McMAHAN & TAYLOR
ATTORNEYS LLC

July 6, 2019

RECEIVED
JUL 10 2019
S.C. SUPREME COURT

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
Post Office Box 11330
Columbia, SC 29211

RE: **Travis Sentell Williams, #249923 vs. State of South Carolina**
2018-CP-24-00563

Dear Mr. Shearouse:

Please find enclosed a Notice of Appeal along with the accompanying Order for the above-referenced matter. By way of this letter I am copying the Office of Appellate of Defense, as I was appointed to represent Mr. Williams.

Best regards,

ASHLEY A. MCMAHAN
ATTORNEY AT LAW

AAM

cc: Travis Sentell Williams, #249923
Janell H. Gregory, Asst. Attorney General
Greenwood County Clerk of Court
Office of Appellate Offense

P.O. BOX 5501 · WEST COLUMBIA, SC 29171
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STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED
JUL 10 2019
S.C. SUPREME COURT

APPEAL FROM GREENWOOD COUNTY
Court of Common Pleas

The Honorable Thomas A. Russo, Circuit Court Judge

Case No. 2018-CP-24-00563

Travis Sentell Williams, #249923, ... Petitioner,

v.

State of South Carolina,.....Respondent.

NOTICE OF APPEAL

Applicant, Travis Sentell Williams, appeals the order of the Honorable Thomas A. Russo, dated June 19, 2019, and filed June 24, 2019.

July 10th, 2019

ASHLEY A. MCMAHAN, ESQUIRE
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803-219-1110
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SC Bar No. 71676
ATTORNEY FOR APPLICANT

Opposing Counsel:
Janell H. Gregory, Asst, Attorney General
S.C. Attorney General's Office
PO Box 11549
Columbia, SC 29211-1549

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENWOOD COUNTY
Court of Common Pleas

The Honorable Thomas A. Russo, Circuit Court Judge

Case No. 2018-CP-24-00563

Travis Sentell Williams, #249923, ... Petitioner,

v.

State of South Carolina,.....Respondent.

PROOF OF SERVICE

I, Ashley A. McMahan, certify that I have served the within Notice of Appeal on Respondent by depositing a copy of the same in the United States mail, postage prepaid, addressed to:

Janell H. Gregory, Asst. Attorney General
S.C. Attorney General's Office
PO Box 11549
Columbia, SC 29211-1549

I further certify that all parties required by Rule to be served have been served.

July 10th, 2019

ASHLEY A. MCMAHAN, ESQUIRE
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STATE OF SOUTH CAROLINA COUNTY OF GREENWOOD	IN THE COURT OF COMMON PLEAS FOR THE EIGHTH JUDICIAL CIRCUIT
Travis Sentell Williams, #249923, Applicant, v. State of South Carolina, Respondent.	2018-CP-24-00563 **ORDER OF DISMISSAL**

This matter comes before the Court by way of an application for post-conviction relief filed on June 22, 2018, by Travis Sentell Williams (Applicant). The State (Respondent) filed a return on February 14, 2019, requesting an evidentiary hearing. An evidentiary hearing into the matter was convened on June 4, 2019, at the Laurens County Courthouse. Applicant was present at the hearing and represented by Ashley A. McMahan, Esquire. Assistant Attorney General Janell H. Gregory of the South Carolina Attorney General's Office appeared on behalf of Respondent. At the hearing, Applicant testified on his own behalf. Public Defender Janna A. Nelson of the Eighth Circuit Public Defender's Office (Counsel) and Assistant Solicitor Carson B. Penney (Penney) of the Eight Circuit Solicitor's Office also testified. After a review of the record and all evidence presented, this Court finds Applicant has failed to meet his requisite burden of proof and denies this application.

