

IN THE Supreme Court of
South Carolina

October 7, 2019

CASE NAME: TRET WILLIAMS V. STATE OF SOUTH CAROLINA

CASE No.: 2016-001553

RECEIVED

OCT 11 2019

S.C. SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

I. WAS THE COURT OF APPEALS IN COMPLIANCE
WITH STATE AND UNITED STATES CONSTITUTIONAL
LAW IN THE AFFIRMATION OF STATE

ABOVE CASE No.:

ON November 18-2014 TRET WILLIAMS HAD A PCR
HEARING AFTER BEING CONVICTED IN MAY 2010 FOR
CRIMINAL SEXUAL CONDUCT W.M.

JULY 18-2016 PCR GRANTED ORDER WAS DONE
AFTER ATTORNEY GENERAL AT PCR TESTIFIED THAT
TRIAL RECORD WAS NOT IN COMPLIANCE WITH FARETTA.

ON 8-21-2019 THE SC COURT OF APPEALS
ALL CONCURRED ON AFFIRMING PCR ORDER.

ARGUMENT:

SIX DIVERSE ATTORNEY GENERALS OF RECORD
HAVE BEEN ON CASE TO DELAY COURT PROCESS
AFTER STATE PCR ATTORNEY GENERAL OF RECORD
AGREED WITH PCR ORDER LITIGATION AT PCR
HEARING. I REQUEST THAT THE RECORD BE REVIEWED
TO DETERMINE IF MERITS WAS VALID TO
SAFE GUARD COURT PROCESS AND PREVENT UNBUE
DELAYS. THE SUPREME COURT SHOULD SEE PCR
TESTIMONY CONFLICTS WITH APPEAL BRIEFS IN COURT
OF APPEALS. ~~delay~~

COURT
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I Am prose, I dont have Access to copies,
I do not want counsel However I wish to
File For A Appeal Bond Hearing ...
danny winn

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The South Carolina Court of Appeals

Trey Williams, Respondent,

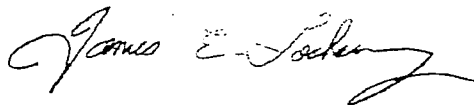
v.

State of South Carolina, Petitioner.

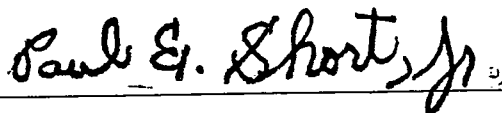
Appellate Case No. 2016-001553

ORDER

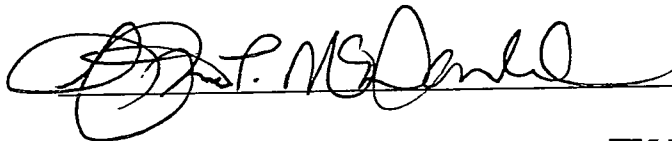
On August 21, 2019, this court issued an opinion affirming the circuit court's order, which granted Respondent's application for Post-Conviction Relief and remanded the case to the court of general sessions for a new trial. Respondent has now filed a petition for rehearing, a motion to appoint counsel, a motion for an appeal bond, and several other motions and requests. Because this court ruled in Respondent's favor, Respondent is not aggrieved by the court's opinion. Accordingly, Respondent's petition for rehearing is denied. Respondent's remaining motions are also denied.¹



C.J.



J.



J.

FILED

Sept. 27, 2019

¹ Nothing prevents Respondent from filing a motion to appoint counsel or a motion for a bond with the circuit court on remand.

Columbia, South Carolina

cc:

Janell Gregory, Esquire

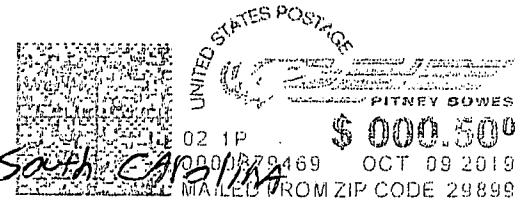
Alan McCrory Wilson, Esquire

William M. Blich, Jr., Esquire

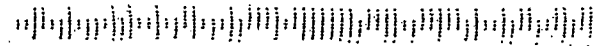
Trey Williams, 341036

Trey Williams, # 341036
M.C.I. RH 4 # 69
386 Redemption Way
McCormick SC 29899

The Supreme Court of South Carolina
1231 Gervais Street
Columbia SC 29201



29201#R236 0020



IN THE SUPREME COURT OF SOUTH CAROLINA
OCTOBER 7, 2019

CASE NAME: TAEY WILLIAMS V. STATE OF SOUTH CAROLINA
CASE No.: 2016-001553

Motion For writ of certiorari
per Rule 242 SCACR / Bond Hearing / potential
Request Counsel

This petition is to review the court of Appeals Appointment
Rehearing motion in relations to A past
conviction Relief case.

The Rehearing motion was denied 9-27-2019.

A writ of certiorari is not a matter of right,
but of sound judicial discretion and will
be granted only where there are special
and important reasons. Argument:

In this case I request that:

Did the S.C. Court of Appeals error in
contradiction of State or Federal Law?

I know it was no dissent in the Affirmation
of PCR however to protect the justice
system and prevent undue delays

I request a review.

I also may be needing the appointment of counsel
but not at the moment. I currently wish to
remain pro se, however I am working a few
more extra ordinary writ motions and
depending on the completion of the legal
adversity I will need counsel that is effective
and ethical to assist me during this

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S.C. SUPREME COURT

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IN THE SUPREME COURT OF SOUTH CAROLINA
October 7, 2019

CASE NAME: TREV ALEXANDER WILLIAMS v. STATE OF SC
CASE NO.: 2016-001553

Motion to object to
Any Attorney General
on record in this case
that is not JANEL GREGORY

J. Rutledge Johnson was the Attorney General of record in the PCR record and he admitted on PCR record in consistency of the PCR order granting post conviction.

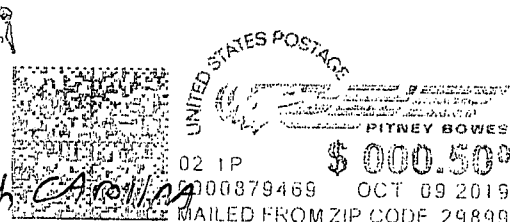
Five or six diverse Attorney Generals have requested to be placed on and off case since PCR and have delayed processes, falsified and manipulated evidence and state testimony to commit fraud for purposes of default, delay etc.

Recently a William Blitch / new Attorney General wrote a letter to the Court of Appeals while Ms. Janel Gregory was Attorney General of record and he requested to be placed as Attorney for the State and to take letter as a reply to the rehearing motion while he was not part of record. I objected then and now to strike him from record to prevent delays in this case. The case has been affirmed and now on writ of certiorari. *W/ my winning*

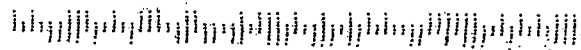
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TRET WILLIAMS, # 341036
M.C.F. RTH # 69
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The Supreme Court of South Carolina
1231 Gervais Street
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S.C. SUPREME COURT

South Carolina Supreme Court
IN THE COURT OF APPEALS

October 8, 2019

CERTIORARI TO YORK COUNTY

Court of Common Pleas

The Honorable Alison R. Lee, Circuit Court Judge

Appellate Case No. 2016-001553
Case No.: 2019-000113

Trey A. Williams, ~~Respondent~~ Petitioner
v.
State of South Carolina Respondent

Writ of Certiorari Amendment

Motion to Amend And Supplemental Pleadings

Amendments to Conform to the evidence... pursuant to
S.C.R. C.P. Rule 15 (a), (b), (c), (d) / Amendment to
Writ of CERTIORARI.

