23 But, again, this is a heinous, heinous crime that he
24 signed up for. There's no deniability, as far as the
25 murder goes.

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1 And while I think it's important for my office and
2 for courts to recognize cooperation, I don't believe
3 there can ever be full acceptance of responsibility when
4 there is not a full acceptance of the facts. And that's
5 my concern.

6 We had not made a full decision whether or not we
7 were going to call Mr. Williams at trial. It certainly
8 was a threat for Mr. Scott. And, again, despite that
9 story that's so farfetched, there were pieces of
10 information that Williams gave us that could have been
11 corroborated, and he would have been valuable had we
12 gone forward to trial. So, you know, what would have
13 happened in the end, I don't know. It's hard to leave a
14 witness, an eyewitness, on the table and not call him as
15 a witness, so I would imagine we would have ended up
16 calling him and that I would have had to just argue to
17 the jury, which I've done dozens of times, you can
18 believe all of what a witness says or part of it or none
19 of it and you've got to take what Mr. Williams says and
20 look at the things you can corroborate, and those text
21 messages are things that can be corroborated, along
22 with, you know, the statements that Jquan Scott made to
23 law enforcement.

24 The sheriff's office, both for Beaufort County and
25 Charleston County, worked together seamlessly. They

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1 have been with us throughout this process, and we're
2 grateful for all the work that they did in making sure
3 that we found Alex and making sure that we got
4 convictions in this case.

5 I'm not sure who wants to address the Court again,
6 but --

7 They said that they're okay and they know that you
8 heard and listened to them before.

9 I've explained to them -- they certainly feel
10 strongly about Mr. Williams, as well. And I've
11 explained to them, you know, kind of the awkwardness of
12 the situation, because I do have to weigh all of these
13 things in coming forward, and I think they understand
14 it.

15 THE COURT: Mr. Mlynarczyk?

16 MR. MLYNARCZYK: Thank you, Judge. May it please
17 the Court.

18 THE COURT: Happy to hear from you, and anyone
19 else, regarding sentencing.

20 MR. MLYNARCZYK: May it please the Court. I'll
21 start, Your Honor.

22 THE COURT: Mr. Mlynarczyk, just for the record,
23 you were present during the codefendant's presentation?

24 MR. MLYNARCZYK: I was present.

25 THE COURT: So do we need to hear anything, any of

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1 the other facts or anything --

2 MR. MLYNARCZYK: Not from me, Your Honor.

3 THE COURT: -- by incorporation, the previous?

4 MR. MLYNARCZYK: No. No, Your Honor.

5 THE COURT: And, Mr. Williams, you agree you were
6 here.

7 We don't need to hear from the victim's family
8 again; is that correct?

9 MR. WILLIAMS: Yes, ma'am.

10 THE COURT: Thank you.

11 MR. BROWN: May it please the Court, Judge.

12 My name is Adam Mlynarczyk. I represent Isaac
13 Williams.

14 You know, I knew -- before I came here, I knew
15 exactly what I was going to say when I stood up here,
16 but it's been a long day. I mean, it's a tough day for
17 everybody, the family, and all families involved. I
18 don't think there's anything we can say that's going to
19 make the family feel better, any of the families
20 involved.

21 I think my responsibility here is to try to show
22 you who Alex was -- or who Isaac is and was, and some of
23 the things he's done, and how his life affected where he
24 ended up.

25 I can start by saying that he was not -- I can't

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1 show pictures of him as a child because I don't have
2 any. Nobody has any. He was born to a mother who had
3 drug issues, and at three years old him and his brother
4 went to his great aunt, who a couple of years later died
5 in front of them in the living room while vacuuming; who
6 were then sent to their aunt, to live there at the age
7 of six, who they ended up being taken away from the aunt
8 a few years later because of child neglect; and into the
9 foster-care system.

10 He and his brother were eventually placed with a
11 Magnolia Williams [phonetic] when they were about seven
12 years old, and a woman with about three other foster
13 children I believe she adopted at that time, which is
14 where he got the last name.

15 It was in about his mid teens that his brother
16 Shawn, who he's very close with -- that's who he
17 considers family. When I talk about family, that's who
18 he says -- he got arrested for drugs, started falling
19 into trouble. That's when he and his foster mother
20 started growing apart. And at the age of 17, she kicked
21 him out of the house. So now he's on his own. He has
22 nowhere to live. And people who he refers to as his
23 family now are the people that are in the courtroom
24 today that met him around that time in his life and
25 helped him and were there for him.

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1 Having no place to live, no mother figure at the
2 time now -- you heard Scarlett talk about his mother,
3 she met his mother. Well, that's Treylene Bell, who's
4 in the courtroom. And since that time, she has been the
5 mother figure to him. He calls her mom.

6 And at age 17, being kicked out of his house, what
7 he experienced, he graduated James Island High School.
8 Going -- all this going on in his life, he graduated.
9 After James Island High School, he applied to Trident
10 Technical College. But in order to get financial aid at
11 Trident Technical College, he needed his foster mother,
12 who is now would not -- I have to this day reached out,
13 and I've talked to her -- needed her to sign off on him
14 being independent where he can get financing. You know,
15 financial aid. Wouldn't do it.

16 He joins the military. And this was a tough time
17 in his life. His brother was in jail. He felt that the
18 military would be that answer for him. And after three
19 months, four months -- I think it was May to August of
20 boot camp, of being in there, I think he decided -- and
21 there's a system with the army now I think that within a
22 certain amount of time you can make the decision to
23 leave honorably and come back at a later date. And
24 that's what he did. He just didn't feel like it was
25 right for him at that time.

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1 And then it was about a year later that this
2 incident happened. Between then, he was working odd
3 jobs. Always working, moving around, trying some -- to
4 find some safe place to stay.

5 So we've got a very different contrast in that
6 between the codefendant. Where Jquan had every
7 opportunity in life, it seems that Isaac didn't. You
8 know, and that's where he was. He was at a very
9 turbulent time in his life.

10 Knowing a little bit of that, and the type of
11 person that he is, that even in the light of the fact
12 that he had no solid biological family unit, he
13 graduated high school, he wanted to go to college, he
14 tried the military, he has never -- he doesn't have a
15 record.

16 And now I want to point to some of those things
17 that I believe are extremely important in determining
18 whether it's the minimum of 30 years or life or
19 somewhere in between. We heard a lot of talk today
20 about Isaac's cooperation. And I want to be clear on
21 something: that Isaac began to cooperate -- when I
22 started talking to the solicitor's office in December
23 and January, December of 2014, no trial has been set, no
24 date has been set. There was no external pressure upon
25 Isaac at that point to do anything, even in light of the

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1 fact that -- as the solicitor has informed the Court,
2 that the case against Isaac is much more difficult than
3 it would be against Jquan. But we talked about it, and
4 he wanted to proffer.

5 And in February of 2015, he did just that. He
6 signed a proffer agreement with no promise, no promise
7 of ease on sentencing or charges, and no promise of
8 anything else. So it was truly voluntary. There was
9 nothing about this decision at that time that would --
10 that could convince anyone otherwise; that it was truly
11 a voluntary decision to do the right thing.

12 There has been a comment made that it was -- there
13 was -- it was days before trial when the cooperation
14 came about. But that is not the case for Isaac. I want
15 to make that the very large distinction between the two.

16 The second thing that I think is extremely
17 important to note is showing the remorse. You know,
18 South Carolina doesn't have any state mitigation factors
19 to look at to say, hey, this is what mitigation -- but I
20 think all of know that there are certain things that we
21 look at to determine whether or not a max or minimum
22 sentence should be imposed, and one of those things is
23 remorse.

24 And I remember when I was sitting in Scarlett's
25 office after we had met with Isaac for one of the few

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1 times before he decided to proffer -- I'm sorry, I'll
2 talk slower, too -- is that he looked at her and he
3 said, how is the family, how is his mother. And I think
4 Scarlett at the time even said that was the first time
5 anybody had ever asked about how the family was, or how
6 the victim's family was, during a proffer. So it wasn't
7 about him, it was about that. He truly cared. He asked
8 me if -- he wanted to write a letter to the family. I
9 told him no. I said it's not appropriate, not then.

10 So I think the idea of showing remorse, these are
11 the kind of things that we look at to determine whether
12 it is truly in mitigation. On more than one occasion,
13 Isaac has done that.

14 I don't think there can be any contradiction that
15 Isaac's decision to come forward and cooperate, no
16 matter what the odds with the office, whether they
17 believe every single thing he said or didn't believe
18 everything he said, directly led to Jquan Scott's plea.
19 It came out of nowhere. And at that time when the trial
20 date was set, for -- even though the notice included
21 Isaac's name, there was never an intention by the
22 solicitor's office to try and with -- with Jquan Scott.
23 Matter of fact, they were not -- they were going to try
24 Jquan Scott first.

25 And it was his cooperation, his ability -- his

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1 decision to continue to cooperate after the proffer.
2 expired and was taken away that directly led to Jquan
3 pleading in this case, which led us to where we are now,
4 and then ultimately his plea.

5 I think there's also no dispute that all the
6 circumstantial evidence in the case points to Jquan
7 Scott being the shooter. I think the solicitor believes
8 that. She's already told Your Honor she believes that
9 he's the shooter and that Isaac is not. And I think
10 that's -- that was very important -- one of my next
11 points that I make.

12 Another big factor that I thought about a lot is
13 that his ability or his decision to cooperate prevented
14 not one, but two trials. The trial of Jquan Scott, if
15 he had never come forward, if they would have tried them
16 together or they would not have -- that would have been
17 a decision on the solicitor. But his decision to
18 cooperate and ultimately plea saved the family from
19 sitting through two -- not one, but two trials about
20 what had happened with Alex.

21 And I think that alone, with his showing of
22 remorse, and asking how the family was on more than one
23 occasion, is a true indication of what his true intent
24 was here. And I know that there's always a little bit
25 of skepticism when you're talking -- when defendants are

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1 taking certain actions relative to is it really
2 altruistic, or is it really something they feel in their
3 heart, or is it something they're trying to help
4 themselves. And all indications at that time are that
5 Isaac did these things truly to do the right thing.

6 Also, some of the -- that Isaac's testimony, like
7 the solicitor was talking about, some things they
8 believe, some things they don't. I have to -- I've
9 never -- I can't say I understand what's it's like for
10 the family of the victim to go through this. I can't.
11 I don't even know truly saying I empathize or can
12 sympathize is possible. I just don't -- I just don't
13 know if it is.

14 But I also have to think that somewhere, his coming
15 forward with the facts about the case, facts which they
16 corroborated through other evidence, helped to give them
17 a sense of closure, as is today. But it helped to give
18 them a sense of closure. They are no longer -- if he
19 had not done this, and two trials would have gone
20 forward, we all know that there's a lot of things that
21 can happen between pre -- motions in limine, and motions
22 to exclude and suppress, and what would have been
23 introduced, is there the possibility of a not-guilty
24 plea, what could have happened? .

25 All of those doubts were taken off the table

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1 because Isaac decided to cooperate, and he decided to
2 continue to cooperate after the proffer agreement was
3 taken away from him. That -- I think that he -- I can't
4 note enough how important I think that goes to his
5 character.

6 Because Isaac was not the shooter in this case,
7 and -- I have to think that somebody that can do this to
8 another human being would have to have a point of no
9 return. I think we've heard a couple of people talk
10 about that, a point of no return. And I don't think
11 anybody knows what they would do in a circumstance where
12 you're faced with a decision. We've all had those
13 decisions where you're up to the precipice and then you
14 have to make that mental decision. That mental decision
15 is do I continue with what I'm going to do, which is
16 obviously very harmful and very bad, or do I make that
17 decision not to do that. I've never had that chance.

18 It's clear from the text and the other things that
19 we're -- we're very sure it's the same day as when these
20 things were going on, at a time in his life where his
21 brother was in jail wanting to get out on bond, he's in
22 turmoil, and he's -- he's not given that opportunity to
23 not pull the trigger.

24 And, look, I understand that what happened is a
25 horrible crime. But he's owned up to it. He's taken

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1 responsibility. And not having that opportunity,
2 knowing who he is, and talked to his family, and
3 everything in his life, the decisions he had made up to
4 that point, I would like -- well, he couldn't pull the
5 trigger, and I think every decision that he's made since
6 being arrested has shown he's the kind of person that
7 couldn't.

8 Isaac has no criminal record. Nothing. In my
9 sentencing memorandum that I e-mailed to Your Honor, I
10 included a copy of his driver's license. He has no
11 tickets. Three times he notified the DMV when his
12 address changed. He graduated high school, he tried to
13 go to college. I mean, these are all things that I'm
14 hoping the Court will consider when -- before you pass
15 down your sentence on Mr. Williams.

16 I only have one person from the family and friends
17 to speak, if that's okay. It's Roger Daniel. He had
18 agreed a couple of weeks ago to say a few words. And
19 this is one of the individuals, who has been in constant
20 contact with my office, who Isaac refers to as family.
21 And he would like to say a couple of words.

22 THE COURT: State your full name for the record,
23 and spell your last name.

24 And once again, check to make sure your phones are
25 off everyone.

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1 MR. DANIEL: My name is Roger Daniel. My last name
2 is spelled D-A-N-I-E-L.

3 I met Isaac when I was 19 years old. He was 17 at
4 the time. I met him one day. I was going to my
5 sister's house to go pick up my niece there, and he was
6 over there. He was flirting with my sister. He's very
7 flirtatious. And we was joking about, you know, you
8 can't talk to my sister or whatever. And ever since
9 then, I just became close. And time would pass and, you
10 know, we had a bond with each other.