PROCEDURAL HISTORY

The records before this Court establish Travis Sentell Williams (Applicant) is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Greenwood County Clerk of Court. During the June 2017 term, the Greenwood County Grand Jury indicted Applicant for attempted murder (17-GS-24-1154). During the November 2017 term,

the Greenwood County Grand Jury indicted Applicant for domestic violence of a high and aggravated nature (DVHAN) (2017-GS-24-1969) and resisting arrest (2017-GS-24-1968). During the January 2018 term, the Greenwood County Grand Jury indicted Applicant for harassment (second degree) (2018-GS-24-0041). Public Defender Janna A. Nelson, of the Eight Circuit Public Defender's Office (Counsel) represented Applicant. Assistant Solicitor Carson Penney of the Sixteenth Circuit Solicitor's Office prosecuted the case.

On February 5, 2018, Applicant appeared before the Honorable Frank R. Addy, Jr. and pled guilty as indicted to DVHAN. Pursuant to plea negotiations between the State and Applicant, the remaining charges against him were dismissed. There was no recommendation or negotiation for Applicant's sentence and Judge Addy sentenced Applicant to imprisonment for eighteen years with credit for time served of 529 days. Judge Addy also revoked Applicant's probation in full, which resulted in a three year sentence that Judge Addy imposed to run concurrent to Applicant's eighteen year sentence. Applicant did not appeal his conviction or sentence.

SUMMARY OF FACTS

On or about August 16, 2016, Applicant assaulted his wife (Victim) at the Ideal Motel in Greenwood County. (GP Tr. 6.) Applicant accused Victim of cheating on him and when she denied it, Applicant began to assault her. (GP Tr. 6.) Applicant strangled her from the front and from behind until she lost consciousness, which prevented Victim from continuing to fight back. (GP Tr. 6.) When Victim regained consciousness, Applicant was still hitting her. (GP Tr. 6.) Victim took a shower with Applicant to appease him, but then refused to have sex with him when they got out of the shower. (GP Tr. 6.) Upon her refusal, Applicant began to strangle Victim again and beat her in the head and face with his fist. (GP Tr. 6.) While he was beating her, Applicant sat on Victim's chest and pinned her arms down with his legs. (GP Tr. 6.) Victim told Applicant he was going to kill her and Applicant said he was planning on killing her anyway. (GP Tr. 6.)

Applicant beat Victim so badly he broke her jaw in two places. (GP Tr. 6.) Applicant continued to beat Victim until she passed out. (GP Tr. 6-7.)

When Victim woke up, Applicant was crying and she he would have to kill her because he really messed up her face and everybody would know what happened. (GP Tr. 7.) Applicant continued to cry and told Victim he did not want to look at her face. (GP Tr. 7.) When Victim saw her face in the mirror she asked Applicant to take her to the hospital. (GP Tr. 7.) Victim told Applicant she would not tell anyone what happened, but that she had to go to the hospital. (GP Tr. 7.) Applicant told her he would not take her to the hospital. (GP Tr. 7.) Applicant told Victim to get off the bed so he could flip the mattress because it had blood on it. (GP Tr. 7.) Applicant told her she better lay down on her towel so she did not get blood on the bed, and if she got blood on the bed he would assume she was trying to set him up. (GP Tr. 7.) Victim could not lay down anyway because she could not breathe at this point. (GP Tr. 7.) Victim told Applicant she could not breathe and told him she needed to go to the hospital or doctor's office. (GP Tr. 7.) Victim was desperate, so she told Applicant she would not tell on him. (GP Tr. 7.)

Applicant and Victim left the hotel and, at one point, Victim attempted to jump out of the car. (GP Tr. 7.) Applicant grabbed Victim and told her if she did that again he would have to kill her. (GP Tr. 7.) Applicant took Victim to his grandmother's house and told her they'd been in a car accident. (GP Tr. 7.) At this point, Victim's face was swelling severely and she was still having trouble breathing and speaking. (GP Tr. 7.) Applicant's grandmother attempted to suction mucus out of Victim's throat with a suction bulb at one point, but that did not work. (GP Tr. 8.) Victim agreed to tell the hospital she had been in a car accident if he took her to the hospital. (GP Tr. 7-8.)