Comes Now the petitioner moves to petition the courts
to allow letters from Direct Appeal Counsel, letters
from Post conviction Relief Counsel, Indictments
involved in the Appellate case and the original Hand
written Amended PCR Application and Proposed order
that shows due diligence on petitioners behalf
in initially, timely and adequately having these
documents on the Record for PCR and Appeal.
All Filings IN THIS courts clerk Records be reviewed
IN efforts to obtain justice without delay of
Judicial proceedings.

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Also the petitioner was prejudiced by Attorneys of Record And prevented from having these documents A part of the record from the Fundamental Miscarriage of Justice Committed against him by the actions and non Actions of his Attorneys of Record.

Ineffective Assistance of Appellate Counsel and Invalid Waiver of trial counsel are the two Issues on Appeal and it would be in the interest of Justice to prevent erroneous prison confinements and correct errors of bad faith on the basis of good faith and good cause.

Direct Appeal Counsel letters will demonstrate that Appellate counsel was negligent, ineffective in a objectively unreasonable way in not RAISING Invalid waiver of counsel, asserting that client adequately waived Rights according to Law, failing to advise client of Right to Appeal Appellate Court decision, Advising client that he could not get other counsel for the case etc,

PCR Counsel told client that he could not introduce evidence at PCR hearing and that client could not raise any issue but limited to trial counsel being ineffective at PCR. Petitioner in this motion submitted a hand written PCR Application titled "Judicial notice of Adjudicated facts that referenced direct Appeal letters, having Direct Appeal Attorney as per witness and much more.

PCR counsel then edited the Application erroneously and left portions white not adding any of his on litigation which is Appendix P3269-280. PCR counsel filed Application according to SCRCP Rule 11 and did not uphold the Application which denied my right to a fair PCR hearing.

The other PCR letters shows my due diligence in correcting the PCR transcripts that were not a part of the transcripts when I got them.

The indictments prove that I was not indicted at the time of trial counsel being relieved and jury trial being waived etc. All these documents

Support per testimony of mine, Support issues on Appeal, Support All the proof of this motion with Incontrovertible evidence and Satisfies my due Diligence in correcting these Issues. The S.C. Supreme Court And this court has these Requested documents and more on file from years Ago from my due Diligence on Attempting to meet the Federal Exhaustion Requirements in state court Adjudication And prevent A Fundamental miscarriage of Justice of one who IS Actually Innocent AS petitioner is in this motion And Respondent in this Appellate Case.

This petition does not prejudice any party and they Support and conform to the evidence in the favor of Justice in this Appellate Case At bar.

I would be prejudiced to not have these documents on the record and I Am Already prejudiced with Attorney Generals of record filing Frivolous Appeals, Changing per testimony from the state court record when they were not At PCR hearing.

Respectfully Submitted

[Signature]

STATEMENT OF THE CASE

RESPONDENT is incarcerated with the South Carolina Department of Corrections pursuant to the York County clerk of court's order of commitment. Respondant was indicted with a certified true copy, York County Grand Jury at the May 2010 term on May 28 2010; Two days after the trial commenced and one month after the waiver of counsel hearing.

(See certified true bill indictment)

On April-15-16, 2010, Respondent appeared before Honorable John C. Hayes, III, for a pretrial hearing. During that hearing Ms. Colton testified erroneously that Respondent was indicted by the Grand Jury of York County on one count of criminal sexual conduct with a minor in the first degree. See APP. 2 lines 6-11, Solicitor Ms. Colton further erroneously testified an incorrect true bill indictment number and date that Ms. Colton said to be June 18th of 2009.

Furthermore Counsel Mr. Delaney and Respondent addressed the court about proceedings pro se see APP. 2-10.

Solicitor Colton testified that she was hesitant to call the case to trial and defense not have all the discovery. The Court:

Honorable John C. Hayes erroneously said that he told the respondent about the dangers and disadvantages of self representation and the benefits of having an attorney and confused the Respondent with another client from another court proceeding in the self representation process that never taken place with Respondent see APP. 10, lines 11-25. Invalid expert witness was in this case at trial in Child Abuse Fields.

1 Contrary to the State's petition for writ and Final Brief/Statement of the Case" which is essentially frivolous, Respondent's "Statement of Case and Brief in Full needs to be investigated completely. Respondent's "Statement of Case" is fundamental for justice to be.

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Honorable John C. Hayes further stated that the Respondent will be without an attorney if the Respondent convinces him to cease Mr. Delaney from representing Respondent. The Judge further states that if Mr. Delaney is relieved, the Respondent will not have an opportunity to get another attorney and Mr. Delaney was relieved as counsel on April 16, 2010, see App. 13 lines 1-8.

The process and procedure of relieving counsel and going pro se is conducted from Appendix Pg. 2-13 lines 1-8.

After counsel was relieved, Judge John C. Hayes briefly explained the role of Mr. Delaney as stand by counsel and Solicitor Colton lied about Respondent having all the Brady material essential to the case as well as stating that Respondent may be waiving certain discovery material.

The Court: John C. Hayes said that he does not believe that Respondent is really waiving discovery.

The Respondent asked could he get an attorney if he wanted one on May 24, 2010 and the Judge, John C. Hayes said that Respondent could not get another counsel appointed and could only get

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Another counsel if Respondent hired one between
May 24, 2010 and May 26, 2010 see APP. 17-21,
lines 10-22.

A Jury Trial was erroneously taken away see APP. 22
lines 1-5.

Respondent then on May 26, 2010 prior to trial Requested
A jury trial and The Court: Honorable Judge John
C. Hayes said that he was certainly not shocked,
that he almost Anticipated the Respondent changing
his mind about A Jury trial. The Judge further
stated that the Respondents tactics was Avoidance
in effort to manipulate the Courts, see APP. 23-24.

The Solicitor then erroneously called the case IN A invalid
non existing indictment number 2009-GS-46-2646

which IS Diverse From The Indictment Number At the

Time OF Respondent's Pro Se proceeding which was [2009-GS-46-02

63b) Judge Hayes found Respondent Guilty and Sentenced

him to imprisonment of 30 years. Respondent Filed

a Notice of appeal at the South Carolina Court of Appeals.

Direct Appeal Attorney Lanell C. Durant Filed her Brief For

Respondent After the Respondent Filed their Brief and She

Said Mr. Williams knowingly, intelligently and voluntarily

Waived counsel and jury trial and neglected to state

that trial judge abused his discretion. Her initial brief
should have been filed first before Respondent see APP. 134-147.

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ARGUMENT

I. The post-conviction Relief Judge did not error in finding Respondent satisfied his burden of proving that he did not properly waive his Right to Counsel.