11 Around that time, his foster mom kick him out --
12 kicked him out. From that time on, he lived out of my
13 car. I made sure he got to work, from work. He always
14 kept a job, no matter what. I remember nights I got
15 cursed out from my mother because I felt he shouldn't
16 have to sleep out in the streets because he's not really
17 a bad person at all.

18 He can have the world on his shoulders and you
19 wouldn't ever know it because he'll hide it with a
20 smile. And he would make anybody in the room feel as if
21 their life is perfect, as if his life is perfect.

22 One bad decision. One bad decision. And even
23 though he isn't the shooter, it's still a bad decision.

24 From going to see him from the day he was
25 arrested, to now, I've seen a significant change in his

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1 attitude where he is more -- well, he accepts the fact
2 that what happened has happened and he can't go back and
3 change it, even though when we speak all the time he
4 always says that he wish he could change it. But, you
5 know, I know that time --

6 That's my brother. I know we don't have the same
7 parents, last name, none of that, but trials and
8 tribulations bring people closer, and I feel -- and I
9 feel as though me and him went through a lot together.
10 I witnessed him grown from a 17-year-old kid into a 20-
11 year-old adult. Unfortunately, that's when that
12 decision was made. He ended up where he's at now.

13 And despite everything, I know you don't be
14 thinking straight. Sometimes people get tired of
15 losing, anything seem better.

16 Honestly, I don't know what number they going to
17 give you, how many years they say you deserve, but at
18 the end of the day if you can accept your responsibility
19 and you can own up to what you did, at the end of the
20 day you judge yourself because you become a better
21 person, no matter what somebody else say to you. And I
22 love you.

23 MR. MLYNARCZYK: Treylene Bell [phonetic], Your
24 Honor, would also like to address the Court, if that's
25 possible.

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1 THE COURT: Please state your full name and spell
2 your last name.

3 MS. BELL: Treylene, and Bell, B-E-L-L.

4 I married at 15 and I've been raising kids since
5 then. My son brought him home to me and I said, I'm
6 done raising kids. But he was such a good kid. And to
7 me, I feel like he's going to throw away his whole life.
8 And I just can't image him going away again. And I know
9 for any parent, closure is the most important thing, and
10 I feel like he gave them that. And I just pray that
11 they take -- that the Court takes that in consideration
12 for the family --

13 THE COURT: Thank you.

14 MR. MLYNARCZYK: Your Honor, Isaac has prepared
15 something that he wants to read, as well, to the Court.

16 THE COURT: All right. Mr. Williams, please stand.

17 [Whereupon, Mr. Williams complies]

18 THE COURT: Please swear Mr. Williams.

19 THE CLERK OF COURT: Please raise your right hand.

20 [Whereupon, Mr. Williams is duly sworn by the clerk
21 of court as follows: do you swear or affirm the
22 testimony you give the Court will be the truth, the
23 whole truth, and nothing but the truth, so help you God]

24 MR. WILLIAMS: Yes, sir.

25 THE CLERK OF COURT: Thank you, sir.

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Sentencing of Isaac Williams
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1 MR. WILLIAMS: To the Court, first and foremost, I
2 would like to take the time to apologize to the family
3 and friends of Alex for the heartache caused by this
4 senseless tragedy.

5 Also, I want to apologize to my family, friends,
6 and loved ones for the situation. I was truly raised
7 better than this.

8 This time I spent in the Charleston County
9 Detention Center, and ongoing time that I'll spend in
10 prison, has and will continue to allow me to acknowledge
11 and atone for my past indiscretions --

12 I have taken responsibility of my own actions
13 today, but I want everyone to know I'm absolutely,
14 positively, not a bad person and that I only made one
15 bad choice. I only ask for forgiveness from each and
16 every person affected by this.

17 And, Your Honor, I ask that when it comes time for
18 you to set out my sentence future, that you don't look
19 at the chains and cuffs, or even the striped uniform,
20 but that you would look deep inside my heart to see that
21 I, Isaac Romell Williams, is truly and wholeheartedly a
22 good person.

23 I would love a second chance at least to enjoy life
24 with freedom as a young adult. I strongly believe that
25 I deserve it. Therefore, I'm pleading for just that, a

State vs. Jquan Scott and Isaac Williams
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1 second chance.

2 Once again, I want to apologize to the entire
3 family and friends of Alex.

4 Thank you all for your time listening to this, and
5 God bless you.

6 THE COURT: Thank you. Anything further,
7 counselor?

8 MR. MLYNARCZYK: I've read that before. I had a
9 chance to talk to him or talk about whether it was a
10 good idea to write something.

11 In conclusion, really, I think the -- you know,
12 murder is a -- it is a heinous crime in every
13 circumstance. I mean, in every one of them. I don't
14 think you can point to one of them and say it's not a
15 heinous thing.

16 But there's considerable discretion given to you,
17 and given to the solicitor, of 30 years to life. And
18 we've seen all the numbers from Jim. But what are those
19 things that you have to take into account that make the
20 difference between the 30 and the life? There is no
21 perfect mathematical formula. You know, we tried in
22 federal sentencing and it's a fiasco. But there's no
23 way to know.

24 So what is it? I mean, there has to be those
25 things in each case that you look at that make you

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1 determine, say, okay, well this is not the year, this is
2 not the year. And no matter what happens, that
3 situation is not going to bring the victim back. It's
4 not going to happen.

5 And even though they talk about Jquan Scott
6 planning and planning and planning and planning, the
7 texts between Isaac and Jquan were the day of and a
8 couple of days before where he says, I might have
9 something. But it was the day of. It wasn't like this
10 was something that he was a part of this long plan.

11 He made a bad decision at a very hard time in his
12 life where he felt there was nothing else there for him,
13 and the only thing that he could think of was
14 immediately -- I can't tell you what he was thinking
15 about, to tell you the truth. I don't know what he was
16 thinking. And I don't know what either one of them were
17 thinking at that time.

18 And it doesn't make sense. And for us now to sit
19 back and look at everything that happened at that point
20 and say, oh, this makes sense, that doesn't make sense,
21 this makes sense, that doesn't -- it all doesn't make
22 sense. It's very difficult to find that one thing that
23 the folks -- oh, that's what happened, that's why.

24 But I think everything that he's done, everything
25 that he's done, every decision to continue to talk after

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1 the proffer was taken away, shows who he can be. And I
2 think 30 years in prison would be enough for him to find
3 the rest -- I don't think he's lost. And I'm hoping,
4 Your Honor, that some of the things we've brought to
5 light will see that you agree. Thank you.

6 THE COURT: Anything further, Ms. Wilson?

7 MS. WILSON: Yes. I believe Ms. Apps would like to
8 say one thing.

9 MS. APPS: Your Honor, I've listened to the story
10 of Isaac Williams. And his attorney said that, you
11 know, his choice was taken away because he wasn't the
12 one who pulled the trigger. He may not have made that
13 choice, but he helped dispose of Alex's body.

14 And then we went through four grueling days of
15 searching and sheer desperation. If he was truly this
16 person that he says inside, why didn't he come forward
17 then? He had to have known at that point that what had
18 happened had happened, he couldn't change it. But he
19 could have come forward then. We could have recovered
20 Alex before we did.

21 And then, you know, these months that he's been in
22 jail, I don't understand about the -- you know, the time
23 frame of the proffer and all that. But why couldn't he
24 have just pleaded guilty right away and come forth with
25 the truth right away? Why did it take two years? So I

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1 just -- I have trouble believing that he is this good
2 person and that there is no evil in his heart.

3 And I hope and pray that nobody else ever has to
4 deal with what he's done, because I don't know that he
5 wouldn't be capable of making a bad decision again.

6 THE COURT: Anything further?

7 MS. WILSON: I don't think we have anything else,
8 Your Honor.

9 THE COURT: Ms. Wilson, is it your position that
10 Mr. Williams was of some benefit in the resolution of
11 both of these cases?

12 MS. WILSON: You know, it's hard to get into Jquan
13 Scott's head.

14 You know, I can tell you that he was providing us
15 information that we were able to corroborate, and we
16 were torn because of the latest story he told, but the
17 fact that he acknowledged and talked about that there
18 was going to be a murder, not a robbery -- because our
19 theory at the start was that this was an armed robbery
20 that got out of hand somehow. And he confirmed that it
21 was not that.

22 It's hard for me to believe that his cooperation
23 did not help lead to Jquan Scott's guilty plea. I think
24 Mr. Brown would say differently and Jquan Scott would
25 say differently. Because Jquan has been spending -- or

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1 has spent, I believe -- Mr. Mlynarczyk gave me some
2 letters several months ago, now, pressuring Mr. Williams
3 not to continue working with them.

4 And one thing that I would add, I think Ms. Apps is
5 exactly right about the days after while they were in
6 agony.

7 But I do need to say this. As a lawyer, I
8 understand that Mr. Mlynarczyk can't let a client plead
9 guilty when they don't have all the discovery. And
10 there was a long time that we were awaiting tests, and
11 awaiting things to show up, that he wasn't provided.
12 And so some of that two years is not on him. Some of it
13 is, but some of it is not. The four days definitely is
14 on him.

15 THE COURT: So, Ms. Wilson, you indicated during
16 your presentation for Mr. Scott that the State was
17 requesting life. Is that what the State is requesting
18 for Mr. Williams?

19 MS. WILSON: Your Honor, I'm not making a request
20 in this case.

21 You know, again, I think cooperation is important
22 to our system, and I think helping the State should be
23 rewarded in some way.

24 So, you know, if the Court gave life, I think that
25 would certainly be understandable. But I also think

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1 something less than life would be appropriate, too. And
2 this is one of those days that I don't envy you having
3 to make decisions that you're making. If that helps
4 any.

5 THE COURT: I'm not sure, Ms. Wilson, if it does.

6 The statute used to be 30 or life, and then we
7 had --

8 MS. WILSON: I do believe that --

9 THE COURT: -- and now it's the range.

10 And so it becomes very difficult for me to sit and
11 hear the presentations and, like Mr. Mlynarczyk said,
12 assign some number that would accomplish everyone's
13 goals. The legislature clearly designed 30 as the
14 minimum, up to life as the maximum.

15 Mr. Brown did a very nice presentation on the life
16 expectancy on inmates in Michigan. I have, during the
17 break, reviewed the life expectancy, according to our
18 statute, for both of these gentlemen as somewhere
19 between 50 and 55 years. So that's the life expectancy.
20 And, again, those numbers that -- within the realm that
21 I am operating.

22 Anything else, Mr. Mlynarczyk, before I impose
23 sentence?

24 MR. MLYNARCZYK: I feel like I do, Your Honor.

25 I know these are hard matters to close on. I mean,

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1 but, you know, part of the cooperation -- and we talked
2 about these text messages and the difficulty of getting
3 into the phone -- it was Isaac that provided the codes,
4 at least for his, voluntarily, to look at that
5 information.

6 Again, I just -- I don't know what that magic
7 formula is, but I'm hoping at least some of the things
8 that we talked about which -- with Isaac will lend some
9 weight to the fact that I don't think he is a lost
10 cause.

11 And I think that after 30 years, I think that it
12 will be more than sufficient for him to enter society
13 again. I mean, until this one split bad decision over a
14 24-hour period, he was a model citizen.

15 THE COURT: From the -- and the days following;
16 correct?

17 MR. MLYNARCZYK: Sure.

18 THE COURT: Mr. Williams, please stand.

19 [Whereupon, Mr. Williams complies]

20 THE COURT: All right. Mr. Mlynarczyk, did you
21 advise Mr. Williams that this is a violent and a most
22 serious offense --

23 MR. MLYNARCZYK: I did, Your Honor.

24 THE COURT: -- what that will mean to him?

25 And did you also advise him of his right to appeal

State vs. Jquan Scott and Isaac Williams
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1 this sentence?

2 MR. MLYNARCZYK: I did, Your Honor.

3 THE COURT: Mr. Williams, you will have the right
4 to appeal this sentence but you must do so within ten
5 days.

6 Do you understand?

7 MR. WILLIAMS: Yes, ma'am.

8 THE COURT: Anything you wish to tell me before I
9 impose sentence?

10 MR. WILLIAMS: Once again, I just want to apologize
11 to the victim's family, Alex's family. I'm truly sorry.
12 I don't know how y'all feel at all, but I really am
13 sorry. And I do have a heart.

14 And this is embarrassing for me to be standing here
15 as a defendant to this tragedy, knowing my family and
16 friends -- this was not the person I was when I grew up
17 or anything. I'm truly sorry.

18 THE COURT: Anything further?

19 MR. MLYNARCZYK: Nothing further, Your Honor.

20 THE COURT: It's the order of the Court on 2013-GS-
21 10-7413 -- I have considered all the pretrial briefs,
22 the statements as presented during Mr. Scott's
23 sentencing, as well as Mr. Williams' sentencing. I am
24 taking into account that I do find that Mr. Williams
25 acted differently than Mr. Scott -- it is the order of

State vs. Jquan Scott and Isaac Williams
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1 the Court that you be committed to the State Department
2 of Corrections for a term of forty years.

3 Good luck to you, sir.

4 [Whereupon, Court's Exhibit Number 3 is marked by
5 the court reporter]

6 [SENTENCINGS CONCLUDE AT 5:06 P.M.]
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State vs. Jquan Scott and Isaac Williams

C E R T I F I C A T E

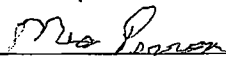
STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

I, the undersigned Mia Perron, Circuit Court Reporter for the 9th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the sentencings held before the Honorable Kristi L. Harrington, on Wednesday, August 26, 2015.