Applicant eventually took Victim to the Laurens County [Memorial] Hospital because people would suspect him of beating Victim if he took her to Self [Regional Healthcare]. (GP Tr.

8.) Applicant told the triage nurse that Victim had been in a car accident in North Carolina. (GP Tr. 8.) Victim could not speak at this point, and when the staff asked her what happened all she could do was cry. (GP Tr. 8.) Victim was transported to Greenville Memorial's trauma ICU later that day. (GP Tr. 8.) Victim does not remember being transported. (GP Tr. 8.) Victim remained in the hospital for sixteen days and when she was released she still had her trach in place, a feeding tube, and her jaw wired shut. (GP Tr. 18.)

Applicant was arrested on August 26, 2016 and during his arrest, Applicant ran away from deputies and jumped a fence in an effort to avoid law enforcement. (GP Tr. 8.) Applicant was tased by officers after he ignored commands to stop and then reached into his pocket. (GP Tr. 8.)

ALLEGATIONS RAISED

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

1. Ineffective Assistance of Counsel
    a. "Attorney/Counsel assured applicant that he would not receive beyond 15 years pursuant to her conversation with the judge. However, applicant received 18 years."
2. Involuntary Guilty Plea
    a. "Applicant didn't have a full understanding of consequences of plea"

On June 4, 2019, an evidentiary hearing was convened. Applicant proceeded with the hearing on all of the allegations set forth in his application.

TESTIMONY PRESENTED AT THE EVIDENTIARY HEARING

Applicant's Testimony

Applicant testified he was represented by Counsel during his guilty plea. Applicant testified he pled guilty because he felt like that was his only choice. Applicant testified he talked with Counsel about what would happen at trial if he was found guilty. Applicant testified Counsel told him he would get between seven and fifteen years based on her conversation with the plea

judge. Applicant testified he received a letter from Counsel telling him to blame her for the extra time he got in a post-conviction relief application.[1] Applicant testified Counsel did not present any mitigation evidence on his behalf during the guilty plea. Applicant testified Counsel should have brought up Victim's behavior during the guilty plea.

During cross-examination, Applicant testified he met with Counsel two or three times prior to the guilty plea. Applicant testified he recalled the plea judge telling him that he could receive up to a twenty year sentence and the sentence he would receive was entirely up to the judge. Applicant testified he recalled the plea judge telling him he would listen to both sides and whatever sentence he felt was appropriate would be the sentence Applicant would serve. Applicant testified he recalled the judge explaining to him that his charge was an 85% charge and was classified as a violent and serious offense. Applicant testified he recalled telling the judge he wanted to plead guilty and that he did inflict great bodily injury on Victim in this case. Applicant testified he recalled agreeing with Counsel that he did not dispute causing the majority of Victim's injuries. Applicant testified he recalled telling the judge he was positive he did not want a jury trial in this case. Applicant testified he recalled telling the plea judge that he was not forced or coerced into pleading guilty. Applicant testified he was pleading guilty out of his own free will. Applicant testified he recalled telling the plea judge that he had enough time to talk to Counsel, he met with her frequently enough, and that he did not need any more time to speak with her.

Counsel's Testimony

Counsel testified she was Applicant's third attorney. Counsel testified their main conversations revolved around potential plea offers and what happened and what did not happen between him and Victim. Counsel testified Applicant was not given the plea offer that he wanted,

[1] Applicant entered this letter as Plaintiff's Exhibit 1.

but he did not want to be convicted of attempted murder either. Counsel testified they discussed reports Victim made to law enforcement. Counsel testified she did send the letter Applicant introduced. Counsel testified Applicant was between a rock and a hard place because if he did not take the plea offer he was at risk for being tried and convicted of attempted murder. Counsel testified Applicant was provided an offer of five years based on the notes in the file, but that was not what Applicant wanted. Counsel testified she never received any offer other than a straight up plea to domestic violence of a high and aggravated nature. Counsel testified she had a conference with the plea judge and Penney to get an idea of the sentence and it was her understanding that the plea judge would consider a range between seven and fifteen years. Counsel testified this is what she told Applicant. Counsel testified she expected Applicant to get around twelve years. Counsel testified she has not had a client get more time than what was discussed with this plea judge in chambers.