Underlying Facts

Respondent was not Indicted on April 16, 2010 when Counsel was Relieved which affected the trial Judges Subject matter Jurisdiction to Relieve Counsel as well as A Plethora of other pre and trial / post trial processes, however the Indictments purpose and Non existence incontrovertibly deprived Respondent of knowing what he would be facing in the totality of the criminal process. The Respondent was never officially Indicted in 2009 as The Solicitor Ms. Colton Stated on the record, furthermore the True Bill Indictment was not A certified court document until two days After the trial was over.

When the Respondent Mr. Williams addressed the courts for the first time he SAID "uh, Your Honor, Yes, sir. I Think I want to represent myself today. could I be able to represent myself throughout my case today?" See App. 5-6. See: State v. Baker, 390 S.C. 56, 700 S.E. 2d 440 (Ct. App. 2010) where surrounding circumstances the court found that Baker was prejudiced AS he was undoubtedly taken by surprise and significantly limited in his Ability to combat the charges approximately two weeks before trial the State presented Bakers Counsel with new indictments. In this case at bar another indictment was erroneously on the record seconds before trial see: App. 25 lines 8-11.

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The Judge told Respondent that it would be dangerous for the Respondent to represent himself because the Respondent is not an attorney. The Judge informed Respondent that it was a Right to hire An Attorney and to Waive A Right to Counsel without going into Any detail of the Benefits of an attorney or the diversification between A Right to hire an attorney and have one appointed because the Respondent WAS poor peasantry with Indigent Public defender. The Respondent was 22 years of Age without any mentioning of his Age, educational background, Criminal trial experience or Court record being questioned by the Judge, attorney or any State government agent. At the time of waiver, Respondent's mental health or history was never questioned and the Respondent was Facing Life In Prison while nothing Showing Intelligence, Legal knowledge And understanding WAS on display from MR. Williams. See APP. 6 lines 12-14 where the Respondent said that he does not wish to bother his attorney right now when the nature of the circumstances involving Life, Limb, Liberty is at ~~the~~ Risk, that is A Lack of understanding.

The record never reflected Counsel saying he advised, informed specifically anything essential to satisfy the understanding of the Defendant in such A Serious decision making process.

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Mr. Delaney did make it clear that Mr. Williams did not trust or believe that counsel was being honest with the case and that disciplinary counsel was written several times which points to mistreatment possibilities that would make the waiver result from mistreatment. The record reflected that Mr. Williams filed Speedy trial motions and wanted the earliest trial date possible which prove Mr. Williams, (Respondent) never attempted to delay or manipulate the proceeding. In the process of Respondent going pro se the Respondent was asking about bond being set, the trial judge was discussing when I could go to trial, trial judge mistaken court proceedings of Respondent with another person regarding going pro se. Counsel was relieved because the judge felt that Respondent convinced him to do so according to the judge testimony see App. 10-13 lines 1-8. See App. 20 lines 11-13 where the judge asks defendant was he planning to opt to go without an attorney and Respondent says yes sir. See App. 21, lines 9-21 when Respondent was asked about any questions about his rights and Mr. Williams asked could he get an attorney and was denied by the judge to get counsel. Respondent clearly did not understand what was going on.

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When attempting to determine the Voluntary and Intelligent nature of A Waiver or plea, the colloquy ordinarily serves as confirmation that A criminal defendant is waiving the right to raise certain constitutional claims. See - *Rivers v. Strickland*, 264 S.C. 121, 213 S.E. 2d 97, 98 (1975). The General Rule is that A plea of Guilty, Voluntarily and Understandingly made, constitutes a Waiver of non-jurisdictional defects and defects and defenses, including claims of violation of constitutional rights prior to the plea. However "[G]iven the seriousness of the matter, the Constitution insists, among other things, that the defendant enter A Guilty plea that is Voluntary and that the defendant must make other waivers knowingly, intelligently and sufficient awareness of the relevant circumstances and likely consequences. *United States v. Ruiz*, 536 U.S. 622, 628 (2002) (quoting *Brady v. United States*, 397 U.S. 742, 748 (1970)). Specifically, "a defendant entering a guilty plea must be aware of the nature and crucial elements of the offense, the maximum and any mandatory minimum penalty, and the nature of the constitutional rights being waived." *Anderson v. State*, 342 S.C. 54, 57, 537 S.E. 2d 649, 651 (2000), citing *State v. Hazel*, 275 S.C. 392, 271 S.E. 2d 602 (1980). The validity of a defendant's waiver does not turn on his communication with counsel, but rather on the presence of A Record supporting the validity of that Waiver.

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See (cite as: 399 S.c. 641, 732 S.E.2d 871) In this case ~~at~~ The trial court and the PCR court both conducted a deficient analysis of petitioners waiver. The record is devoid of any evidence to support the PCR Courts finding that trial counsel's discussions regarding the waiver were at "Length" or detailed. Petitioners trial counsel ~~at~~ could not testify that he definitely explained to petitioner the differences between A Jury trial and A Bench trial. He Also could not testify whether petitioner had any questions regarding that distinction because he could not recall, but he inexplicably was able to testify that petitioner definitely wanted to move forward with A Bench trial. The record reflects that there was no colloquy between the court and petitioners trial counsel or petitioner regarding the waiver.

Petitioner testified that he completed only the 7th Grade and that he cannot read or write At his PCR. A "colloquy" is defined as "any formal discussion, such as an oral exchange between A Judge, the prosecutor, the defense counsel and a criminal defendant in which the judge ascertains the defendant's understanding of the proceedings and the defendant's rights.

Black's Law Dictionary 221 (8th ed. 2005) Also defined colloquy as A "high level serious discussion".

Websters Ninth New Collegiate Dictionary 260 (9th ed. 1989), See New World Dictionary 280 (2d ed. 1976) defining colloquy

AS A "conversation, esp. a formal discussion, conference. In Larry Gene Moore, V. State of South Carolina,

13. 219 221

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(Cite as- 399 S.C. 641, 732 S.E. 2d 871)

The exchange that took place did not meet even A banal definition of colloquy, and falls far short of the "high level serious discussion," necessary to support the waiver of A defendants constitutional rights. Trial Counsel's Testimony at the PCR hearing does not meet the "Any evidence Standard," and did not require the court to ~~confirm~~ Affirm the PCR Judge ruling. The PCR court found that petitioner waived his right to A jury trial, however the only evidence supporting that erroneous determination is trial Counsel's testimony. That testimony illustrates A Trial Strategy and decision-making process, incompatible with the Demands of this Courts Waiver Jurisprudence. The bare fact that the testimony exist, does not mean that the testimony constitutes evidence of A valid waiver even under deferential Standard Review. The waiver in this case ~~is not~~ ^{is not} supported by A complete record. The PCR court erred in Finding that petitioner made A knowing and voluntary waiver of A sacrosanct right found in both the State and federal constitutions. In this case AT BAR Appellate case No. 2016-001553 See App. 246-262 (PCR order granting PCR) which will show striking similarities. The supreme court held that waivers of such are effective only if made knowingly and voluntarily. *Id.* at 142, 665 S.E. 2d at 607. The court examines the particular facts and circumstances in the case, background, experience and conduct of accused. *Id.* at 143, 665 S.E. 2d at 607. See- *Spoone v. State*, 379 S.C. 138, 665 S.E. 2d 605 (2008).