I do further certify that I am neither kin nor counsel to any of the parties and have no interest in the outcome of this action.

Dated this 16th day of February, 2016.



Mia Perron, CVR-CM-M
Circuit Court Reporter
9th Judicial Circuit

MIA PERRON, CVR-CM-M

-111-

FORM 5

STATE OF SOUTH CAROLINA

County of CharlestonIssac Romell Williams #365231

Full name and prison number (if any) of Applicant

v.

State of South Carolina

2017-CP-10-6227
IN THE COURT OF COMMON PLEAS

APPLICATION FOR

POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

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

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

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

1. Place of detention Broad River Correctional Institute
2. Name and location of Court which imposed sentence Charleston County
~~Charleston~~ Court of General Sessions, 100 Broad St., Chas. SC 29401
3. Name(s) of co-defendant(s) (if any) Jaguan Scott
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2013GS1007413; MURDER
 - (b) 2013GS1007411; KIDNAPPING

- (c) N/A
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) August 26th, 2015 - 40 years imposed on MURDER offense.
- (b) N/A
- (c) N/A
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty ✓
- (b) after a plea of not guilty N/A
- (c) after a plea of nolo contendere N/A
7. Did you appeal from the judgment of conviction or the imposition of sentence?
YES
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. South Carolina Court of Appeals
- ii. N/A
- iii. N/A
- (b) the result in each such Court to which you appealed:
- i. Appeal DISMISSED
- ii. N/A
- iii. N/A
- (c) the date of each such result:
- i. ~~May~~ May 9, 2017
- ii. N/A
- iii. N/A
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. N/A
- ii. N/A
- iii. N/A
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) N/A
- (b) N/A

- (c) N/A
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) ~~Ineffective~~ Ineffective Assistance of Counsel
- (b) Involuntary Guilty Plea
- (c) Lack of Subject Matter Jurisdiction
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) Hill v. Lockhart
- (b) Boykin v. Alabama
- (c) Brown v. STATE
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? NO
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) any other petitions, motions or applications in this or any other Court? NO
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A
- (b) the name and location of the Court in which each was filed:
- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A

(c) the disposition thereof:

- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A

(d) the date of each such disposition:

- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A

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

- i. N/A
- ii. N/A
- iii. N/A
- iv. N/A

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~~ NO

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. N/A
- ii. N/A
- iii. N/A

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

- i. N/A
- ii. N/A
- iii. N/A

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) First Time Challenge PCR
- (b) N/A
- (c) N/A
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? N/A
- (c) your sentencing? YES
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? YES
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
NO
18. If you answered "yes" to one or more parts of (17), list:
- (a) the name and address of each attorney who represented you:
- i. Adam Mlynarczyk - 1058 East Montague Avenue
N. Charleston, SC - 29405
- ii. Katherine H. Hudgins - P.O. Box 11589
Columbia, SC - 29211
- iii. N/A
- (b) the proceedings at which each such attorney represented you:
- i. Plea & Sentence
- ii. Direct Appeal
- iii. N/A

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

Conviction & Sentence VACATED!

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

NO

STATE OF SOUTH CAROLINA)

County of Charleston)

VERIFICATION

I, Issac Romell Williams (#305231), 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.

Lisa Brown Alston

SWORN to and subscribed before me this 30th
day of November.

Lisa Brown Alston (L.S.)
Notary Public

LISA BROWN-ALSTON
Notary Public, State of South Carolina
My Commission Expires 2/5/2023

My Commission Expires: 2/5/2023

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

I, Issac Romell Williams (#305231), 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.

Issac Romell Williams
Applicant

SWORN or affirmed to and subscribed before me this

30th day of November.

Lisa Brown-Alston
Notary Public

LISA BROWN-ALSTON
Notary Public, State of South Carolina
My Commission Expires 2/5/2023

My Commission Expires: 2/5/2023

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Isaac Williams, #365231,
Applicant,

v.
State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

2017-CP-10-6227

RETURN

Respondent ("the State"), making its Return to the application for post-conviction relief ("PCR") filed December 7, 2017 by Isaac Williams ("Applicant"), would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Charleston County Clerk of Court. Applicant was indicted at the December 2013 term of the Charleston County Grand Jury for murder (2013-GS-10-07413) and kidnapping (2013-GS-10-07411). On July 10, 2015, before the Honorable Kristi Harrington, Applicant pled guilty as indicted to murder. The kidnapping charge was nolle prossed. Applicant was represented by Adam Mlynarczyk, Esquire. Scarlett A. Wilson, Esquire, prosecuted the case. On August 26, 2015, Judge Harrington sentenced Applicant to imprisonment for forty years. Applicant was to be given credit for time served.

Applicant appealed and Kathrine H. Hudgins, Esquire, Appellate Defender for the South Carolina Commission on Indigent Defense, perfected the appeal. The South Carolina Court of Appeals dismissed the appeal pursuant to Anders v. California, 386 U.S. 738 (1967), inn an

unpublished opinion on April 1, 2017. State v. Williams, 2017-UP-186 (S.C. Ct. App. filed May 3, 2017). The remittitur was returned to the circuit court on May 31, 2017.

II.

In his application for post-conviction relief, Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel.
 - a. "Hill v. Lockhart"
2. Involuntary guilty plea.
 - a. "Boykin v. Alabama"
3. Lack of subject-matter jurisdiction.
 - a. "Brown v. State"

Attached to this Return and incorporated by reference are the records of the Charleston County Clerk of Court regarding the subject conviction, Applicant's records from the South Carolina Department of Corrections, Applicant's appellate records, and the post-conviction relief application. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

III.

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

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland, 466 U.S. 668. First, Applicant must prove counsel's

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

Respondent submits Applicant can satisfy neither requirement of the Strickland test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, the State requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

Respondent further submits that Applicant's claim that the circuit court lacked subject matter jurisdiction is meritless. A circuit court has subject matter jurisdiction to convict a defendant of an offense if there is an indictment that sufficiently states the offense, the defendant waives presentment, or the offense is a lesser-included offense of the crime charged in the indictment. Wilkes, 353 S.C. at 464-465, 578 S.E.2d at 719 (citing Brown, 343 S.C. 342, 540 S.E.2d 846). In this case, Applicant was indicted by the Charleston County grand jury. That

indictment was true-billed and signed by the foreman of the grand jury. The said indictment contains all the necessary elements of the offense, and further cites the applicable statute. A presumption of regularity attaches to all proceedings in the courts of this State, and it is incumbent upon one who challenges a proceeding to prove his claims. See, e.g., Tate v. State, 345 S.C. 577, 549 S.E.2d 601 (2001); Pringle v. State, 287 S.C. 409, 339 S.E.2d 127 (1986). Applicant here cannot show any irregularity, because the indictments in question are sufficient on their face. Therefore, Respondent would move to dismiss this allegation pursuant to S.C. Code Ann. § 17-27-70 (2003), because there is no issue of material fact relating to this allegation and it should be dismissed as a matter of law.

V.

Applicant also asserts his plea was involuntary. Applicant has failed to state with any specificity the specific facts giving rise to this allegation. Additionally, this allegation is not supported by any other additional information in the application. In PCR cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 363-64, 527 S.E.2d 742, 747 (2000) (citations omitted). An applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001). An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56 (1985). Further, "[t]hat a guilty plea must be intelligently made is not a requirement that all advice offered by the defendant's lawyer withstand retrospective

examination in a post-conviction hearing.” McMann v. Richardson, 397 U.S. 759, 770 (1970). Rather, “whether a plea of guilty is unintelligent . . . depends as an initial matter, not on whether a court would retrospectively consider counsel’s advice to be right or wrong, but on whether that advice was within the range of competence demanded of attorneys in criminal cases.” Id. at 771.

The record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Dalton v. State, 376 S.C. 130, 138, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Boykin v. Alabama, 395 U.S. 238, 242 (1969)). A 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 the court and defendant, between the 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)). Further, “[a] guilty plea is a solemn, judicial admission of the truth of the charges” against the applicant; thus, a criminal inmate’s right to contest the validity of such a plea is usually, but not invariably, foreclosed. Dalton, at 137–38, 654 S.E.2d at 874 (citing Blackledge v. Allison, 431 U.S. 63 (1977)). Therefore, admissions “made during a guilty plea should be considered conclusive unless [an applicant] presents valid reasons why he should be allowed to depart from the truth of his statements.” Id. (citing Crawford v. United States, 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976)). “In considering an allegation on PCR that a guilty plea was based on inaccurate advice of counsel, the transcript of the guilty plea hearing will be considered to determine whether any possible error by counsel was cured by the information conveyed at the plea hearing.” Id. at 138–39, 654 S.E.2d at 874 (citing Wolfe v. State, 326 S.C. 158, 165, 485 S.E.2d 367, 370 (1997)).

Respondent submits the record fully supports the knowing and voluntary nature of

Applicant's plea. However, allegations regarding the voluntariness of the plea may raise a question of fact that is not conclusively refuted by the record. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

VI.

Respondent therefore requests that this Court convene an evidentiary hearing on the allegations of ineffective assistance of counsel and involuntary guilty plea. As to all other allegations, Respondent moves for summary dismissal pursuant to § 17-27-70 of the South Carolina Code of Laws on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing and that those allegations should be dismissed as a matter of law.

VII.

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

VIII.

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

IX.

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

X.

WHEREFORE, the State requests that an evidentiary hearing be held on the claims of ineffective assistance of trial counsel and involuntary guilty plea, and that Applicant's claim of subject matter jurisdiction be summarily dismissed.

Respectfully submitted,

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Attorney General

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February 6th, 2018

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

ISAAC WILLIAMS, #365231

Applicant,

vs

STATE OF SOUTH CAROLINA,

Respondent,

IN THE COURT OF COMMON PLEAS

2017-CP-10-6227

AFFIDAVIT OF SERVICE BY MAIL

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

James Kristian Falk, Esquire
 Falk Law Firm, LLC
 PO Box 1058
 Charleston, SC 29402

DATED this the 6th day of February, 2018.


 Jennifer Jennison, Legal Assistant
 For Respondent

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	)	2017-CP-10-06227
ISAAC WILLIAMS,	)	
	)	
Applicant,	)	Transcript of Record
	)	
vs.	)	
	)	October 2, 2018
STATE OF SOUTH CAROLINA,	)	
	)	
Respondent.	)	

B E F O R E:

Honorable Michael G. Nettles
Charleston County Courthouse
Charleston, South Carolina

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

James K. Faulk, Esquire
Attorney for Applicant

Benjamin Limbaugh, Esquire
Attorney for Respondent

Kay H. Richardson
Circuit Court Reporter

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20 (No exhibits were marked or admitted.)

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1 OCTOBER 2, 2018 - 10:30 A.M.

2 MR. LIMBAUGH: May it please the Court, Your Honor. Next
3 up is Isaac Bromell Williams, case number 2017-CP-10-6277. I
4 also believe that Mr. Falk has a motion at this time.

5 MR. FALK: Your Honor, this case was passed from the last
6 docket when Ms. -- at that time, I'd only had it for a couple
7 of weeks. I'm asking for a continuance, primarily with my
8 client's urging. I have tried to communicate with him and
9 sent him several letters while he was at SCDC. For various
10 reasons I was unable to have a face-to-face visit with him,
11 which is what he was requesting. Part of what was going on
12 this morning, I was speaking with him and he says that there
13 are individuals that I need to have subpoenaed here for this
14 hearing, which he can tell you those names this morning.

15 This is a plea case. It can absolutely be done during
16 the December term. My client is uncomfortable going forward
17 this morning with the preparation I've been able to do. We're
18 asking for a continuance.

19 THE COURT: Tell me a little bit about the nature of the
20 case and the essence of the applicant's claim and how the
21 witnesses -- what will the witnesses testify to.

22 MR. FALK: Your Honor, this is a somewhat famous case
23 here in Charleston County and may even have made the news
24 statewide regarding a -- somebody who was murdered in selling
25 them a car on Craig's List. And my client was charged really

1 as an accomplice liability. And my client believes that Mr.
2 -- his trial counsel sort of went too far in trying to coerce
3 him to accept the guilty plea. My client was -- he says he'd
4 been adamant from day one wanting a trial in this case. And
5 he thought that if we had Roger Daniel, who is somebody who
6 acts as a brother to him, and Tralene Bell, who was acts as --
7 he grew up in foster care and this is the lady who sort of
8 takes the role of his mother. She could relate -- and I think
9 they'd both relate some of the efforts that his trial lawyer
10 made to try and sort of force him into taking this guilty
11 plea.

12 If you read through the transcript, you can see -- it's
13 clear in the transcript, there is a point where he's stopping
14 -- in the allocute, he doesn't want to allocute. He really
15 feels like he was -- this was his first experience with the
16 judicial system, didn't really understand, and believes that
17 his trial lawyer, although possibly was doing a good job on
18 his behalf but was not serving his interest in that he wanted
19 to have a trial in this case because he did not feel that he
20 was responsible for the death of ---

21 THE COURT: And what are the witnesses gonna say?

22 MR. FALK: I believe the witnesses are going, which he
23 has explained to me this morning, the witness is gonna testify
24 to the fact that they wanted -- he was sort of pressuring them
25 to go back to pressure my client to accept his plea.