On cross-examination, Counsel testified the plea judge did not use the word "guarantee," but she took his range as a guarantee. Counsel testified she did not threaten or coerce Applicant to plead guilty, but she believes her representation of a seven to fifteen year sentence influenced Applicant. Counsel testified Applicant had a criminal history. Counsel testified Applicant did not tell her he wanted a trial. Counsel testified she filed a motion to reconsider the sentence after the guilty plea hearing. Counsel testified she did not file a motion to withdraw Applicant's guilty plea.

Penney's Testimony

Penney testified she was the prosecutor who handled the case. Penney testified the evidence against Applicant included direct testimony from Victim, medical records of her injuries, doctor testimony regarding the severity of her injuries, a bloody mattress. Penney testified she was present for the chambers conference with Counsel and the plea judge. Penney testified she left that conference believing if she did not get more than fifteen years she had not done her job.

Penney testified the plea judge told her and Counsel that he would have to "eyeball" the situation on the day of the guilty plea. Penney testified the plea judge, in his order denying Applicant's motion to reconsider the sentence, stated

> To characterize the State's case as strong would be an understament. Direct evidence of [Applicant's] specific intent to kill the victim, as well as the extent of her injuries, clearly support the previously indicted charge of Attempted Murder, Coupled with the graphic, life threatening nature of the victim's injuries and Mr. Williams' attempt to concoct an implausible narrative immediately following his brutal assault *even after having time to reflect upon the horror of his actions,* one could easily find that a proper and just sentence warrant more time than this Court actually imposed (and likely warrants a greater sentence than the law permits.)

Penney testified Applicant would have been tried for attempted murder had Applicant proceeded to trial. Penney testified Applicant was not offered a five year plea deal. Penney testified the only offer was for Applicant to plead straight up to domestic violence of a high and aggravated nature in exchange for the dismissal of his remaining charges.

On cross-examination, Penney testified Victim was cooperative and did not ask that the charges against Applicant be dropped. Penney testified Applicant had spoken to Victim because Applicant called Victim.

APPLICABLE LAW

In a post-conviction relief action, the applicant bears the burden of proving the allegations in his or her application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. 441, 334 S.E.2d 813.

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

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. Id. at 117, 300 S.C. 115. First, the applicant must prove counsel's performance was deficient. Id. Under this prong, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, any deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 300 S.C. 115. With respect to guilty plea counsel, the applicant must show there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 59 (1985).

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This Court viewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court has reviewed the Clerk of Court records regarding the subject convictions, the trial transcript, Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, and the legal arguments made by the attorneys. Set forth below are the relevant findings of fact and conclusion of law as required by S.C. Code Ann. § 17-27-80 (2003).

Ineffective Assistance of Counsel

This Court finds Applicant has failed to meet his burden of proving he is entitled to post-conviction relief on any of his allegations of ineffective assistance of counsel. Applicant has failed to prove both deficiency on the part of Counsel and any prejudice therefrom.

Counsel was ineffective for assuring Applicant would not receive more than fifteen year sentence because of her conversation with the plea judge, however, Applicant received an eighteen year sentence.

Applicant alleges Counsel was ineffective for telling Applicant, after discussing his case with the plea judge, he would not receive a sentence of more than fifteen if he pled guilty to domestic violence of a high and aggravated nature. However, Applicant received an eighteen year sentence at his guilty plea. At some point after the guilty plea, Applicant received a letter from Counsel telling him it was her fault he received an additional three year sentence and he should apply for post-conviction relief.