U.S. v. Concepcion, 621 F.3d 575, 578-79 (6th Cir 2010) Right to counsel may not be knowingly and intelligently waived when defendant does not understand nature of charges, Statutory offense, Range of allowable punishments, and possible defense; *Brooks v. McCaughy*, 380 F.3d 1009, 1013 (7th Cir 2004); *Force v. Tovar*, 541 U.S. 77, 89 (2004) The *Tovar* court explained that "the information a defendant must have to waive counsel intelligently will depend... upon the particular facts and circumstances surrounding the case. Id. at 92 (quoting *Johnson v. Zerbst*, 304 U.S. 458, 464 (1938)) Among the case specific factors to be considered are "the defendant's education or sophistication, the complexity or easily grasped nature of the charges, and the stage of the proceedings. Id. at 88; See also *Parkerson v. Ill.* 487 U.S. 285, 299 (1988) (Same); *Torres v. U.S.* 140 F.3d 392, 401 (2d Cir 1998) Court should conduct on the record discussion to ensure defendant's aware of risk and ramifications of self representation; *U.S. v. Jones*, 452 F.3d 223, 228-29 (3d Cir 2006) Court must go beyond "SP Interlocking questioning" and specifically warn defendant of dangers of proceeding pro se, including that he must conduct defense in accordance with Federal Rules of evidence and criminal procedure; *U.S. v. Williams* 641 F.3d 759, 766-67 (6th Cir 2011) Court should follow model inquiry of 13 questions about defendant's familiarity with legal system and charges against defendant, followed by "strong admonishment" that the court recommends against defendant proceeding pro se; *U.S. v. Todd*, 424 F.3d 525, 531-32 (7th Cir 2005) Court should not just confirm defendant desire to proceed without an attorney, but should also "impress upon... defendant the disadvantages" of proceeding pro se; See, *U.S. v. Hantzis*, 625 F.3d 575-579-80 (9th Cir 2010) Court must ensure defendant understands nature of charges, possible penalties, and dangers of self representation, so that the record will establish that he knows what he is doing and his choice is made with eyes open.

The Supreme Court has not prescribed any formula or script to be read to a defendant who states that he elects to proceed without counsel." *Tovar*, 541 U.S. at 88. However, Circuit courts have developed various lines of questioning. See *U.S. v. McBeck* 362 F.3d 360, 366 (6th Cir 2004) valid waiver because court presented defendant with 12 of 13 questions on model inquiry and complied with essence of last question by reviewing maximum penalty. In this case at bar, the record is void of any questions to the defendant or inquiry into the nature of the offense or maximum penalty. See *U.S. v. Cowin*, 471 F.3d 197, 198-200 (DC Cir 2006) waiver valid because court engaged in extensive discussions of charges, punishments, procedures, and dangers of self representation with defendant. In this case at bar, again the record is void of any extensive discussions between defendant, counsel, or the courts, regarding charges, punishments, or procedures that he must comply with. See, *U.S. v. Jones*, 452 F.3d 223, 231-32 (3d Cir 2006) waiver invalid because court failed to identify potential problems of obtaining evidence when proceeding pro se. Some circuit courts have articulated a three factor test to be used in determining whether a defendant knowingly and intelligently waived the right to counsel. (1) the nature of the charges against him (2) possible penalties and (3) the danger and disadvantage of self representation. The Court must determine that defendant "understands the nature of

The charges, the range of possible punishment, potential defenses, technical problems that may be encountered, and any other facts important to a general understanding of the risks involved (quoting *U.S. v. Peppers*, 302 F.3d 120, 132, 134 (3d Cir 2002)).

Furthermore, because the record reflects the conflict of interest between Counsel and Alford, applicant felt that counsel was being untruthful with him, deliberately misrepresented facts and material evidence, and intentionally withheld discovery evidence favorable to applicant defense. Applicant Request to have this counsel removed, and appointed another counsel, however, he was denied and forced / threatened to proceed with counsel, who was forced to work under a conflict of interest. See *Patterson v. Ill.* 487 U.S. 208, 292 N.4 (1988) If defendant must choose between the right to self representation and pro counsel, the choice of former may be considered involuntary; see, e.g., *Padden v. Maurice*, 424 F.3d 303, 316-318 (3d Cir 2005) involuntary may occur when defendant given choice between unprepared counsel and self representation; *U.S. v. Silkwood*, 893 F.2d 249 (10th Cir 1989) involuntary waiver when trial counsel and court impermissibly forced defendant to choose between self representation and pro counsel by attempting to persuade defendant of appointed counsel's competency instead of conducting a penetrating inquiry into decision to proceed pro-se.

Petitioner asserts that because he was never informed of the court procedures, i.e., objection requirement, cross examination or presentation of evidence, access to evidence, discovery and such actions of the court interfered with defendant's self representation, and due process; see, *Osias v. Bloss*, 961 F.2d 985-87 (1st Cir 1992) defendant's right to proceed pro-se violated when judge excluded defendant from bench or lobby conference during trial, gazed and remarked defendant in front of jury, commented sarcastically about defendant defense, and failed to curb prosecutor's rhetorical comments. Moreover, if the state interferes with a defendant's self representation, due process may be violated; see, *Tate v. United*, 963 F.2d 20, 26 (2d Cir 1992) Remand to determine whether due process violated by defendant's confinement and administrative segregation during 10 month period between arraignment and trial because no opportunity to prepare own defense. See, *Milton v. Morris*, 762 F.2d 1443, 1446-47 (9th Cir 1985) due process violated when state unjustifiably hindered self representation by denying meaningful access to relevant research materials. *Paid v. Edwards*, 534 U.S. 164-123-75 (2008) finding schizophrenic defendant unfit to conduct pro se defense.

Petitioner asserts that the listed material was disregarded by the trial court - in this case at bar, see, *U.S. v. Arthurum*, 343 F.3d 712, 718 (5th Cir 2003) ~~having~~ knowing and intelligent because defendant signed waiver form, court explained form to defendant and court advised defendant of advantages and disadvantages. Also, see The South Carolina Commission on Indigent Defense, Division of Appellate Defense, letter dated _____ 2008 15

U.S. v. Hall, 610 F.3d 727, 741 (DC Cir 2010) Knowing intelligent court conducted (Forette inquiry); however in this case of bar, see, U.S. v. Jones, 452 F.3d 223, 232-34 (3d Cir 2006) waiver not knowing and intelligent because court failed to advise defendant of challenges to self-representation or of potential punishment; Fowler v. Collins, 253 F.3d 244, 250 (6th Cir 2001) Waiver can not be voluntary because court did not make defendant aware of dangers and disadvantage of self-representation or fallill courts protective role when defendant stated he was unprepared for trial and that indictment was complex; Shafer v. Bowersox, 329 F.3d 637, 647-48 (8th Cir 2003) court did not comprehensively examine defendant's or adequately warn him of dangers.