1 THE COURT: What's the state's position?

2 MR. LIMBAUGH: Your Honor, the state's position simply is
3 just that this was continued from the July term for similar
4 reasons. It appears that Mr. Falk has had no conversations
5 with any of these witnesses, with his client. I will admit
6 that there was no specific allegations laid out in the
7 application, there was just simply ineffective assistance of
8 counsel, subject matter jurisdiction, a voluntary guilty plea,
9 I believe, but there was no factual allegations -- or factual
10 basis for those laid out in the application itself. The state
11 has been basically prepared to ---

12 THE COURT: Given the nature of this case, I'm gonna
13 allow the applicant to have wide range in the say in what
14 these other witnesses might say. We're gonna go forward.
15 Very good.

16 You may call your first witness.

17 MR. FALK: May I speak with ---

18 THE COURT: Yes.

19 You may call your first witness.

20 MR. FALK: Adam.

21 THE COURT: Please come forward and place your left hand
22 on the Bible and raise your right hand as the clerk
23 administers the oath.

24 ADAM MLYNARCZYK, HAVING BEEN DULY
25 SWORN, TESTIFIED AS FOLLOWS:

1 MR. MLYNARCZYK: Adam Mlynarczyk, last name is M-L-Y-N-A-
2 R-C-Z-Y-K.

3 THE COURT: Very good. Thank you, sir.

4 DIRECT EXAMINATION OF ADAM MLYNARCZYK BY MR. FALK:

5 Q: Mr. Mlynarczyk, how did you come to represent Mr.
6 Williams in this case?

7 A: I was appointed as a conflict counsel.

8 Q: Okay. And what were the -- what was the discovery that
9 was provided to you in this case? I need you to sort of
10 summarize what the state's case was.

11 A: So, we had about 11 or 1200 pages of discovery, six
12 discs, photos, videos. Basically, the gist of the case was
13 that Mr. Williams and the codefendant set up a fake purchase
14 on Craig's List to buy a truck. It was really Mr. Scott,
15 Jquan Scott had set up the meetings with the victim to buy a
16 truck, and met to buy the truck as Mr. -- asked Mr. Williams
17 to test drive it for him, you know, come on a test drive.
18 Went on the test drive and it was -- the allegations were that
19 he was shot, the driver was shot by Mr. Scott going over the
20 bridge into Mt. Pleasant downtown.

21 Q: Was there any evidence that Mr. Williams benefitted from
22 this transaction?

23 A: No, not benefitted, no. The basic -- the basic case with
24 Mr. Williams was built around the fact that initially that he
25 was aware that they were -- that him and the other codefendant

1 together discussed, I guess, robbing the victim. I don't know
2 -- I think initially was anything about stealing the truck, it
3 was about robbing him, that was what the solicitor thought.
4 Later, some texts between Mr. Scott and Mr. Williams came up.
5 There weren't a lot but the ones that exist were, were not
6 good. And then also there was a video, some videos from Mr.
7 Williams' work regarding dropping him off, because he had --
8 they'd picked him up from the Chevy dealership, you know, Mr.
9 Scott had picked him up from the Chevy dealership to go do the
10 test drive for his lunch hour. And there were videos showing
11 him getting in the car, there were videos showing him being
12 dropped back off in the truck. Mr. Williams bringing him a
13 rag supposedly after the incident happened back to the truck.
14 This was on the video. So, that was kind of the case between
15 that they had on him.

16 Q: Did the forensic evidence point to who the shooter was in
17 the case?

18 A: There wasn't -- no, the body was found outside and it'd
19 been out there for a few days, I think, before they found it,
20 so there wasn't a lot of physical evidence. It was in bad
21 shape. The truck obviously was in evidence and I went down
22 and looked at the truck and talked to the investigators with
23 the truck, but there was not a lot. Besides the -- a lot of
24 blood that was found that was cleaned up, there wasn't much
25 more to offer. I don't think they ever found the gun. So,

1 there wasn't a whole lot there.

2 Q: Did the state have a theory as to who the shooter was?

3 A: The theory was that, I think, always that Mr. Scott was
4 the one that pulled the trigger. I think it was a accomplice,
5 I think like he said initially, accomplice liability for Mr.
6 Williams, that he was involved but he didn't actually pull the
7 trigger. I think that was always their assumption.

8 Q: What was the extent of the evidence that showed he was
9 involved in the planning?

10 A: When you say he, you mean ---

11 Q: I'm sorry.

12 A: Mr. Williams?

13 Q: My client.

14 A: Your client. You know, initially with the first -- the
15 first round of discovery that we got, it was -- the video was
16 of him being, being picked up at the dealership was not, not
17 good. There were some issues with the video that we
18 discussed. There was some ---

19 Q: As to quality or ---

20 A: There was -- no, for him as far as, you know, it was a
21 rather messy incident, and they were -- they had him going
22 into work, you know, running into work, being dropped by Mr.
23 Scott, in the truck, the victim's truck, coming back out with
24 rags in his hand or a rag in his hand and giving it to Mr.
25 Scott who was driving the vehicle and then him taking off. We

1 had discussed there were some missing ---

2 THE COURT: You mean bad in terms of ---

3 A: Bad as in terms as criminal, yeah, criminal implication.
4 There are ways to interpret that and, you know, whether there
5 was, you know, what the exact details of it were, but that --
6 along with some of the texts back and forth between Mr. --
7 what -- one particular text in particular was not good. It
8 was Mr. Scott texting Isaac, do you want to bus or drive? And
9 that came out -- I had access to that but I had not discussed
10 it with the solicitor and we got the phone dump pretty early,
11 and that was one of the things that Isaac and I talked a lot
12 about, the combination of a couple of different things. It's
13 hand of one hand of all in South Carolina. You know, if
14 you're involved in the crime and it's a murder, even if they
15 were just, you know, anticipating robbing him and they have a
16 lot of evidence on that, it can be life in prison. It could
17 be a very, very poor outcome. So, it was definitely something
18 that we used in weighing our decision to plea, and proffer.

19 Q: What discussions did you have with Mr. Williams as far as
20 whether or not he wanted to go to trial?

21 A: I, I met with Isaac probably more than any other client
22 I've ever represented. He was -- I liked Isaac. He'd never
23 been in trouble before. I mean, this seemed like an incident
24 that he got in over his head. And, remember what -- it was
25 initially not -- it was -- initially, the decision was to

1 proffer. That was the initial decision that we talked about
2 was whether he was gonna proffer, not plea -- you know, plea
3 offers, his proffer based on all these circumstances
4 surrounding the hand of one hand of all. We had a lot
5 discussions, probably four or five discussions about that and
6 I did meet with his family and his brother, you know, his
7 mother, his brother, his family on many, many occasions in my
8 office, at her house. And the decision to proffer, of course,
9 we had -- we talked about it. And my basic tenet is always,
10 look, if you're not gonna tell the truth, a hundred percent
11 the truth, then don't do it. I'm like, you know, we can't do
12 it. I was like, cause anything you say, you know, if they
13 determine that you're lying, which can be on anything, it's
14 really in their power to determine, they can pull the proffer.
15 Now, not only do we have the evidence we were already talking
16 about, but they have the evidence of you, of everything that
17 you've said up to that point of pulling the proffer, they can
18 try to use that against you as well. And I think we had four
19 different sessions with the solicitor of sitting down and
20 talking. And each time, there were things that they -- that
21 were contradicting the evidence that they had already found or
22 that did end up contradicting after they investigated the
23 things he was telling them. Some of them not so big, some of
24 them a little bigger than others. I can't remember every
25 single one, but they did at one point threaten to pull the

1 proffer at our last meeting.

2 Q: Did he ever -- when did he tell you -- did he ever tell
3 you that he wanted to take the case to trial?

4 A: We talked -- we talked about it before we decided to
5 proffer but, you know, he didn't -- he cooperated kind of
6 early on, didn't wait till the last minute, which I thought
7 was pretty good for him. You know, due to the nature of the
8 case, the publicity of the case, I think at one point, I told
9 him, I said, if we go to trial, I think the only person who
10 will benefit is me, I said, because it's so publicized and I
11 was like that's not what I'm in in for. We talked a lot about
12 that. I was trying to save his life. I mean, that's the way
13 I looked at it and we did talk a lot about 30 years or 40
14 years, and I think that's kind of the range we were talking.
15 And it wasn't something he jumped out of his seat and said,
16 yeah, let's take it, let's do it, obviously. I mean, that's a
17 brutal decision to make, especially when I really feel that,
18 you know, Mr. Scott was the one that had all the
19 correspondence with the victim, he's the one that set it up
20 with victim. It seemed like it was almost like a last minute
21 decision for Isaac to get involved. And so, yeah, we both
22 took it really seriously, I think.

23 Q: What was -- what kind of discussions were there that he
24 would get in exchange for his proffer?

25 A: Well, there are no promises. I mean, that, that's part

1 of the proffer. Yes, one of the things we discussed is, you
2 know, look, there never gonna -- I mean, that's the way
3 Charleston works, you know, all the solicitors here. They're
4 not gonna give you a deal but it is a -- it is a promise from
5 them to me and nothing gets -- it makes the system work that
6 whatever they can do for him at sentencing they would do. And
7 it's not even -- initially, I wasn't anticipating a murder
8 charge. You know, it was difficult talking with Isaac about
9 the exact details of what happened but, you know, if it ended
10 up being, you know, Jquan was gonna try to rob him and then he
11 had no idea that he was gonna shoot him or there was gonna be
12 a shooting, I think the outcome would've been much, much
13 different. The progression of our meetings with the solicitor
14 and one meeting in particular that -- where Isaac, when he was
15 caught in a couple of lies, without talking to me first for --
16 or allow us discussing it, he came up with a murder for hire
17 scenario where the -- Jquan's -- he said -- the first time I
18 heard this was when we were talking to the solicitor that
19 Jquan's father had hired them to kill the victim because of
20 the -- he testified about him in another case or some -- and
21 we kind of ended it right then with the solicitor. And I
22 didn't really know -- we were kind of in a really bad spot.
23 So, I didn't know -- you know, so initially -- and again,
24 while we had the many conversations about if we're not talking
25 about the truth or what you're telling me is not the truth,

1 don't do this because they only they say can use against you.
2 I think at the initial scenario we envisioned that I was told
3 was the story was, yeah, we were in -- he was gonna rob him, I
4 had no idea he was gonna shoot him, I didn't know that. I
5 think the outcome would've been very different if that were in
6 fact the facts, but the solicitor just didn't believe they
7 were.

8 Q: So, is -- you were sort of going under the assumption
9 that if he got convicted of murder, it would be under a hand
10 of one hand of all type of scenario?

11 A: Yes.

12 Q: Did you explain to him what a mere presence charge would
13 be if you went to trial?

14 A: I don't remember if we talked about that. I don't
15 remember specifically. But this was not a mere -- I mean, I
16 don't remember if we talked about that but it wasn't a mere
17 presence situation based on the evidence we had, you know.

18 Q: Based on the text you want to bus or you want to ---

19 A: Well, there was the text, there was the videos, there was
20 the witness testimony, the lying to the police initially about
21 dropping him off at some home. I mean, it wasn't -- the two
22 big things that I thought were the hurdles were the videos of
23 him bringing the rags out to the truck and the text messages,
24 yeah. I thought they were not good.

25 Q: But they would still be consistent with mere presence,

1 wouldn't they? I mean, if he didn't -- if he didn't know the
2 other guy was gonna have a gun, he didn't know there was gonna
3 be a robbery, I mean, maybe he's responsible for the armed
4 robbery ---

5 A: Well, I don't think it was -- yeah, I don't think it was
6 he didn't know there was gonna be a robbery. You know,
7 initially, it was that there was gonna be a crime that Jquan
8 was gonna rob him. I think that's what initially the story
9 was to me. And so, yeah, that wouldn't be good.

10 Q: Okay. And you said that you had some conversation --
11 now, Roger Daniel, that's his sort of ---

12 A: That's his brother, I believe, yeah.

13 Q: Yeah. And what kind of conversations did you have with
14 him?

15 A: I met with -- well, Roger, I think was in Florida at the
16 time or he was living out of state. But I did have a lot of
17 telephone conversations with him. You know, part of --
18 especially after we were preparing for the plea, Roger was
19 very important -- I met at Tralene Bell's house with Roger and
20 a lot of his friends and her to talk about his, his growing up
21 and a lot of things like that. But even before that, I mean,
22 Roger would call me a pretty regular basis to stay informed on
23 what was going on with the case. So, it was -- and that's the
24 way Isaac wanted it, wanted Roger and Tralene to kind of be
25 involved and know everything that was happening so that he

1 could talk to them without me and talk about the case, of
2 course, I told them not to do it on the phone and things like
3 that but he wanted them to be a part of it.

4 Q: Did you have a conversation with them to -- did you ask
5 them to tell Isaac that he needed to take this plea?

6 A: Well, and again, remember, it wasn't -- initially it
7 wasn't -- we weren't having a conversation about taking a
8 plea. We were having a conversation about whether we should
9 proffer. That's a very different conversation.

10 Q: Sure.

11 A: You know, if he -- if they were coming to us and say, oh,
12 take a plea to murder and then testify, well, that's a very --
13 it's a very different scenario than I'm analyzing the facts
14 and the evidence that I have in regard to Isaac and whether he
15 thought, whether he knew that there was gonna be a violent
16 crime in the car or not. And even if he -- even, one, whether
17 -- even if he knew there was gonna be a violent crime, his
18 involvement was very little. And I think in that situation, I
19 get a lot cooperation from the solicitor's office on the
20 actual plea. The, the, the crime you're gonna plead to I
21 thought could've been something less than murder, but it
22 didn't develop that way. I mean, based on some of things that
23 Isaac said during the meeting and the lying and things like
24 that, it made it very difficult for that to happen.