In Wolfe v. State, 326 S.C. 158, 485 S.E.2d 367 (1997), Wolfe pled guilty to assault and battery with intent to kill (ABIK) and possession of a firearm or knife during the commission of a violent crime. Wolfe received the maximum possible sentence of twenty years for ABIK and five years for the weapon charge. Id. at 162, 485 S.E.2d at 369. Wolfe later filed a post-conviction relief action alleging, in part, that his guilty plea was induced by his trial counsel's representation to him that the trial judge would give him a reduced sentence if he pleaded guilty to the charges. Id. at 164, 485 S.E.2d at 370. Wolfe testified at the evidentiary hearing that trial counsel informed him that he has not known this judge to "backstep on a representation that he would impose a reduced sentence." Id. at 165, 485 S.E.2d at 371. Wolfe further testified trial counsel told him "the trial court's questions concerning the plea were 'routine' questions." Id.

The Supreme Court of South Carolina held "any possible misconceptions on Wolfe's part were cured by the colloquy during the actual guilty plea hearing. . . . the judge repeatedly asked

Wolfe about the range of sentencing, and asked Wolfe *twice* whether he understood that there were no promises and that no sentencing recommendations were binding on the judge. Wolfe indicated he understood there were no such promises." Id. at 164-165, 485 S.E.2d at 370. The Court also noted trial counsel's statement to the judge during the guilty plea hearing that there had been no promises made as to the actual sentence the trial court would impose on Applicant. Id. The Court further noted, "The transcript of Wolfe's guilty plea hearing reflects that the trial judge questioned Wolfe extensively about the plea, asking him, *inter alia*, whether he understood that he could get twenty years for ABIK and five years for possession of a firearm or knife during the commission of a violent crime and whether he had been promised anything for pleading guilty." Id. at 161, 485 S.E.2d at 369. Ultimately, the Court found Applicant's "[w]ishful thinking regarding sentencing does not equal a misapprehension concerning the possible range of sentence, especially where one acknowledges on the record that one knows the range of sentences and that no promises have been made." Id. at 165, 485 S.E.2d at 371.

This Court finds Applicant's case is nearly identical to that of Wolfe. Here, Applicant is alleging his Counsel was ineffective for telling him, after a chambers conference with the plea judge, that Applicant would, at most, receive a fifteen year sentence. Also similarly, the plea judge conducted an extensive colloquy with Applicant, which included the following:

> Plea Judge: You understand that the carries up to 20 years. Whatever sentence you receive is entirely up to me. You understand that, sir?
>
> Applicant: Yeah.
>
> Plea Judge: I'll have to hear from both side[s]. Whatever I feel is appropriate is what you'll end up having to do. You understand, sir?
>
> Applicant: I do.

(GP Tr. 4.) During the colloquy, Applicant testified – other than the dismissal of the attempted murder charge – he had not been promised anything or "held out any other hope of reward" in exchange for his guilty plea. (GP Tr. 15.) Applicant also testified he was pleading guilty of his own free will, wanted to waive his constitutional rights, and told the plea judge he was "positive" he did not want a jury trial. (GP Tr. 9-13, 16.)

Prior to imposing the sentence, the plea judge stated, "when we met in chambers last month I was not able to give you guys any sort of indication on a number in terms of sentencing - - a definitive sentencing thing." (GP Tr. 27.) Counsel, Penney, and the plea judge then had a sidebar conversation and the plea judge went back on the record to state, "When we spoke at the bench, the attorneys related to me what I had discussed in chambers by way of the sentencing range. The last time that we met about this case in chambers . . . as I recall it, was that I would really have to just eyeball the situation then make a decision. Hear from everybody, but I was not able to commit to anything definitive in the way of a sentence for [Applicant]." (GP Tr. 28.) The plea judge then, after addressing Victim and Applicant's extensive criminal history, imposed an eighteen year sentence on Applicant. (GP Tr. 28-31.)