Furthermore, based on petitioner's education/mental level, the trial court abused its discretion by accepting petitioner's request to proceed pro-se. See, U.S. v. Pirakett, 910 F.2d 51, 55 (2d Cir 1990) defendant motion to proceed pro-se properly denied because "district court is not obliged to accept every defendant's invocation of the right to self-representation; U.S. v. Brunkoff, 613 F.3d 358, 372-74 (3d Cir 2010) defendant motion to proceed pro-se properly denied because request was untimely; U.S. v. Bush, 404 F.3d 263, 272 (4th Cir 2005) denial because purpose of request was to delay and manipulate trial; U.S. v. Corradine, 621 F.3d 523, 528-29 (6th Cir 2010) denial because defendant not competent to represent himself; Brooks v. Mithunsky, 350 F.3d 1009, 1010 (7th Cir 2004) denied because defendant deemed incompetent; U.S. v. Edelman, 458 F.3d 791, 808-09 (8th Cir 2006) denied defendant's request because it was not timely; U.S. v. Karpajski, 239 F.3d 1106, 1117 (9th Cir 2001) denied defendant request because made tactically for dilatory purposes; U.S. v. Smith, 413 F.3d 1253, 1281 (10th Cir 2005) denied because defendant not capable of representing himself, 6 days before trial; See U.S. v. Frazier-EI, 204 F.3d 553, 562 (4th Cir 2000) denied because untimely and tactic for delay; U.S. v. Edelman, 458 F.3d 791, 808-09 (8th Cir 2006) denied as untimely because made 5 days before start of trial.

Petitioner has attempted thru "Judicial Notice of adjudicative facts" and this proposed order granting PCR Relief, to comply with the exhaustion requirements; Davis v. Strack 270 F.3d 111, 123 (2d Cir 2001) exhaustion requirement satisfied because applicant fairly presented due process violations by citing with specificity to US Const in state court brief; Nara v. Frank, 488 F.3d 187, 199 (3d Cir 2007); Weeks v. Angelone, 176 F.3d 249, 262 (4th Cir 1999) despite fact that highest courts decision did not discuss Federal Constitutional issues aff'd, 528 U.S. 225 (2000); Taylor v. Cain, 545 F.3d 327, 333-34 (5th Cir 2008) satisfied despite petitioner's failure to frame claim in Constitutional terms because cited in state court filings; Onifor v. Tyszkiewicz, 225 F.3d 313, 315 (6th Cir 2001) satisfied because petitioner identified Constitutional violations during state court proceedings; Boyko v. Parke, 259 F.3d 781, 789 (7th Cir 2001); Hill v. Lockhart, 28 F.3d 832, 834-35 (8th Cir 1994); Williams v. Jones, 671 F.3d 1086, 1089 (10th Cir 2009); Dale v. Johnson, 488 F.3d 1364, 1369 (11th Cir 2007) (Same)

ARGUMENT II.

Whether the post conviction Relief Judge erred in finding respondent satisfied his burden of proving that his Appellate Counsel was ineffective for failing to raise the issue that his waiver of counsel was invalid where respondent made no objection to proceeding pro se leaving the issue unpreserved for appellate review.

The issue that direct appeal attorney Lanel C. Durant addressed was not objected to at trial and her initial brief resulted in a substantial unreasonable application of clearly established law as determined by the supreme court of the United States and her strategy and decision making process was based on a unreasonable determination of facts in light of the evidence in the trial transcript proceeding which resulted in her litigation being substantially diverse from relevant supreme court precedent. Appellate counsel litigated that Mr. Williams knowingly, intelligently and voluntarily waived counsel and jury trial rights and that the trial judge advised defendant the dangers and disadvantages of proceeding pro se. Furthermore Appellate Counsel neglected to state that the trial judge abused discretion in any pre trial or court phase. Appellate Counsel's initial brief was objectively unreasonable in its totality. See App. 278-280. See App. 270-277.

3) Appellate Counsel was ineffective, in failing to raise meritorious issues of ineffectiveness, unskilled and unskillful manner of trial counsel, manner of jury trial, and ineffective assistance of counsel done.

A) Appellate Counsel failed to adequately raise abuse of discretion on the trial court, for the above mentioned issues.

Petitioner is alleging that appellate counsel's representation fell below an objective standard of reasonableness, and that there is a reasonable probability that, but for counsel's errors, the result of the proceedings would have been different. Therefore, because of counsel unreasonable standard of representation, petitioner was severely prejudiced because petitioner was denied a chance to raise meritorious issues raised above, See, Smith v. Robbins, 528 U.S. 239, 120 S.Ct. 792. The highest court have stated; Counsel, however, can also deprive petitioner of the right to effective assistance, simply by failing to render adequate legal assistance, See, Cuyler v. Sullivan, 446 U.S. at 344, 100 S.Ct. at 1716. It also stated if counsel does not conduct a substantial investigation into each of several plausible lines of defense, assistance may nonetheless be ineffective, counsel's errors resulted in actual actual and substantial disadvantage to the cause of petitioner's defense. See, Lombard v. Lynaugh, 868 F.2d 1475, held counsel ineffective for filing Anders brief when New-Foreclosure issues existed for appeal.

Petitioner contends that the Record does not contain any probative evidence to support the notion that the waiver was knowingly and intelligently made, or that Stand by Counsel was effective in protecting petitioner's Constitutional Rights. Counsel appointed to represent an indigent appellate, ordinarily should consult with his client at least once to ascertain his clients desires with regards to the alleged trial errors which the appellant wishes to press, because counsel has a duty to press arguments initiated by his client which may arguably be supported even though counsel does not personally espouse them. Counsel must act in the role of an active advocate in behalf of his clients appeals to the best of their ability. Fundamental fairness entitled indigent defendant to an adequate opportunity to present their claims fairly within the adversary system. See, AKE v. Oklahoma, 470 U.S. 68. When a claim of ineffective assistance of appellate counsel is based upon failure to raise viable issues, the courts must examine the Record to determine whether appellate counsel failed to present significant and obvious issues on appeal, See, Gray v. Greer, 810 F.2d 644, 646. Generally, the presumption of effective assistance of counsel will be overcome when the alleged ignored issues are clearly strong or meritorious issues. Conversely, an appellate advocate may deliver deficient performance and prejudice a defendant by omitting a clear strong waiver, even though counsel may have presented strong but unsuccessful claims on appeal, See, Page v. U.S 884 F.2d 300, 302; Motire v. Wainwright, 811 F.2d 1430, 1438; U.S. v. Alerre, 430 F.2d 681; U.S. v. Addison, 2001 WL 409453.

has held under duress, perjured testimony or involuntary waiver obtained by trickery or coercion and when a defendant has been inadequately represented by counsel. It is never to late for courts in Habeas Corpus proceedings to look straight through procedural smoke screens in order to prevent forfeitures of life or liberty in flagrant defiance of the Constitution. It is well settled that appellate procedural defaults should not foreclose Habeas Corpus review of meritorious Constitutional claims.

This issue has been properly raised, and likewise, preserved, this court should rule on accordingly. Per counsel must file a SCRP. Rul. 59(A) or (E) to assure that all issues raised are ruled on for appellate review.

Issue Presented

(3) Ineffective Assistance of Appellate Counsel

In his amended application "the applicant alleges that appellate counsel performance was below professional norms, and that petitioner was prejudiced as a result". This Court has had the limited opportunity to review the trial transcript, Appeal transcript, and has heard the testimony and evidence presented at the hearing. Has had the opportunity to observe the witnesses and to pass on their credibility, and has weighed the testimony accordingly. Set forth below are the relevant findings of facts and conclusion of law as required pursuant to S.C. Code Ann § 17-27-80.