25 Q: But on the day that he actually went in to -- prior to --

1 he'd already made the proffer?

2 A: Yes.

3 Q: And then he goes to court to actually enter a guilty
4 plea?

5 A: True, yes.

6 Q: Were there conversations that you had with Roger Daniel
7 telling him that he needed to go in and plea?

8 A: Well, at that -- I'm sure there were. I mean, I know
9 Isaac was always asking you if it was the best -- I'm sure he
10 said I don't know if I want to do this, you know, I don't want
11 to plea, and we talked about it a lot. I mean, like I said,
12 nobody jumps up and says, yeah, I want to plead to murder.

13 Q: I know, but I'm just saying ---

14 A: Yeah, yeah, so we ---

15 Q: His testimony is that -- his testimony is that you had --
16 were coercing or putting a lot pressure on Mr. Daniel and Ms.
17 Bell to then in turn put pressure back on Mr. Williams to go
18 ahead and plea?

19 A: I'm not saying he's wrong; I don't remember it like that,
20 that's not how I remember it. Again, there's always a -- I'm
21 a risk -- I give him the risks. I go in there and I say,
22 look, here's in my experience how this could go down. And
23 that's all I can do assess risk and try to use my experience
24 to convince him that what he's doing is the right thing. So,
25 I'm sure there were coercive sounding conversations but I

1 don't -- I didn't think ever that Roger or Tralene were not in
2 agreement that this was the best thing to do. I don't
3 remember that specifically and I've got a pretty good memory
4 for those things.

5 Q: One moment. No further questions.

6 THE COURT: I do have one question. Of course, the
7 allegation has been made that this plea was not free and
8 voluntary and that based on your conversations with these two
9 family members and your conversation with him that he was
10 coerced into entering this plea. Is that correct?

11 A: I don't believe that's correct.

12 THE COURT: Okay. Were these two individuals there when
13 y'all made the decision to enter a plea?

14 A: Yes.

15 THE COURT: They were?

16 A: Yes.

17 THE COURT: And did y'all discuss these things together?

18 A: Well, not in the room together simply because -- well, in
19 the ---

20 THE COURT: He was incarcerated.

21 A: He was incarcerated, so I would go talk to him and then I
22 would go talk to them. I would go talk to him, talk to them,
23 and they would make their visits to him individually up to
24 that day. The day of, I believe, I went down and saw him
25 while he was under the courthouse and this was -- we didn't --

1 I don't think the sentencing and the plea were in the same
2 day. We did them a couple of months apart. So, not in the
3 same room, but in the same kind of disconnected conversation.
4 So, they -- everybody was aware of what was going on at any
5 given moment.

6 THE COURT: Did he complain to you that his family
7 members were putting pressure on him to do that?

8 A: I do not remember that, no.

9 THE COURT: Very good. Yes, sir.

10 MR. LIMBAUGH: May it please the Court?

11 CROSS EXAMINATION OF ADAM MLYNARCZYK BY MR. LIMBAUGH:

12 Q: How you doing, Mr. Mlynarczyk?

13 A: Good morning.

14 Q: How long have you been practicing law?

15 A: I passed the bar in 1998 or '99, I think, in Pennsylvania
16 and New Jersey and then 2001 in South Carolina.

17 Q: Mostly criminal work since that time?

18 A: I've done -- I've always done criminal work. I'm getting
19 into more transactional over the last 10 years, but I do enjoy
20 the criminal work, so I -- I don't really do a lot private
21 work much anymore, I do a lot of -- I keep it reserved to
22 appointed conflicts.

23 Q: Okay. And you said previously that you met with Mr.
24 Williams a lot of times.

25 A: A lot of times.

1 Q: Spoken about how the proffer works and he should proceed
2 in that regard?

3 A: Yes.

4 Q: Okay. I'll just quickly move through these. So, you
5 believe ultimately the state's case was pretty strong against
6 Mr. Williams after all his proffer and you going back and
7 forth?

8 A: Yes, very strong. In the decision to proffer, the two
9 big things that I thought were difficult for him and for us
10 were gonna be the video and the texts. The video, we had -- I
11 had a legal argument to try to keep it out. There were some
12 missing sections of it, about 15 to 12 seconds on the first
13 video of the front of the building and about 45 seconds on the
14 video from the back of the building. I didn't feel confident
15 enough that it was gonna be enough to keep the videos out, but
16 we did talk about that and, again, it was a risk, you know, do
17 we want to try to go to trial and then there's always the --
18 there's always the chance of Mr. Scott coming back and saying
19 that Isaac was the shooter, and I think he, he intimated to
20 that a couple of times. So, it was gonna be a flip situation,
21 so we ultimately made the decision to proffer.

22 Q: He was facing life if he went to trial; is that correct?

23 A: Yes; uh-huh, (affirmative response).

24 Q: Ultimately, I just want to -- for the state's case, it
25 did not look good for your client that he cannot -- that he

1 was -- now thought that it was a gun-for-hire situation or a
2 hit, that just was not helpful ---

3 A: No. You know, a lot of the proffer developed -- it was
4 Isaac that convicted Jquan Scott. I mean, he, he gave them
5 all the detail and, like I said, it wasn't a last-minute
6 thing. I mean, yeah, there were times where his -- he wasn't
7 exactly telling the whole truth that they -- or they felt he
8 wasn't telling the whole truth in this testimony but -- you
9 know, and by that point, by the last time the murder for hire
10 issue, he'd already told them the story of how it had
11 happened, that he'd known about it, that he helped pull the
12 body from the truck that -- you know, there was enough there
13 at that point to go to trial but piercing that proffer
14 would've been horrible.

15 Q: Along the same lines, it would've made more sense for a
16 mere presence charge if you believed he was telling murder for
17 hire, correct?

18 A: Correct.

19 Q: Just wanted to clear that up. Again, did you discuss the
20 elements with Mr. Williams?

21 A: Yes.

22 Q: Okay. Possible defenses if you did go to trial when
23 trial was still an option?

24 A: We did.

25 Q: Ultimately, did you believe that Mr. Williams' pleading

1 was his best strategy at that point?

2 A: Yes. I still -- I mean, and I know 40 years is a long
3 time and we talked about that. I think I even went up and
4 visited him in Columbia to talk about it when he got
5 transported, but it's a long time. Even 30 years is a long
6 time, but there will be a day -- he's got hope to get out one
7 day and that was -- that's what we were trying to do is, you
8 know, I was trying to -- trying to give him that hope one day
9 instead of sitting there with Mr. Scott and never having that
10 hope.

11 Q: I recall you saying that you were trying to save his
12 life?

13 A: That's what I -- that's the way I saw it.

14 Q: It's in the trial transcript, but was it ultimately Mr.
15 Williams' decision on his own free volition to plead guilty?

16 A: Yes, it was.

17 Q: It was. All right.

18 Just a moment, Your Honor.

19 So, to go jump back a couple of steps, you -- how long do
20 you think that your firm or yourself spent on investigating
21 this case?

22 A: I think because we -- in order to get the -- you had to
23 submit the hour sheets in order to get above the appointed
24 amount, and I think it was 300 -- 340-plus hours that we had
25 total into the case with all my staff.

1 Q: Is that a significant time for you and your staff to be
2 spending on a case?

3 A: Yeah, it's a lot of time and it's not all of -- I'm sure
4 it's not all of it.

5 MR. LIMBAUGH: I believe that's all I have, Your Honor.

6 THE COURT: Yes, sir.

7 REDIRECT EXAMINATION OF ADAM MLYNARCZYK BY MR. FALK:

8 Q: This was never a capital case, was it?

9 A: No.

10 Q: Okay. Just when you say saving his life, you mean ---

11 A: Not spending the rest of his life in -- not getting life
12 without parole, right.

13 Q: And he was -- this was not an LWOP case either. He was
14 facing life because it was a murder charge; is that correct?

15 A: Yes.

16 Q: He was -- it was not -- he had no prior record?

17 A: Correct, correct.

18 Q: Just one thing I should've asked you on direct
19 examination, do you recall on the plea that was on July 10th
20 when he actually took the plea as opposed to the sentencing
21 because it was two stages; is that correct?

22 A: Yes, correct.

23 Q: Do you recall there was sort of a break in the colloquy
24 with Judge Harrington and when she was going through are you
25 pleading guilty because you are guilty?

1 A: Yes.

2 Q: Because the transcript, on Page 10 of the transcript
3 reflects that there was -- Line 3, I can show it to you if you
4 want ---

5 A: No, I remember.

6 Q: It reflects that there was a conversation between you and
7 Mr. Williams.

8 A: Correct.

9 Q: Do you kind of recall what was going on in that
10 conversation?

11 A: Yeah, I mean, I think a lot of the questions were running
12 together at that point and I was -- and he had paused at one
13 of the questions, I don't remember exactly which one it was
14 and I leaned over to explain to him what it was. And that was
15 -- yeah, I don't remember exactly which line it was, but ---

16 Q: If I could?

17 A: Yeah, sure.

18 Q: The Court asked Mr. Williams, Did you commit the offense
19 in which you are entering your plea? And that's when there
20 was the pause.

21 A: Right. Yeah, and the reason was is because, as Isaac and
22 I talked about many times, you know, when the solicitor goes
23 up -- the solicitor is the one that gives the facts. And I
24 don't believe he agreed a hundred percent what the facts were
25 that were being said. He's not denying that he was involved,

1 you know, involved to some point to be held accountable but
2 that's a difficult question when I think when you don't agree
3 with everything the solicitor is saying and say is that what
4 happened. And he kind of was like, well, that's not exactly
5 what happened. So, that's what we talked about. It might not
6 be exactly the way it happened but, you know, this is the
7 point where unless we don't want to take the plea you either
8 agree or you don't agree and then we'll go from there. And
9 even at that point, I don't think I said just say yes, I
10 didn't say anything like that. I explained to him as I did
11 before and at that point.

12 Q: No further questions.

13 THE COURT: You may step down.

14 MR. MLYNARCZYK: Thank you, Judge.

15 THE COURT: Any objection to this witness being excused?

16 MR. FALK: None, Your Honor.

17 THE COURT: You're free to leave if you would like.

18 MR. MLYNARCZYK: Thank you, Judge.

19 THE COURT: You may call your next witness.

20 MR. FALK: Isaac Williams.

21 THE COURT: Mr. Williams, please come forward. I'm gonna
22 ask you if you could to come forward and place your left hand
23 on the Bible and raise your right hand as the clerk
24 administers the oath. Place your left hand on the Bible and
25 raise your right. There you go.

ISAAC WILLIAMS, HAVING BEEN DULY

SWORN, TESTIFIED AS FOLLOWS:

CLERK: Have a seat. And for the record, if you could state your name and spell your last name, please.

MR. WILLIAMS: All right. Isaac Williams, W-I-L-L-I-A-M-S.

THE COURT: Very good. Mr. Williams pull up real close to that microphone and speak loudly, clearly, and slowly in order that we can hear everything that you have to say, and I'm gonna ask you to pay very close attention to your lawyer.

MR. WILLIAMS: All right.

DIRECT EXAMINATION OF ISAAC WILLIAMS BY MR. FALK:

Q: What kind of conversations do you recall having with your lawyer as far as whether or not you wanted to take the plea or go to trial?

A: Well, I wrote him and I also spoke with him and I asked him I could take it trial although I knew I lied under oath when it came to the proffer agreement and stuff. You know, like I said, this is my first time being arrested for a higher charge and I felt as though a proffer was my way out rather lying or not. I feel like -- I don't think about, you know, the choices but after it done happened, I said, forget it, let's go to trial, let's go to trial, but he was, you know, trying to enlighten me that this wasn't a good decision, you know, although that they probably can only do bits and pieces

1 of the proffer that they want to use or whatever, like they'd
2 have probably used this and that, and he just kept on saying
3 he think trial is better -- I mean, taking a plea versus going
4 to trial is best -- is better. But, the plea was murder and I
5 wasn't really going for that. At the time, I wasn't even
6 going for it, I didn't kill anybody, didn't want to plead to
7 murder. I was asking him over and over is there a lesser
8 charge -- a lesser charge he said. The family agreed to 55,
9 the solicitors agreed to 50 or open plea 30 to life and we
10 praying for 30. And I'm just like, no, no, no. A little
11 while after sitting in County, Tralene, my mother, and Roger,
12 my brother came to give me a visit. It wasn't, hey, how you
13 doing type stuff. It was like, I talked to your lawyer and
14 what you think about doing this and that. I told them how I
15 feel and they spent the whole time talking about me taking
16 this plea and stuff. You know, I cried, I did all that, and I
17 mean I'm sitting in County for like two years, so it's like,
18 you know, it -- I'm gonna just go ahead and do this so
19 everybody can shut the F up, you know. And I did it, you
20 know. And like I say, I'm very ignorant to the law, very --
21 during this time, still kind of now. I'm learning more by
22 going to the law library and stuff. It's like -- but
23 originally I wanted to go to trial no matter what because I
24 never want to plea to something that I didn't do. And that's
25 why when she asked me that question, do you commit to the

1 crime, I was not willing to say yes.

