Trey A. Williams, #341036

V.

State of South Carolina

In The

S. C.

Court of

APPEALS

motion to

TRANSfer

CASE to

Supreme court

CASE No. 2016-001553

In the Supreme Court
of South Carolina

Appellate case No.
2016-001553

Lower court case No.
2013-CP-46-1797

Motion to Dissmiss
States Appeal pursuant
to SCAR: Rule 269
Frivolous Appeals,
petetitions, motions OR
Returns

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SC Court of Appeals

NOW COMES petitioner to respectfully submit this motion based on the following: Rule 269 of the south carolina Appellate rules of court state "where an appeal, petition, motion or return is frivolous or taken soley for the purposes of delay, or is not in compliance with these rules, the appellate court may upon its own motion or that of a party, after ten (10) days notice, impose upon offending attorneys or parties such sanctions as the circumstances of the case and discouragement of like conduct in the future may require. This Rule does not apply to any matters where counsel is Required by law to pursue an appeal or petition for writ of certiorari even though the matter may be frivolous. See Rule 3.1 "meritorious claims And contentions" under Rule 407 proffessional conduct - A lawyer shall not bring or "Defend" a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous which includes a good faith argument for an extention, modification or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or the respondant in a proceeding that could result in incarceration, may nevertheless so defend the proceeding as to require that every element of the case be established. The State had gotten several extentions without and explanation of revelving this case that is up for appeal, furthermore this Attorney General WAS PLACED on this case years After the PCR Hearing where the Attorney General present at the hearing agreed by questioning of the Judge that the record is demonstrating unconstitutional methods and that ultimately result in the order of the pcr hearing. That Attorney General is J. Rutledge Johnson who drafted the STATES return, requested summery judgement/ dismissal of my pcR Application And Attended the per hearing on the STATES behalf.

J. Rutledge Johnson would not appeal this case, the two issues that I obtained post conviction Relief on are clear, incontravertable upon the face of the record. I have been stabbed six times, beaten and place on the Ambulance and E.R. TRAUMA unit October 13, 2016 At Broad River correctional Institution, Kirkland Infirmary in the South Carolina department of corrections all after waiting on this frivolous appeal of zero/ little to zero merit and issues of law. My legal documents and personal property have been misplaced by officer personel when I was transfered to another facility and NAthan Sheldon my last counsel of record refused to produce to me A copy of my pcr Application, Amended Application, the States return, pcr transcripts. York county clerk of court PCR records, S.C. Supreme court/ clerk of court records that should be reveiwed Along with this petition and the PCR Final Order and Judgement and lower court transcripts. The Attorney General ~~J. rutledge Johnson~~ Justin hunter filed A notice of Appeal if for any reason of merit For reveiw of the proceedings to see the facts of the case since he was not present, however it is know errors of law that the pcr Judge rendered in the order of Judgement See e.g., Webb V. State, 281 S.C. 237, 314 S.E.2d 819 (814). The supreme court must affirm the PCR courts findings if they are supported by any competent evidence of probative value. see- Appellate counsel was ineffective in failing to raise issue preserved below. which would have entitled defendant to reversal on Appeal. Simpkins V. state, 303 S.C. 364, 401 S.E.2d 142 (1991)... The hearing courts findings of facts are binding on the appellate court under any evidence of probative value to support the pcr courts findings of facts standard. Greene v. state, 276 S.C. 213, 277 S.E.2d 481 (1981)... Also see- Factual Findings in state hearings carry a presumption of correctness in Federal habeas corpus proceedings, See " Sumner V. mata, 449 U.S. 539, 101 S.ct. 764, 622 L.Ed 2d 722 (1981).

Conclusion- It is incontrivertable evidence of the Record that demonstrates by facts, finding of facts that to uphold this appeal would be bad faith, result in A miscarrige of Justice and bring harm to me, this Appeal has no merit and I can be getting the time serve plea that the solicitor from the lower court record openly had AVAILible for me even though I Am "Actually Innocent"! please Dismiss the States Appeal, Also these pcr transcripts Are Inaccurate of substantial testimony And Issues and I was denied Access to fair bite At the Apple And counsel on effective levels every step from General Sessions until now... Trey Williams #341036

Trey A. Williams

Chief Justice

Trey Williams, # 341036
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McCormick SC 29899

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