On February 15, 2018, Counsel filed a motion to reconsider Applicant's sentence. In that motion Counsel conceded that, although the plea judge provided a range of seven to fifteen years, he told her and Penney that he would need to "eyeball" the case. In the order denying Applicant's motion, the plea judge stated he "definitely recalls informing all concerned that the Court would have to 'eyeball' the situation and could not firmly commit to any particular sentence. The Court's plea colloquy with [Applicant] was thorough, and [Applicant] indicated that he had sufficient time to decide how he wanted to proceed concerning his charges."

This Court finds Counsel's testimony and Penney's testimony with respect to this allegation very credible, whereas Applicant's testimony is not credible. This Court finds, as in

Wolfe, any misconception Applicant was under regarding the sentence he believed he would receive was cured by the extensive colloquy with the plea judge. The record clearly shows Applicant understood and acknowledged the potential twenty year sentence he faced for his charge, and his testimony that he was not promised anything in exchange for his guilty plea or coerced into pleading guilty. (GP Tr. 15.)

Additionally, this Court finds Applicant has failed to show any resulting prejudice from Counsel's alleged deficiency. Penney testified at the evidentiary hearing that she would have tried Applicant for attempted murder if Applicant had not pled guilty. Penney also testified she believed the State had a strong case against Applicant, which was clearly an assessment shared by the plea judge. At the conclusion of the plea hearing, the plea judge stated, "Candidly, from what I've heard, if the State of South Carolina was able to prove fifteen or twenty percent of what they were alleging, there's a good chance that . . . jury would have found you guilty of attempted murder and you'd be looking at the 30-year sentence and probably no light at the end of the tunnel." (GP Tr. 30.) Applicant received an eighteen year sentence, which is still less than the maximum sentence the plea judge could have imposed. It is clear from the record and the testimony at the evidentiary hearing that Penney and the plea judge believe the State had a strong case and could have sought a much higher sentence if Applicant had proceeded to trial for attempted murder. It is evidence Applicant received a favorable outcome in his case despite any alleged deficiency on Counsel's behalf. Based on the forgoing, Applicant has failed to meet his burden set forth in Strickland and this allegation must be denied and dismissed with prejudice.

Involuntary Guilty Plea

Applicant alleges his plea was involuntary because he did not have a full understanding of the consequences of his plea.

This Court finds Applicant's guilty plea was freely and voluntarily made. In evaluating issues concerning guilty pleas, this Court will consider the entire record, including the transcript of the guilty plea proceeding and the evidence presented at the post-conviction relief hearing. Roddy v. State, 339 S.C. 29, 528 S.E.2d 418 (2000). Voluntariness of a guilty plea is not merely determined by an examination of a specific inquiry by the plea court alone but rather is determined by the record of both the guilty plea proceeding and the post-conviction relief hearing. Id. In order to find a guilty plea was knowingly and voluntarily entered into, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238 (1969). Further, "[a] guilty plea is a solemn, judicial admission of the truth of the charges" against the applicant; thus, an applicant's right to contest the validity of such a plea is usually foreclosed. Dalton v. State, 376 S.C. 130, 137–38, 654 S.E.2d 870, 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).

This Court finds this allegation is without merit, and Applicant has failed to carry his burden of proving his guilty plea was involuntary. The records before this Court, and particularly the transcript of Applicant's plea proceeding, show Applicant engaged in a thorough colloquy with the court before electing to forgo his constitutional rights and knowingly, voluntarily, and intelligently enter a plea of guilty. This Court finds Applicant knew the charges he was facing and understood the plea he was entering, including the potential twenty year sentence for his charge.

This Court also finds Applicant was properly and fully advised of his constitutional rights and knowingly and voluntarily waived those rights to accept a favorable plea.

Therefore, this Court finds Applicant had a full understanding of the consequences of his plea and the charges against him, and the plea court correctly found Applicant's plea was freely, voluntarily, and intelligently made. Based on these findings, Applicant's allegations regarding his plea being involuntary are denied and dismissed with prejudice.