In his allegations before the court, the applicant alleges that his appellate counsel performance was well below professional norms of Strickland, Supra and Constitutional Standards. As a result, petitioner has been prejudiced by counsel inaction in failing to recognize meritorious issues plain on the face of the record. I.e., (1) Involuntary waiver of trial counsel, (2), Abuse of discretion and or (3), due process violation.

Findings of Fact and Conclusion of Law

This Court finds that transcripts, testimony of witnesses and evidence presented at the evidentiary hearing, the applicant Appellate Counsel was ineffective in failing to raise meritorious issues for review, as such petitioner is alleging prejudice, and a both trial Court, violation, and due process. See, *Hawkins v. Hannigan*, 185 F.3d 1146, 1152; *Mason v. Hawks*, 97 F.3d 887, 894; *Evitts v. Lucey*, 469 U.S. 387, held, that due process guarantees a criminal defendant effective assistance of counsel in his first appeal as of right; *Douglas v. California*, 372 U.S. 353; *Partes v. California*, 386 U.S. 738; *Entsminger v. Iowa*, 386, and *Rodriguez v. U.S.* 395 U.S. 327, 89 S.Ct. 1715. In *Williams v. Taylor*, supra, the courts held, that ineffective assistance of counsel claims is clearly established Supreme Court precedent within the meaning of § 2254 (D)(1).

31 Petitioner is alleging that appellate counsel's representation fell below an objective Standard of Reasonableness, and that there is a reasonable probability that, but for counsel's errors, the result of the proceeding would have been different. Therefore, because of Counsel's unreasonable Standard of Representation, petitioner was severely prejudiced because petitioner was denied a chance to raise meritorious issues addressed above and below. See, Smith v. Robbins, 528 U.S. 259, 120 S.Ct. 746, 764. The highest court have stated: Counsel, however, can also deprive petitioner of the right to effective assistance, simply by failing to render adequate legal assistance; see, Coxley v. Sullivan, 466 U.S. at 344, 100 S.Ct. at 1716. It also stated if counsel does not conduct a substantial investigation into each of several plausible lines of defense, assistance may nonetheless be ineffective. Counsel's errors resulted in actual and substantial disadvantage to the cause of petitioner's defense. See Lombard v. Luyough, 828 F.2d 1475, held counsel ineffective for filing Anders brief when non-Federal issues existed for appeal.

In Patterson v. Leack, 556 F.2d 1168, the 5th Cir. prisoner whose claims have not been reviewed on direct appeal must first pursue the remedy afforded by 5th Cir. Uniform Post Conviction Relief Act, 5th Cir. Code § 17-601. Petitioner raised these claims in his PCR application, and when a state requires a prisoner to raise an ineffective assistance claim in that circumstances:

1) When the State Courts did not provide counsel, in the initial review collateral proceeding for a claim of ineffective assistance of trial:

2) Where appointed counsel in the initial review collateral proceeding where the claim should have been raised, was ineffective under the Strickland Standards; see, Williams v. Taylor, supra. Furthermore, counsel appointed to represent an indigent appellate, ordinarily should consult with his or her client at least once to ascertain his or her clients desires with regard to the alleged trial errors which the appellant wishes to press, because counsel has a duty to press arguments initiated by his or her client which may arguably be supported even though counsel does not personally espouse them. All of which the Record reflects was not done in this case at law. Counsel must act in the role of an active advocate in behalf of his clients appeal to the best of his ability as opposed to a lawyer of the court.

Petitioner asserts that his appellate counsel brief was worse in favor of the prosecution than in an active advocate for petitioner (Appellate counsel never consulted with petitioner) and just completely abandoned petitioner's meritorious issues. See; Salomonson v. Boster, 386 U.S. 258, and Halbert v. Michigan, 45 U.S. 605, the absence of ineffective assistance of counsel in these circumstances, held, violated the defendant's 4th Amendment rights as defined in Douglas v. California, supra. Petitioner's Constitutional right to effective assistance of Counsel for purpose of appeal was abridged.

Fundamental fairness entitled indigent defendant to an adequate opportunity to present their claims fairly within the adversary system. See, AKE v. Oklahoma, 470 U.S. 68. Due process emphasizes

fairness between the State and the individual dealing with the State, See, *Ross v. Moffitt*, supra. In *Griffin v. Illinois*, 351 U.S. 417-18, held that when a State conditions an appeal from a conviction on the provision of a trial transcript, the State must furnish free transcript, and counsel must review all arguable issues for an appeal, and it is fundamentally unfair for counsel to argue against petitioner claims without providing an opportunity for consultation or for petitioner to seek the advice of another attorney, because it is well known that Appellate Counsel will not raise a claim of ineffective assistance of counsel on his school rack, or on his own. See, *Mustin v. Green*, 120 F.2d 812, 816 cert. denied 426 U.S. 729. It is self evident that to deny a competent lawyer's help through the technical stages of the criminal process or to deny a full opportunity to appeal a conviction because petitioner is poor, is to imperil that purpose and to inflict a grievous wrong upon the innocent. Counsel's errors during appeal on direct appeal proceeding with the clear danger of launching the innocent. Counsel's errors during appeal on direct review should provide cause to excuse a procedural default. Petitioner was denied from complying with the States procedures "solely" due to ineffective assistance of trial counsel. See, *Wainwright v. Sykes*, 433 U.S. 587, a State procedural rule which requires that a "Contemporaneous objection" be made deserves great respect.

Petitioner asserts that there can be no ^{dispute} of the prejudice he suffered because of ineffective assistance of trial, and appellate counsel. These errors was plain upon the face of the record, which affected substantial rights, and hence, may be noticed although they were not brought to the attention of the courts due to ineffective assistance of counsel. See, *U.S. v. Olano*, supra; *U.S. v. Young*, supra; *U.S. v. Atkinson*, supra and *Chapman v. California*, supra.

This unprofessional performance under the precepts of Strickland violated petitioner's due process to a fundamental fair proceeding. Petitioner has shown in the above claims that not merely did these errors at pre trial, trial and appellate review created prejudice and invoked the involuntary waiver of trial counsel, but that Appellate Counsel failure to raise ineffective assistance of trial counsel claims, lacked to petitioner's actual and substantial disadvantage, affecting petitioner whole trial with errors of constitutional dimensions. See, *Frady*, supra; at 170, 120 S.Ct. at 1596. A Constitutional claim that violates fundamental fairness... Courts remain regardless of possible procedural defaults. It also held, the Sixth Amendment itself requires that responsibility for the default be imputed to the State, which must be conducted trials at which persons who face incarceration must defend themselves without adequate legal assistance. When a claim of ineffective assistance of counsel is based upon failure to raise viable issues, the courts must examine the record to determine whether appellate counsel failed to present pertinent and obvious issues on appeal; See, *Gray v. Green*, 800 F.2d 644, 646. Generally, the exception of effective assistance of counsel will be overcome when the alleged injured issues are clearly

Strong or meritorious issues. Conversely an appellate advocate may deliver deficient performance and prejudice a defendant by omitting a dead-bang winner, even though counsel may have presented strong but unsuccessful claims on appeal, See, *Paye v. U.S.* 884 F.2d 300, 302; *Matire v. Hamwright* 811 F.2d 1430, 1438. Courts of appeal may consider an ineffective assistance of counsel claim in this State in the first instance on direct appeal when it conclusively appears from the record that counsel was constitutionally ineffective under *U.S. v. Alper*, 430 F.3d 681; *U.S. v. Addison*, 2001 WL 409453.