2 Q: And what is your recollection of what your lawyer told
3 you then?

4 A: He tried to repeat the -- repeat the question and I
5 looked at him like I heard the question very clear; I'm not
6 saying yes to that. So, then that's when, if you keep
7 reading, the solicitor jumped up and said, you know, well, we
8 don't believe that the defendant before us today is the
9 trigger man. And that's why I'm still looking like, if she's
10 saying this, why am I pleading to murder now. Like I say, I'm
11 ignorant to the law so I didn't know about the hands of one
12 hands of all. I done went through lying under oath for a
13 proffer just because I feel as though that was my way out, you
14 know. And that whole murder for hire, if you look into that
15 paperwork transcript, it wasn't me saying it was a murder for
16 hire, I was saying it was a hoax statement saying stuff like
17 that not me being murder -- I mean, hired for murder or
18 something like that. That's what I was saying, it being a
19 hoax or whatever. And like I said, I didn't want this plea
20 but being coerced by others saying that this is the better
21 decision to get it all over with. And then when I spent -- I
22 told them before we even -- I got sentenced, I'm gonna appeal;
23 I'm gonna have to appeal even if it was 30, I'm gonna have to
24 appeal because I know I didn't do this. But they didn't give
25 me no option, 55, 50, 30 to life and no, no -- and I'm saying

1 trial, saying trial, and they still saying go for this, it's
2 like --- I mean, I really didn't have no choice.

3 Q: Let me go back to this conversation. So, Roger Daniel
4 kind of like grew up in your life as your stepbrother, right?

5 A: Yes.

6 Q: Okay. And Tralene Bell, you were in some foster care and
7 so she sort of took the role of your mother at some point in
8 your life; is that right?

9 A: Yes, sir, yes.

10 Q: And so you relied on these two people for emotional
11 support?

12 A: Yes, sir.

13 Q: And so is it your testimony that they came in there and
14 said that you've got to take the plea?

15 A: Yes.

16 Q: And ---

17 A: If I want to see daylight or stuff like that, just
18 basically saying it's life or this plea, you know. Basically,
19 I'm telling you straight facts.

20 Q: And were you trying to tell them that you didn't want to
21 take the plea because you didn't commit the murder?

22 A: That's what I kept telling them but they were saying,
23 well, the system -- this is the better plea. And they brought
24 up the same numbers that he told me, 55 for the agreed term
25 from the victim's parents, and the 50 that the solicitor, and

1 then this plea.

2 Q: What was your understanding of the evidence that they had
3 against you if you went to trial?

4 A: The only thing I can think of is them using bits and
5 pieces of the proffer when I lied under oath or whatever and
6 that one text message was iffy about the bus or drive because
7 I literally took the bus to work every day, caught a bus from
8 downtown to West Ashley. And he said, do you want to like
9 ride -- he spelled it B-U-S -- I think he probably put a extra
10 S, it was not B-U-S-T. And if you know my codefendant he is a
11 very intelligent guy, you know. So, I was saying it was bus
12 as in do you want a bus, ride a bus to work, or do you want to
13 be able to drive to work once I get this truck type stuff.
14 But they took it -- took it like, oh you want to shoot or you
15 want to -- and that wasn't the situation. But that was iffy.
16 Now, as far as the text message they presented when it came
17 down to sentencing, it wasn't even with me, it was with
18 another guy that led them to probably think that my text
19 messages meant something different. But, as far as this
20 contact, contact me and my codefendant texts nothing, really
21 nothing, except for something that I may've said in the
22 proffer that they want to take and use against me.

23 Q: What conversations did you have with your lawyer that led
24 to your proffer?

25 A: He told me that he'd never done this before with any of

1 his clients and basically saying just being -- basically being
2 sided with them would be better. And another thing was
3 really, basically what I want to say -- how do I want to say
4 it -- beating my codefendant to the punch, like if they take
5 my codefendant then they can't take me. So, it's like you
6 want to go down, you don't want to fall back and they get the
7 codefendant and he say what he say, so it's like -- like I
8 said, it's all on the table like go up here, you lied on the
9 proffer, you know what I'm saying, that's where -- that's
10 where I'd like to stand at.

11 Q: Let me take it back before that. You went and met with
12 the solicitor and spoke with the solicitor; is that correct?

13 A: Uh-huh, (affirmative response).

14 Q: What -- why did you do that? Was that your decision or
15 was that his decision?

16 A: I want to say it was his persuasion that led me to decide
17 to do that. Like I say, if you're saying if they take the
18 next person, then I mean, they can't take you. I mean, it's
19 -- it's not really that hard to really decide, but like I say,
20 it's hard to decide.

21 Q: What did you think you were gonna get in exchange for
22 proffer?

23 A: Definitely less than 40 years. And understanding
24 probably something in the lines of, you know, not murder, you
25 know something under murder, an accomplice, anything of that

1 nature, you know, anything.

2 Q: And at some point did your proffer change, did your
3 statement change?

4 A: Towards the end it was like they didn't want to believe
5 what I was saying or whatever but then I went speaking about
6 the hoax about, you know, the murder for hire thingy and then
7 they just was like, they was like it was off the table. And
8 that's when the decision was coming to either plea or do
9 trial.

10 Q: So you had spoken with the solicitors, your lawyer said
11 four times or about four times?

12 A: I believe so.

13 Q: Okay.

14 A: I'm not a hundred percent sure

15 Q: After you made one statement, why did you come back for a
16 second statement?

17 A: I don't know. I think they kept on getting more stuff
18 and wanting to come back to something like that. I think it
19 was they had more questions for this and more questions for
20 that, if I'm not mistaken.

21 Q: So, they sort of initiated the second ---

22 A: Yeah, like it was a need for more or something like that,
23 I believe.

24 Q: And so what conversations did you have with your lawyer
25 that -- you plea -- you actually entered the plea on July

1 10th, 2015.

2 A: Yes, sir.

3 Q: So, what kind of conversations did you have with your
4 lawyer the night before?

5 A: The night before the plea?

6 Q: Yea.

7 A: Well, just, I mean, I guess the normal talk of we going
8 to plea, you're not gonna get sentenced, this and that.

9 Q: Were you telling him that you didn't want to plea, that
10 you wanted to go to trial?

11 A: I told him I hope this is the best decision because by
12 that time we already had went in, you know, and it's like all
13 right, you made a decision, all right. I think -- I want to
14 say I signed the paper or something before I talked to him or
15 something like that through the glass or something like that.
16 But, I mean, matter of fact, I can definitely say this, I told
17 him it's gonna get appealed before I even made a decision to
18 say yes to guilty, it's gonna get appealed, it's got to get
19 appealed.

20 Q: Okay. And what did you want to appeal?

21 A: The decision, the plea, the -- either the guilty plea or
22 the sentencing however it go. I said, I got to appeal. I
23 can't accept no 30, no 40, no none of that.

24 Q: Did your lawyer explain to you what your appellate rights
25 would be after appeal?

1 A: Yes, he told me about the -- I believe, what 10 days I
2 got to file it, all that stuff. And the chance of it being
3 opened back up for me to fight for, just like 10 years because
4 you know the plea was 30 to life. So, with me getting a 40 in
5 the end he was saying about how I would be fighting for just
6 to get like 10 years and stuff like that, but the way I see
7 it, 40 years is life. So, I mean, I'm just gonna fight. I
8 can't just lay and take that time when I know and they know,
9 and they say in the courts that I'm not a trigger man and
10 stuff like that, I just can't go for it. Like I say, he said,
11 we got to file a timely manner. They may take it away but
12 it's gonna open back up the chance of life and things of this,
13 but I mean ---

14 Q: But did he explain to you what issues you could raise on
15 appeal after a guilty plea?

16 A: Definitely not, I don't think. I do not recall. Because
17 he was like, when I said I wanted to appeal, he was just like,
18 are you sure, are you sure, no, like that wasn't a good idea
19 when I was saying it's gonna be the idea because I'm not going
20 for it.

21 Q: Did you file an appeal?

22 A: Immediately. He came and saw me at Kirkland.

23 Q: What was the results of the appeal?

24 MR. LIMBAUGH: Objection, Your Honor. The allegations
25 we're going forward on are whether his family tried to coerce

1 him into pleading guilty not whether his appeal was ---

2 THE COURT: I'll allow him to ask it.

3 BY MR. FALK:

4 Q: What was the resolution of the appeal?

5 A: I think it got denied after like a couple of months or
6 something like that. I forgot exactly what she was filing,
7 but it was a female attorney. I think she was going into like
8 the transcript of the plea hearing or something like that.

9 Q: In a conversation that you had with Roger Daniel and
10 Tralene Bell, when were they -- sort of in the timeframe, if
11 you pled on July the 10th, 2015, and this last conversation
12 where you broke down and they were telling you you needed to
13 plea, when did that happen? Two weeks before, a month before?

14 A: Ain't no month. It was definitely within the seven to
15 10-day range, I'm pretty sure. I want to say four to seven
16 range, definitely right there. Because when he came, when
17 Mlynarczyk came, the first thing that came out of his mouth is
18 did you speak with Tralene and Roger. I remember that like
19 yesterday. That was the first thing he said when he came, did
20 you speak with Tralene and Roger, and I was like, yes, I -- it
21 didn't really ring a bell until I thought like, what's going
22 on, what's going on, and I was like okay. I started asking
23 around. That's why I wish Tralene and Roger was here today
24 but they couldn't afford it or whatever but -- go with it.

25 Q: I have no further questions.

1 THE COURT: Cross examination?

2 MR. LIMBAUGH: Thank you, Your Honor.

3 CROSS EXAMINATION OF ISAAC WILLIAMS BY MR. LIMBAUGH:

4 Q: Mr. Williams, I'm just gonna go over your -- mostly some
5 things that you said the day of the plea. Do you remember
6 Judge Harrington going over your rights to a trial?

7 A: I remember something like that.

8 Q: And do you remember you waiving those rights?

9 A: I'm pretty sure it is.

10 Q: Do you remember Judge Harrington explaining the potential
11 punishment for pleading to murder, 30 to life, do you remember
12 that coming up?

13 A: Yes.

14 Q: Okay. Do you remember that no promises were being made
15 to you and you agreeing to that as well in terms of your
16 sentence?

17 A: No promises?

18 Q: That no one promised you anything to make you plead
19 guilty?

20 A: I think I can remember that. From the Judge, no promises
21 from the Judge?

22 Q: Yes, and for anybody else to ---

23 A: I could say I remember that.

24 Q: Do you remember telling the Court that you were satisfied
25 with your attorney and his representation?

1 A: Do I remember it, no, but I might've said ---

2 Q: If the record reflects that would you agree with it?

3 A: I mean, I would have no choice if it's in black and
4 white.

5 Q: Okay. And also immediately after that you mentioned that
6 you didn't have any complaints with him?

7 A: Don't remember that either, but he can tell you out his
8 own mouth against that black and white that I had plenty of
9 complaints.

10 Q: But the record does reflect that ---

11 A: Yeah. I mean, they'll be a verbal record, too.

12 Q: I'll move out to that little interval, the break up in
13 talking about you want to plead to these facts and there was a
14 pause, do you remember that?

15 A: Yes, sir.

16 Q: And then you said I believe earlier that you had a
17 problem with it because you weren't the shooter; is that your
18 issue?

19 A: I mean, basically an issue and it being a murder charge,
20 period.

21 Q: Do you recall that the solicitor at the time basically
22 explained on the record that you're being charged with murder
23 because it was an accomplice liability situation, that you
24 were there and didn't have to be shooter to be charged with
25 murder?

1 A: And that's hands of one hands of all, right?

2 Q: Correct.

3 A: Yes.

4 Q: And after she explained that, you agreed to those facts;

5 do you remember that?

6 A: When the Judge asked me that's what I'm here for today

7 and I said yes.

8 Q: Okay. Do you remember -- skipping forward to the

9 sentencing now, do you remember the statement that you made at

10 -- towards the very end of sentencing?

11 A: What, apologizing?

12 Q: Yes.

13 A: Not really but if there's a line you want to read, you're

14 welcome to do so.

15 Q: In here you take responsibility for your actions, do you

16 remember saying that?

17 A: Yes.

18 Q: And ultimately was it your decision to plea?

19 A: No.

20 Q: Do you remember Judge Harrington asking you if you were

21 here freely and voluntarily?

22 A: Not really, but I'm sure you have a record of me saying

23 something different.

24 Q: So, if the record reflects you agreeing that you were ---

25 A: Of course.

1 Q: Okay. A moment's indulgence, Your Honor.

2 That's all I have, Your Honor.

3 THE COURT: Very good.

4 REDIRECT EXAMINATION OF ISAAC WILLIAMS BY MR. FALK:

5 Q: Were you satisfied with your attorney?

6 A: No, sir.

7 Q: And what specifically were you not satisfied with?

8 A: Just everything as far as, you know, causing me to plea.
9 When I didn't want to plead guilty at all. And like another
10 thing, like I said, I was very ignorant, still kind of
11 ignorant to the law and I learned there was something of an
12 Alford plea where you don't exactly plead guilty but it's like
13 you're taking the plea. And that's what -- exactly what they
14 explained Alford plea is exactly what I was trying to explain
15 to him before like I would take a plea if it's the best thing
16 but I don't feel as though I'm guilty. And he never presented
17 that. Like the Alford plea, I had to go to the law library
18 just to learn what that was and that's exactly what I was
19 explaining to him the whole time like, man, I'll do it if it's
20 in the best decision but I don't feel as though I'm guilty.
21 That's why I paused when I was -- she asked did I commit to
22 the crime because I didn't feel as though I was guilty I
23 couldn't say yes to that. But like I said, being coerced,
24 they made it seem like it was the best decision. So, no, I
25 was not happy with it.