CONCLUSION

Based on the foregoing, the Court finds and concludes 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.

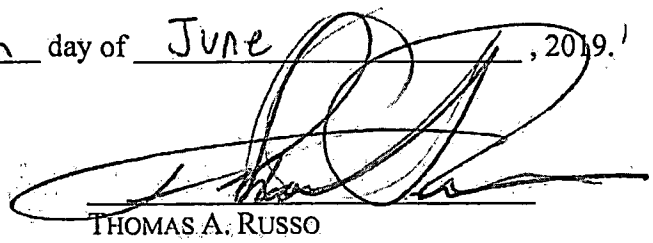
The Court notes Applicant must file and serve a notice of appeal within thirty days from post-conviction relief counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED THAT:

1. The application for post-conviction relief is denied and dismissed with prejudice; and

2. Applicant will remain in the custody of the South Carolina Department of Corrections to complete service of his sentence.

AND IT IS SO ORDERED this 19th day of June, 2019.



THOMAS A. RUSSO
Presiding Judge
Eighth Judicial Circuit

Florence, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENWOOD)
)
TRAVIS SENTELL WILLIAMS, #249923)
Plaintiff,)
vs.)
)
STATE OF SOUTH CAROLINA)
Defendant.)

IN THE COURT OF COMMON PLEAS
EIGHTH JUDICIAL CIRCUIT

CASE NO.: 2018-CP-24-00563

MOTION AND ORDER INFORMATION FORM AND COVERSHEET

Plaintiff's Attorney:	Defendant's Attorney:
Ashley A. McMahan, Bar No. _____ Address: Post Office Box 5501 West Columbia, South Carolina 29169 Phone: _____ Fax _____ E-mail: _____ Other: _____	Janell H. Gregory, Bar No. _____ Address: Post Office Box 11549 Columbia, South Carolina 29211 Phone: _____ Fax _____ E-mail: _____ Other: _____

☐ **MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)**
☒ **FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)**
☒ **PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)**

SECTION I: Hearing Information

Nature of Motion: _____
Estimated Time Needed: _____ Court Reporter Needed: ☐ YES/☒ NO

SECTION II: Motion/Order Type

☐ Written motion attached
☒ Form Motion/Order
I hereby move for relief or action by the court as set forth in the attached proposed order.

Janell H. Gregory — June 17, 2019
Signature of Attorney for ☐ Plaintiff /☒ Defendant — Date submitted

SECTION III: Motion Fee

☐ PAID – AMOUNT: $ _____
☐ EXEMPT: (check reason)
☒ Rule to Show Cause in Child or Spousal Support
☐ Domestic Abuse or Abuse and Neglect
☐ Indigent Status ☐ State Agency v. Indigent Party
☐ Sexually Violent Predator Act ☒ Post-Conviction Relief
☐ Motion for Stay in Bankruptcy
☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP)
☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions
Name of Court Reporter: _____
☐ Other: _____

JUDGE'S SECTION	
☐ Motion Fee to be paid upon filing of the attached order. ☐ Other: _____	JUDGE CODE _____ Date: _____

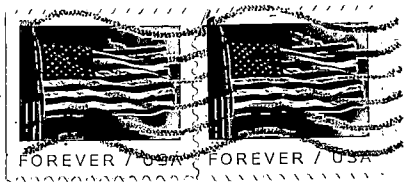
CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____
☐ MOTION FEE COLLECTED: $ _____
☐ CONTESTED – AMOUNT DUE: $ _____

SCCA 233 (11/2003)

McMAHAN & TAYLOR
ATTORNEYS
PO Box 5501
West Columbia, SC
29171

COLUMBIA, SC 290
08 JUL 2019 PM 3L



The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
Post Office Box 11330
Columbia, SC 29211

29211-133030