These Constitutional claims advanced above and within, calls into question the accuracy of the proceeding and petitioner's guilt. The Bill of Habeas Corpus is the fundamental instrument for safeguarding petitioner against arbitrary and lawless state action, See, *Harris v. Nelson*, 394 U.S. 236, 290-291 89 S.Ct. 1086. The Court explained in "*Engle*" that the cause and prejudice standard will be met in those cases where review of a state prisoner's claim is necessary to correct a fundamental miscarriage of justice, at 133, 102 S.Ct. at 1576. These cases has also established that where a Constitutional violation has probably resulted in the conviction of one who is actually innocent "as in this case at bar".

Petitioner has attempted thru "Judicial Notice" and this proposed order Granting PER Relief, to comply with the exhaustion Requirements; *Davis v. Stock*, 270 F.3d 111, 123 (2d Cir 2001); *Nora J. Frank*, 488 F.3d 187, 199 (3d Cir 2007); *Weeks v. Angelone*, supra; *Taylor v. Cain*, supra; *Dwifer v. Tyszkiewicz*, supra; *Bojko v. Perky*, supra; *Hill v. Lockhart*, supra; *Williams v. Forks*, supra; exhaustion Requirement satisfied because applicant fairly presented due process violation by citing with specificity to U.S. Const, in State Court brief. See, *William v. Taylor*, 529 U.S. 420, 437 (2000) "Entitled to a hearing because presented extensive evidence in State Court.

Petitioner asserts that this issue can be raised under Rule 52(b), under ineffective assistance of counsel, trial errors, and abuse of discretion, because it played a major role in forcing the involuntary waiver of trial counsel. The Role of the Plain Error doctrine has always been to empower courts especially in Criminal cases to correct errors that seriously affect the fairness, integrity or public reputation of judicial proceedings. See, *U.S. Atkinson*, supra; It states a Rule 52(b) is one of the general provisions, applicable to all stages of criminal proceedings in Federal Courts. This Rule has been relied upon to correct errors that may have seriously prejudiced a possibly innocent defendant; See, *U.S. v. Vaughn*, supra. The plain error Rule mitigates the harsh impact of the adversarial system, under which the defendant is generally bound by the conduct of his lawyer, by providing relief in exceptional cases despite the lawyer's failure to object at trial. PER Counsel must file a SERCP Rule 59(a) or (E) to assure that all issues are ruled on for appellate review.

Conclusion

A Criminal defendant has a due process right to have his case heard by a fair and Impartial Judge. See - Schweiker v. McClure, 456 U.S. 188, 195 (1982). Due Process Demands impartially on the part of those who function in Judicial or Quasi Judicial (capacities) similarly he has the right to have A Judge assigned to his case in A manner free from Bias or the desire to influence the outcome of the proceedings. Cruz v. Abbate, 812 F.2d 571, 574 (9th cir. 1987) The Judge in this case denied respondent counsel, jury trial and said that he almost Anticipated that Mr. Williams would attempt to Avoid charges, outcome of trial and manipulate the proceedings directly before trial as he objectively unreasonably Relieved counsel, denied counsel, denied Jury trial. Mr. Delaney testified At PCR hearing; see App. 232 - 233 lines 1-13. See App. ~~232~~ ~~230~~ 230, lines 15-23, See App. 246-262. And see the seal on App. 264 Where York County certified true copy is stamped. See App. 269-280 and Based on the Citings in the conclusion and all of the foregoing, Respondent has established a violation of his Constitutional Rights to counsel and Ineffective assistance of counsel, Abuse of Discretion on trial Judge Requiring this court to Affirm the PCR Judge Order In App. 262. Respectfully Submitted, By: Trey Williams, 341036

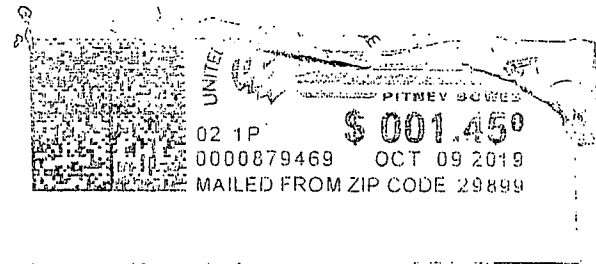
Trey Williams
PRO SE

386 Redemption Way
McCormick S.C.
29899

LEGAL MAIL ROOM

Trey Williams #341036
M.C.I. RHTU #69
376 Redemption Way
McCormick SC 29899

The Supreme Court of S.C.
1231 Gervais Street
Columbia S.C. 29201



IN THE SUPREME COURT OF SOUTH CAROLINA

October 8, 2019

CASE NAME: TREV WILLIAMS VS. STATE OF SOUTH CAROLINA

CASE NUMBER: 2016-001553, 2019-000113

MOTION FOR COUNSEL / AMENDMENT TO WRIT CERT IN
THIS COURT. EXTRAORDINARY PETITION FOR
COUNSEL / GAL TO BE APPOINTED
TO ASSIST IN COURT PROCEEDINGS / MOTION FOR COUNSEL

See Appendix C (Post conviction Relief transcripts)
Page 238, lines 5-19: Where post conviction
Relief Judge Questions Attorney General of
PCR Record About the On the Adequate
Procedures of FARETTA being demonstrated IN
Above CASE NUMBER to deem TREV WILLIAMS
PROSE. SUPPORTING EVIDENCE FOR THIS MOTION IS CASE NO. 2019-000-

113.

Attorney General of record Admits And States
on Record that the trial transcript records
do not meet the standards of FARETTA VS.
CALIFORNIA to Adequately Allow Mr. Williams to
be PROSE with eyes wide open.

See Appendix C (Post conviction Relief transcripts)
Page 232 lines 9-24: Where the PCR Judge
Questions trial Counsel of Any warnings, DANGERS,
Discussions that he had with Mr. Williams REGARDING
Self representation; And counsel States on PCR
Record that nothing Above And beyond the Court
Records was discussed. I request A time serve PLEA ALSO.

See Appendix transcripts Page 12-13 lines 1-16
CASE NO. 2019-000113 WAS FILED IN THIS COURT.

Pg. 1 of 8

LEGAL MAIL
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RECEIVED

OCT 11 2019

S.C. SUPREME COURT

Which will show the prose pre trial proceeding that taken place.

It is incontrovertible evidence, clear, convincingly upon the face of the record in written testimony of transcripts by Attorney General J. Rutledge Johnson of PCR Record, Attorney Erik Daniel Delaney Esquire of PCR Record, Testimony of Mr. Trey Williams ect. Furthermore, Issues, Testimony, evidence was erased and missing from PCR record and transcripts.

I have submitted official court documentation to this court in case No.: 2017-000113 extraordinary writ proving that I timely wrote the courts, S.C. Administrative court, Attorney of record regarding the procedure and the S.C. court of Administration had conflicting dates of the PCR transcript procedure than Attorney of record Nathan Sheldon at that time.

I proved in this court that I was never officially indicted in this case until two days after my trial was over see case No.: 2017-000113 that I submitted in this court.