1 Q: Did he tell you that the Judge was gonna ask you a bunch
2 of questions?

3 A: Yes, I believe he did say something about the questions
4 and stuff like that.

5 Q: Did he tell you how you should answer?

6 A: Of course. He said -- you know, I guess he didn't think
7 about that question, but he was telling me freewill, yes;
8 nothing promised, no; stuff like that. I remember those stuff
9 right there.

10 Q: But did he tell you that the Judge was gonna ask you
11 whether or not you were satisfied with his services?

12 A: I'm trying to think. I don't know, maybe, maybe. I
13 can't really say.

14 Q: No further questions.

15 THE COURT: All right. You may step down.

16 You may call your next witness.

17 MR. FALK: We don't have any other witnesses.

18 THE COURT: Very good. All right.

19 Anything from the state? This is your opportunity to
20 present any witnesses.

21 MR. LIMBAUGH: No witnesses, Your Honor.

22 THE COURT: Okay.

23 Mr. Falk, I'll be glad to hear summary on your part.

24 CLOSING ARGUMENT BY FALK:

25 MR. FALK: Your Honor, my client testified that he did

1 want to plead guilty to this case and what I think he's
2 telling you and obviously it's somewhat new to me, information
3 that when he was talking about filing his appeal, it seems
4 like he's testifying that, well, I'll go ahead and do this
5 because I want to go ahead with an appeal, and he thought he
6 had an appellate right would do something regarding his 30-
7 year sentence or his 40-year sentence that he got on appeal
8 and I think that speaks for the fact that he didn't really
9 understand what his rights were that day when he went into
10 court. He's testifying that he wanted to go to trial. He
11 certainly was adamant about the fact that he did not want to
12 take responsibility for a murder that he did not feel that he
13 committed. And he testified, I think had he had Mr. Daniels
14 and Ms. Bell here they could've talked a little bit further
15 about the fact that Mr. Mlynarczyk went and talked to them to
16 try and convince my client to plead guilty. And it's our
17 showing by the first comment my client said that with -- he
18 spoke with his lawyer immediately after that and the first
19 question he asked was did you talk to the family members. So,
20 I think you have a relatively young man who was not very
21 experienced in the legal system thrown into this situation,
22 wasn't really advised as to whether or not he had to plead
23 guilty or whether or not he could take this case to trial. He
24 seems to be very adamant about the fact that he wanted a trial
25 and he did not want to take this plea.

1 THE COURT: I'll be glad to hear from the state.

2 MR. LIMBAUGH: Thank you, Your Honor.

3 CLOSING ARGUMENT BY LIMBAUGH:

4 MR. LIMBAUGH: Just first to remind, we are here on the
5 allegation that -- whether he was coerced, not any other
6 issues. I believe Judge Harrington made -- I believe Judge
7 Harrington made Mr. Williams very aware of all of his rights.
8 He waived all of his rights clearly on the record. He just
9 now testified that he would've taken an Alford plea and would
10 not go to trial. And also Mr. Mlynarczyk testified that it
11 was a very difficult decision. They had numerous
12 conversations about it and ultimately it was Mr. Williams'
13 decision to plead. I believe ultimately the state had a very
14 strong case and it was the best outcome for him so he took the
15 plea.

16 Thank you, Your Honor.

17 MR. FALK: Your Honor, if I could just address the Alford
18 issue. I don't think my client understood -- today
19 understands the significance of an Alford plea and how that in
20 effect would've been the same as pleading guilty to the murder
21 charge. I think he thought that that was -- he still probably
22 thinks that's somewhat of a different type of option.

23 THE COURT: That's a distinction without a difference,
24 isn't it?

25 MR. FALK: Distinction without a different, yes, Your

1 Honor, and I don't think that's an admission that he wanted to
2 plead guilty or not guilty.

3 THE COURT: All right.

4 RULING OF THE COURT:

5 THE COURT: Mr. Limbaugh, I'm gonna ask if you could to
6 prepare an order denying the petition for post-conviction
7 relief. I specifically find that trial counsel did a very
8 good job. He spent in excess of 340 hours preparing the case.
9 This was a case that involved a lot of discovery, thousands of
10 documents, he went over that. Clearly, he spent a lot of time
11 with his client. I think he had mentioned that in cases such
12 as this, he's probably spent more time with this client than
13 he did any other. He did the appropriate investigation. He
14 discussed it not only with the defendant but with family
15 members and people who were close with the defendant. I think
16 it's particularly important to note that the evidence that was
17 against him was overwhelming. There was video evidence that
18 was very inculpatory. There's a text message that, taken in
19 conjunction with everything else and the proffer, the evidence
20 would've been overwhelming. The applicant on the stand has
21 talked about an Alford plea and obviously we all know that an
22 Alford plea is where someone says that I'm not guilty of the
23 charges, but there is overwhelming evidence to establish my
24 guilt and I want to receive the benefit of the bargain. That
25 doesn't -- based on the evidence that's presented in this case

1 and the applicant's testimony, that would not apply. He
2 essentially has taken exception to the fact that he ought not
3 be -- or has problems with the fact that he is guilty of
4 murder when he is in the status of an accomplice where the
5 hand of one is the hand of all. And I think based on the
6 evidence that's been presented here today, he acknowledges
7 that he was in the car, he knew that there was gonna be a
8 crime that was committed, was gonna be committed -- going to
9 be committed, and he took part in the actions. An Alford
10 plea, the distinction with an Alford plea makes no difference
11 whatsoever in this case. And I think that probably most
12 important of all is that the plea transcript makes it very
13 clear that this was his decision to enter the plea, that it
14 was free and voluntary -- a free and voluntary decision.
15 There's no question but that in these 340 hours I bet you 75
16 percent of it had to do with discussions of the hand of one is
17 the hand of all. And I know that the applicant has a hard
18 time accepting that concept, the law is -- it is the law.

19 And based on the transcript and the testimony here today,
20 I find that the plea was freely, voluntarily, and
21 intelligently made with the advice of very competent counsel.
22 And I'll ask that you prepare an order to that effect.

23 How long will it take for you to get the order together?

24 MR. LIMBAUGH: Respectfully request 30 days, Your Honor.

25 THE COURT: Very good, 30 days. We'll mark that down and

1 we'd expect it in 30 days.

2 MR. LIMBAUGH: Thank you, Your Honor.

3 ADJOURNED - 11:29 A.M.

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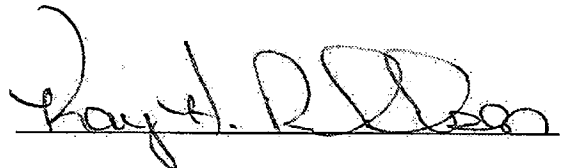
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C E R T I F I C A T E

I, the undersigned, Kay H. Richardson, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the hearing held in the case of Isaac Williams v. State of South Carolina, held in the Court of Common Pleas for Charleston County, Charleston County Courthouse, Charleston, South Carolina, on October 2, 2018.

I do hereby certify that I am neither of kin, counsel, nor interest to any party hereto.



Kay H. Richardson

Official Court Reporter

February 7, 2019.

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Isaac Williams, #365231,
Applicant,

v.
State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

2017-CP-10-6227

ORDER OF DISMISSAL

FILED
2018 NOV 13 PM 3:39
JULIA
CLERK OF COURT

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed December 7, 2017 by Isaac Williams ("Applicant"). The State (Respondent) made its Return on February 6, 2018, requesting an evidentiary hearing be held. An evidentiary hearing into the matter was convened on October 2, 2018, at the Charleston County Courthouse before the Honorable Michael G. Nettles. Applicant was present at the hearing and was represented by James K. Falk. Assistant Attorney General Benjamin Limbaugh of the South Carolina Attorney General's Office represented Respondent.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Charleston County Clerk of Court. Applicant was indicted at the December 2013 term of the Charleston County Grand Jury for murder (2013-GS-10-07413) and kidnapping (2013-GS-10-07411). On July 10, 2015, before the Honorable Kristi Harrington, Applicant pled guilty as indicted to murder. The kidnapping charge was nolle prossed. Applicant was represented by Adam Mlynarczyk, Esquire. Ninth Circuit Solicitor Scarlett A. Wilson, prosecuted the case. On August 26, 2015, Judge Harrington sentenced Applicant to imprisonment for forty years. Applicant was to be given credit for time served.

Applicant appealed and Kathrine H. Hudgins, Esquire, Appellate Defender for the South Carolina Commission on Indigent Defense, perfected the appeal. The South Carolina Court of Appeals dismissed the appeal pursuant to Anders v. California, 386 U.S. 738 (1967), in an unpublished opinion on April 1, 2017. State v. Williams, 2017-UP-186 (S.C. Ct. App. filed May 3, 2017). The remittitur was returned to the circuit court on May 31, 2017.

In his application for post-conviction relief, Applicant alleges he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel.
 - a. "Hill v. Lockhart"
2. Involuntary guilty plea.
 - a. "Boykin v. Alabama"
3. Lack of subject-matter jurisdiction.
 - a. "Brown v. State"

Attached to this Return and incorporated by reference are the records of the Charleston County Clerk of Court regarding the subject conviction, Applicant's records from the South Carolina Department of Corrections, Applicant's appellate records, and the post-conviction relief application. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

TESTIMONY PRESENTED AT THE EVIDENTIARY HEARING

At the evidentiary hearing, Applicant testified on his own behalf. Respondent presented the testimony of plea counsel, Adam Mlynarczyk (hereinafter "Counsel"). This Court also had before it a copy of Applicant's plea transcript, the records of the Charleston County Clerk of Court, and Applicant's appellate records.

Counsel's Testimony

Counsel testified that he was appointed as Applicant's counsel early in the process. Counsel testified that he filed Rule 5 and Brady motions and received voluminous amounts of

discovery. He explained that there was approximately 1100-1200 pages of documents, photographs, and videos. He stated that he spent over three hundred and forty hours investigating this case. He proceeded to elaborate on the amount of evidence the State had against Applicant. Counsel testified that the truck where the murder occurred was in evidence, there was video of Applicant being picked up by the shooter prior to the incident, video of Applicant being dropped off at work in the truck after the incident, video of Applicant running back to the truck with rags, text messages from Applicant's phone, and the evidence produced from Applicant's proffer.

Counsel testified that he spent a significant amount of time investigating this case and probably met with this Applicant more than any other client he has ever had. Counsel explained that he discussed with Applicant the State's theory of the case, that the text messages discovered on Applicant's phone could show that he knew a crime was going to be committed in the truck when he was picked up. Counsel discussed numerous times with the Applicant that this was a hand of one hand of all scenario and that even if he did not pull the trigger he could be convicted of murder. Counsel stated multiple times that the optics of the case and the level of evidence the State had against his client were what weighed heavily into the decision to plead guilty.

Counsel testified that the Applicant had not been in trouble before and expressed the desire to speak with the solicitor's office. Counsel explained at that point he agreed with Applicant's decision to proffer, but warned him that if he agreed to proffer he needed to be absolutely truthful with any and all information he provided. Counsel also explained to Applicant that if the solicitor's office deemed him to be untruthful at any point they could pull the plug on the proffer and use all information he provided against him at trial. He also testified that he spoke to Applicant about going to trial before the decision to proffer was made. Counsel's advice was that there were no benefits of going to trial and that the only thing that would benefit from the

publicity was his business. He testified that they spoke a lot about trying to get a thirty to forty year offer and if they did they would jump on it.

Counsel testified that ultimately it was the Applicant's decision to proffer with the solicitor's office. He explained to the Applicant that there were no promises in exchange for the proffer, but also that he understood the solicitor's office would do whatever they could do for him at the sentencing if he cooperated. He testified that there were three or four proffer sessions with the solicitor's office and that the Applicant kept providing contradicting information. Counsel testified that at one point during the proffer the Applicant told him he was finally going to tell the entire truth, but did not consult with counsel as to what exactly that meant. Counsel then explained that the Applicant proceeded to tell the solicitors that the plan the whole time was to go and kill the victim, but that he was told it was a murder for hire in which they were going to kill the victim for helping to put the shooter's father in prison. The solicitors ended the proffer at that point as the Applicant's story had changed significantly from the beginning in which he stated he knew nothing about what was going to happen when he got in the car that day. Counsel stated that the combination of the videos, texts, and the surprise proffer statement were large hurdles that would be very difficult to overcome.

Counsel testified that he specifically recalled discussing hand of one hand of all and mere presence with the Applicant. Counsel testified that he went over the elements of hand of one hand of all with the Applicant, as that was the theory the State intended to pursue. Counsel testified that he routinely spoke to the Applicant's family about the plea and that they were very involved in the process. Counsel testified that he does not remember pressuring the family into pressuring the Applicant to accept the plea. Counsel testified that he evaluates the risks of going to trial, assesses those risks, then has a discussion with his clients about what his advice would

be using his past professional experience. Counsel also testified that he did not believe that Applicant's family was in disagreement about the decision to plead being the best course of action.

Counsel testified that ultimately he believed that pleading guilty was Applicant's best strategy in this case. He stated that forty years in prison was a long time, but Applicant would still have a chance of getting out. He stated that his strategy was to try and give Applicant a chance to see freedom again one day, pleading guilty was the best chance of doing that. However, he stated that it was ultimately Applicant's decision to plead guilty.

Applicant's Testimony

Direct Examination

Applicant testified that he told counsel that wanted to go to trial even though he lied during the proffer. He stated that counsel told him that it was not a good decision to go to trial after he lied to the State, because they could now use all of that evidence against him at trial. He stated that counsel told him a plea would be better, but that he did not want to plead to murder because he did not kill anybody. Applicant testified that his mother and stepbrother spoke with counsel and visited him in jail to try to convince him to plead guilty. He stated that they told him to take the plea if he ever wanted to see daylight again. He stated that he tried to tell them that he did not want to take the plea, but they were persistent and just agreed so everyone would shut up about it.

Applicant testified that the State did not think that he was the triggerman. He stated that counsel never went over with him the theory of hand of one hand of all. He stated that the State was using bits and pieces of the proffer against him and that they didn't want to believe what he

was saying. He testified that counsel convinced him that proffering was the best idea. He also stated that his statement concerning the "murder for hire" scenario was a hoax or a joke.

Applicant testified that he wanted to appeal his guilty plea and that he could not accept thirty to forty years. He stated that receiving a forty year sentence was essentially the same as receiving a life sentence. He stated that counsel did advise him of his right to appeal, but that he did not explain what issues he could appeal.

Cross-Examination

Applicant testified that he remembered the waiving his constitutional rights at his plea and that counsel had gone over those rights with him beforehand. He stated that he understood that his potential sentence was thirty years to life. He stated that he remembered agreeing that there were no promises made in exchange for him agreeing to plead guilty. He stated he might have said that he was satisfied with counsel's representation, but does not recall saying that he had not complaints. He stated that he paused before he agreed with the facts as stated by the solicitor because he was not the shooter, but he agreed with them once it was explained that he was being charged under an accomplice liability theory. He stated that he apologized at his sentencing and that he took responsibility for his actions. Finally, he stated that it was not his decision to plead guilty and that he did not remember court asking if he was there freely and voluntarily.

Re-Direct

Applicant testified that he was not satisfied with counsel's representation of him. He stated that he learned about the Alford plea and would've have taken an Alford plea. He stated that he did not think he was guilty, but was coerced to plead guilty. Finally, he stated that counsel told him how to answer the court's questions during the colloquy at his plea.

APPLICABLE LAW

In a post-conviction relief action, the applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). 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 upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, (1984); Butler, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813 (1985). The applicant must overcome this presumption 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. First, the Applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). 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.

Applicant also asserts his plea was involuntary. In PCR cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 363-64, 527 S.E.2d 742, 747 (2000) (citations omitted). An

applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001). An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56 (1985). Further, "[t]hat a guilty plea must be intelligently made is not a requirement that all advice offered by the defendant's lawyer withstand retrospective examination in a post-conviction hearing." McMann v. Richardson, 397 U.S. 759, 770 (1970). Rather, "whether a plea of guilty is unintelligent . . . depends as an initial matter, not on whether a court would retrospectively consider counsel's advice to be right or wrong, but on whether that advice was within the range of competence demanded of attorneys in criminal cases." Id. at 771.

The record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Dalton v. State, 376 S.C. 130, 138, 654 S.E.2d 870, 874 (Cl. App. 2007) (citing Boykin v. Alabama, 395 U.S. 238, 242 (1969)). A 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 the court and defendant, between the 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)). Further, "[a] guilty plea is a solemn, judicial admission of the truth of the charges" against the applicant; thus, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. Dalton, at 137-38, 654 S.E.2d at 874 (citing Blackledge v. Allison, 431 U.S. 63 (1977)). Therefore, admissions "made during a guilty plea should be considered conclusive

unless [an applicant] presents valid reasons why he should be allowed to depart from the truth of his statements." *Id.* (citing *Crawford v. United States*, 519 F.2d 347 (4th Cir. 1975); *Edmonds v. Lewis*, 546 F.2d 566 (4th Cir. 1976)). "In considering an allegation on PCR that a guilty plea was based on inaccurate advice of counsel, the transcript of the guilty plea hearing will be considered to determine whether any possible error by counsel was cured by the information conveyed at the plea hearing." *Id.* at 138-39, 654 S.E.2d at 874 (citing *Wolfe v. State*, 326 S.C. 158, 165, 485 S.E.2d 367, 370 (1997)).

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).

Ineffective Assistance of Counsel

Applicant alleges Trial Counsel was ineffective in his representation before and during his trial. This Court finds Applicant has failed to meet his burden of proving any of his allegations and that Trial Counsel was not ineffective in any of his actions or inactions. Applicant made a general ineffective assistance of counsel allegation and the court addresses that claim as follows:

This Court finds that trial counsel did a very good job preparing for this case and that the three hundred and forty plus hours of preparatory work he testified to is a significant amount. There was testimony presented that there were over twelve hundred documents in discovery and that counsel reviewed the discovery with the Applicant. Counsel and Applicant both testified that

counsel visited with Applicant numerous times to review the voluminous discovery. This Court finds counsel's testimony that he spent more time with this client than any other quite compelling and credible as to the amount of work he did on this case. This Court finds counsel's testimony that the evidence was overwhelming against Applicant to be credible and that he used that in his decision to advise Applicant to plead guilty. This Court specifically finds the video evidence, texts, and the evidence Applicant provided during his proffers to be particularly of worry if this case would have gone to trial.

This Court finds that Applicant's testimony concerning his willingness to take an Alford¹ plea does not provide any basis for an ineffective assistance of counsel claim, as an Alford Plea would not have been applicable in this case. An Alford Plea applies in cases where the defendant proclaims his innocence, but admits that there is overwhelming evidence to establish his guilt if the case were to go to trial.

This standard does not apply in this case, as Applicant admits he was in the car and that he knew a violent crime was going to be committed. This Court takes specific notice of the plea transcript as being dispositive on this issue. The Applicant initially took exception to pleading guilty to murder, but then agreed with the facts when it was explained to him again that he was being charged under an accomplice liability theory. This Court finds counsel's testimony credible where he stated that he went over "hand of one hand of all" with the Applicant multiple times. This Court finds that Applicant admitted he knew a violent crime was to be committed in the car and therefore made no claim of actual innocence that would provide a basis for an Alford Plea.

¹ "Nor can we perceive any material difference between a plea that refuses to admit commission of the criminal act and a plea containing a protestation of innocence when, as in the instant case, a defendant intelligently concludes that his interests require entry of a guilty plea and the record before the judge contains strong evidence of actual guilt." North Carolina v. Alford, 400 U.S. 25, 37 (U.S. 1970).

Based on these reasons, this Court finds Trial Counsel was not ineffective on this ground and this allegation is denied and dismissed with prejudice.

Applicant alleges that his guilty plea was involuntary because he was coerced into taking it by his family and by counsel. This Court finds that Applicant freely and voluntarily entered his guilty plea and that his allegation is without merit. This Court finds the plea transcript to be dispositive in deciding that Applicant knowingly and voluntarily accepted the guilty. The plea Court asked Applicant if he was being forced to plead guilty, if he was entering into the plea freely, and if he was entering into the plea voluntarily. Applicant's answer to all of these questions was, "Yes, ma'am." (Tr. p. 10, 22-25; p. 11, 1-4). Counsel's testimony that he did not coerce Applicant into taking the plea, nor did he tell Applicant's family to coerce him into taking the plea was credible. This Court finds that Applicant was not coerced into taking the guilty plea, he did so voluntarily and with the proper advice of counsel.

Based on these reasons, this Court finds Trial Counsel was not ineffective on this ground and this allegation is denied and dismissed with prejudice.

CONCLUSION

Based on all the foregoing, this Court finds and concludes that 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.

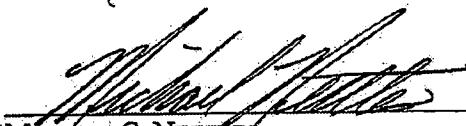
This Court notes that Applicant must file and serve a notice of appeal within thirty days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an 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. Applicant must be remanded to the custody of Respondent.

AND IT IS SO ORDERED this 6 day of Nov, 2018.


MICHAEL G. NETTLES
Presiding Judge
Ninth Judicial Circuit

_____, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE VS.

ISAAC ROMELL WILLIAMSAKA: Isaac WilliamsRace: Black Sex: M Age: 22DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Charleston, SC 29403-4648DL# 101965556 SID# SC02124230*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: MurderIn violation of § 16-03-0010 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted, ☐ Lesser Included Offense,☐ Defendant Waives Presentment to Grand Jury.

(def.'s initials)

The plea is: ☒ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

Scarlett A. Wilson 65315
Scarlett A. Wilson, Solicitor SC Bar #65315Isaac Romell Williams
DefendantAdam M. Narczyk 69878
Adam M. Narczyk, Attorney for Defendant SC Bar #69878

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center, for a determinate term of 40 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$, provided that upon the service of days/months/years and or payment of \$, plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922; it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP
Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms: Obtain GED ☐☐ Set by SCDPPPS Attend Voc. Rehab. Or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ Beginning \$ Paid to Public Defender FundOther: DEFERRED SENTENCE: (Plea Accepted)Judge: [Signature]Date: 7/10/15☐ Appointed PD or appointed other counsel,

\$47.12 requires \$500 be paid to Clerk

during probation.

Presiding Judge: [Signature]Judge Code: 2157Sentence Date: 8/26/15Recipient: *Fine: \$ §14-1-206 (Assessments 107.5%) \$ §14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ §56-5-2995 (DUI Assessment) \$12 \$ §56-1-286 (DUI Breath Test) \$25 \$ Proviso 47.9 (Public Def/Prob) \$500 \$ §14-1-212 (Law Enforce. Funding) \$25 \$ 25.00§14-1-213 (Drug Court Surcharge) \$150 \$ §50-21-114 (BUI Breath Test Fee) \$50 \$ §56-5-2942(J) (Vehicle Assessment) \$40/ea \$ Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.003% to County (if paid in installments) \$ \$ 3.90TOTAL \$ 133.90Clerk of Court/Deputy Clerk: Plea: Anna L. Pugh / Imposed: Anna L. PughCourt Reporter: Plea: Crystal Smith / Imposed: Mrs. Pugh

204

SAW20131007665

WITNESSES

Charleston County Sheriff's Office

AGENCY CASE NUMBER

2013014940B

ARREST WARRANT NUMBER

2013A1010205477

DATE OF ARREST

October 8, 2013

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: DEC - 9 2013

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2013GS1007413

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

December 2013 Term

THE STATE

vs.

ISAAC ROMELL WILLIAMS

DOB: [REDACTED]

B/M

Indictment for

MURDER

FILED

12/12/2013 11:38:34 AM

JULIE J. ARMSTRONG

CLERK OF COURT

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

INDICTMENT

At a Court of General Sessions, convened on December 9, 2013, the Grand Jurors of Charleston County present upon their oath:

MURDER

That in Charleston County on or about October 3, 2013, with malice aforethought and while acting in concert with another, ISAAC ROMELL WILLIAMS did kill and murder William Alexander Apps by means of shooting him, and that William Alexander Apps did die in Charleston County as a proximate result thereof on October 3, 2013; in violation of Section 16-3-10 of the 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.



SCARLETT A. WILSON
SOLICITOR

**OFFICE OF THE SOLICITOR
NINTH JUDICIAL CIRCUIT**

**INDICTMENT/WARRANT STATUS CHANGE FORM
(One Defendant and One Warrant/Indictment per Form)**

Name: Isaac Romell WilliamsIndictment #: 2013GS1007411Race: BSex: MWarrant Number: 2013A1010205476Year of Birth: [REDACTED]Case Number: 0230065/20131007665**Disposition (Check One)**☐ Dismissed (4A)☒ Nolle Prosequi (4B)***REASON (4A OR 4B): Defendant pled to other charges.**☐ Remanded (7)

Charge: _____

Municipal Court: _____

Magistrate Court: _____

Judge: _____

2015 SEP -9 AM 10:41
 CLERK OF COURT
 BY SW

FILED
 2015 SEP -9 AM 10:41
 CLERK OF COURT

☐ Failure to Appear (9)

Date Bench Warrant Issued: _____

Trial/Plea Docket Week: _____

PROSECUTOR: Scarlett A. WilsonDate: September 8, 2015

Scarlett A. Wilson, Solicitor

CODE: _____

CLERK OF COURT'S DATE/TIME STAMP: _____	RECEIVED BY: _____ DATE: _____
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** Questions regarding the reason for disposition should be directed to the Solicitor's Office.*

Defense Attorney: Adam Mlynarczyk

SAW20131007665

WITNESSES

Charleston County Sheriff's Office

AGENCY CASE NUMBER

2013014940B

ARREST WARRANT NUMBER

2013A1010205476

DATE OF ARREST

October 8, 2013

ACTION OF GRAND JURY

TRUE BILLForeperson of Grand Jury
Date: DEC - 9 2013

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2013GS1007411

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

December 2013 Term

THE STATE

vs.

ISAAC ROMELL WILLIAMS

DOB: [REDACTED]

B/M

Indictment for

KIDNAPPING

FILED12/12/2013 11:38:34 AM
JULIE J. ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

INDICTMENT

At a Court of General Sessions, convened on December 9, 2013, the Grand Jurors of Charleston County present upon their oath:

KIDNAPPING

That in Charleston County, South Carolina, on or about October 3, 2013, the Defendant, **ISAAC ROMELL WILLIAMS**, while acting in concert with another, did unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, William Alexander Apps, without authority of law; all in violation of Section 16-3-910 of the 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.



SCARLETT A. WILSON
SOLICITOR