Since my PCR commenced, A Plethora / many diverse Attorney Generals have requested to be on case for purposes of fraud, delay ect and recently I object to Attorney General William M. Blitch, Jr. BAR No.: 15608 from requesting to be on my case while simultaneously filing a motion involving my case. With all these diverse Attorney Generals on case I need a ethical, effective, competent Attorney to help me

file the necessary motions, litigation regarding evidence presented in this court in case no.: 2019-000113 ect to get another PCR hearing, A fair bite at the able, to resolve factual evidentiary matters revolving around the totality of this case in the interests of justice to prevent this miscarriage of justice and false fraud proceeding against one who is actually innocent. A lot of evidence in this rare, unusual circumstances involving the cases 2016-001553, 2019-000113 demand attention and the merit of these colorable claims are in these mentioned cases, clerk record ect.

Only an competent, professional, ethical and effective attorney can help safe guard my rights on appeal and protect me from continuing to be wrongfully imprisoned.

I recently filed for a writ of certiorari in this case to be sure that the judicial process is correct in the orders and evidence involving this case.

I object to any incompetent, unethical, unprofessional attorney who does not meritoriously address the totality of these issues with law, litigation on the written record.

I Am prose because I have been prejudiced, discriminated against and Represented by attorneys in the three most fundamental essential substantial stages of Criminal law. 1. General Session proceedings, Direct ^{2.} Appeal, ^{3.} Post conviction Relief.

I am not competent enough to litigate law sufficient enough to adequate establish my innocence because I am not certified in Law practice, I have mental health Background and I do not know the laws, rules and procedures Adequately enough as an attorney should.

I Am Actually Innocent and I always maintained and announced my innocence and it is zero physical evidence in the totality of this case while False testimony, from solicitor, inadequate expert witnesses, brady violations, Abuse of Discretion, ineffective counsel, prosecutorial/Actual prosecutorial misconduct Along with A Plethora of Cummulative Constitutional Substantial deprivations I Faced prior to trial, Post Trial And on All COLLATERAL ATTACKS ON MY UNLAWFUL CONVICTION that continues to Keep me ~~Faulty~~ Faults imprisoned. Attorney have destroyed most of my documentation And evidence of Discovery And expert witness Testimony, Affidavits that I had in preparation For Post conviction Relief hearing.

The Documents from Attorney Charles Brooks office that is in this petition clearly upon the face of the Record demonstrate him telling me that I can only Raise ineffective of counsel At trial level At A PCR proceeding and that I cant have Adjudication, expert witnesses, witnesses or raise Any issues or put

See CASE No. 2017-000113

Ps. 4 of 8

~~000~~

evidence on the record of A PCR proceeding. Eventually by way of my due diligence he ended up filing for my discovery, discussing witnesses, investigations, mental health records etc and filed for these things to be a part of my post conviction relief hearing, however all his filings was frivolous as he intentionally neglected to litigate the merits that I placed inside my hand written judicial notice of adjudicated facts see - Appendix 269-280 where Mr. Brooks edited all my supporting merits, substantial claims and issues that supports the Federal exhaustion requirements for Federal Habeas corpus and types up a weaker version of my litigation and files it. However in his filing of the amended PCR application he signed that he would be ineffective and the cause and prejudice for any procedural defaults if I do not have the requested supporting evidence ready for my fair bite at the apple. Mr. Brooks lost my expert witness evidence I had for PCR, he neglected to get my mental health records and other evidence required, filed for and substantial to meet the burden by preponderance of the evidence and he refused to leave my case until he destroyed my PCR hearing. I addressed PCR counsel being ineffective. See Pg. 68-156.

See Case No.: 2019-000113

At PCR Hearing. I had due diligence in attempting to fix the transcripts of record because they are incomplete and Nathan Sheldon refused to address that as my counsel, he refused to file motions for me and deprived me of 59 e motion to alter and amend and he had a conflict of the date he received my transcripts conflicting with the court reporter see page 158 - 171.

Direct Appeal Attorney Label Durant denied me counsel with the help of her agency, prevented my issues from getting on the record as she lied about not having my issues she agreed for me to send in to her, she knew the dangers and disadvantages of going prose with eyes wide open according to her agency's standards but neglected to acknowledge it in my case.

See pages 55-65 involving direct appeal.

I am in the process of getting more evidence of me being denied counsel, constitutional rights and conspired against to remain wrongfully imprisoned.

The state is filing frivolous appeals, I have had 5 to 6 attorney generals on the case since PCR hearing. On direct appeal the state filed their respondent before my initial brief was filed.

See case No. 2019-000113



~~FOR THE COURT~~

I ASK that The totality of my case be investigated and that a evidentiary hearing be conducted by the S.C. Supreme Court.

I Am in the process of getting all my supporting evidence.

I Request that my original filings for PCR that never got on the record be placed on the record and I have a fair bite at the apple to safe guard for Federal Review and that my cross appeals be lifted from being closed for a full PCR - or evidentiary hearing, again.

I want my case transferred to Federal Courts immediately under rare extraordinary circumstances that I meet. And on this current pending writ, that it be denied, dismissed with prejudice immediately because it has no merit and I was not indicted at waiver of counsel hearing, or waiver of jury trial procedure.

I Request that this writ and the writ of cert pending on appeal be decided by S.C.

Supreme Court and transferred to Rule 204 (b). Pg. 203-234 is my final brief of respondent in the appellate case.

See Petition/Case No. 2019-000113

Pg. 7 of 8

~~FOR THE COURT~~

~~XXXXXXXXXX~~
~~XXXXXXXXXX~~ please appoint counsel and ensure that they address the merits in this extraordinary writ and writ of cert on appeal so that it meet standards. Based on all the foregoing evidence, case laws, litigation and discussion along with the PCR order in Appendix ~~246~~ 246 I

Respectfully Request Transfer of case to S.C. Supreme Court, OR Federal Court, OR Dismissal of States Appeal Immediately and that a evidentiary hearing be held in the higher court

on my actual innocence, miscarriage of justice and false imprisonment claims.

Please grant counsel that is going to help me in filing these motions, petitions, requests ect upon merit. Only a competent ethical attorney will assist me in these matters...

See case No.: 2019-000113

~~XXXXXXXXXX~~
D. Keen Williams



The Supreme Court of South Carolina
1231 Gervais Street
Columbia SC 29201

IN THE SUPREME COURT
OF SOUTH CAROLINA

October 7, 2019

CASE NAME: Trey Williams vs. STATE OF SC

CASE No.: 2016-001553

Notice to Courts

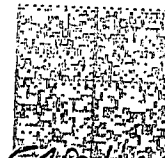
I Filed A Writ of certiorari
After I had A rehearing motion
Denied. I AM PROSE AND
A LATMER. I need Access
to copies AND Copies of the
Appendix, orders, motions ect
Involved in the totality of this
CASE THAT I Filed in this Court.
I ALSO Intend to File AN APPEAL
Bond.

I would like to Request A
APPEAL Bond Hearing... While this APPEAL
Get Decided
Trey Williams

LEGAL MAIL
MAIL ROOM

Trey Williams, # 341036
M.C.I. RHV # 69
386 Redemption Way
McCormick SC 29899

Supreme Court of South Carolina
1231 Gervais Street
Columbia SC 29201



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