

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**ORIGINAL**

\_\_\_\_\_  
Appeal from York County

Honorable William A. McKinnon, Circuit Court Judge

\_\_\_\_\_  
THE STATE,

RESPONDENT,

V.

DELVINCHE KEON WILLIAMS,

APPELLANT

APPELLATE CASE NO 2019-000198

\_\_\_\_\_  
RECORD ON APPEAL  
\_\_\_\_\_

**RECEIVED**  
OCT 28 2019  
SC Court of Appeals

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Appellate Defender

ALAN WILSON  
Attorney General

South Carolina Commission on Indigent  
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ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA

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STATE,

Plaintiff,

Case No.

-against-

2018-GS-46-07460, 61

DELVINCHE KEON WILLIAMS,

Defendant.

-----x

January 31, 2019

York, S.C.

B E F O R E:

HONORABLE WILLIAM MCKINNON

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

Daniel Porter,  
Attorney for the State

Amber Holt,  
Attorney for the Defendant

Aileen Butler

Official Court Reporter

E X H I B I T S

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NO.

DESCRIPTION

I.D.

EVD.

No Exhibits received.

1 MR. PORTER: Thank you, Your Honor. May it please  
2 the Court. Standing before you is Delvinche Keon  
3 Williams. He is represented by Amber Holt of the  
4 public defender's office. He's spent two days in jail  
5 on four Indictments. He is entering pleas of guilt on  
6 two. Indictment 7461, an unlawful carrying of a  
7 pistol; 7460, direct indictment for possession with  
8 intent to distribute methamphetamine, first offense.  
9 The negotiation in this case is probation in the  
10 Court's discretion and both of those Indictments are  
11 true billed.

12 THE COURT: And probation you said?

13 MR. PORTER: Probation in your discretion, Your  
14 Honor.

15 THE COURT: All right. You don't have a marked  
16 form on these.

17 MR. PORTER: I apologize, Your Honor. I can I tell  
18 you though that Mr. Mike McKinnon has had nothing to  
19 do with this case.

20 THE COURT: If you will fill that out. Thank you.  
21 The PWID meth is marked nonviolent and not serious,  
22 is that correct?

23 MR. PORTER: That is correct, Your Honor.

24 THE COURT: Thank you.

25 How much time has Mr. Williams served on this?

1 MR. PORTER: Two days Your Honor.

2 THE COURT: Mr. Williams, what is your full legal  
3 name, sir?

4 THE DEFENDANT: Delvinche Keon Williams.

5 THE COURT: Mr. Williams, how far did you go in  
6 school?

7 THE DEFENDANT: I went to the 10th grade but I got  
8 me GED.

9 THE COURT: How old are you?

10 THE DEFENDANT: I am 37.

11 The court: Mr. Williams, have you ever been  
12 treated for drug abuse, alcohol abuse or any mental  
13 health treatment?

14 THE DEFENDANT: No, sir.

15 THE COURT: Are you currently under the influence  
16 of any doctor prescribed medication or any illegal  
17 drugs or alcohol?

18 THE DEFENDANT: No, sir, Your Honor.

19 THE COURT: All right, Mr. Williams, do you have  
20 any mental, physical or emotional conditions that  
21 prevent you from understanding what is happening in  
22 Court today?

23 THE DEFENDANT: No, sir.

24 THE COURT: Mr. Williams, I understand you are here  
25 to plead guilty to two charges today. One is

1 possession with intent to distribute methamphetamine,  
2 first offense, and the other is unlawful carrying of a  
3 pistol, is that correct?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Do you understand unlaw carrying of a  
6 pistol carries up to one year in prison and a fine of  
7 up to \$1,000 and possession with intent to distribute  
8 methamphetamine, first offense, carries up to 15 years  
9 in prison and fine of up to to \$25,000. Do you  
10 understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Okay. And Mr. Williams I understand  
13 your attorney has negotiated with the solicitor's  
14 office a probationary sentence that is left up to me  
15 how long you are on probation. Is that what you want  
16 me to do?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Finally, Mr. Williams, I need you to  
19 understand that South Carolina has a graduated system  
20 of penalties in drug cases and I hope that you are  
21 never in front of a judge again for any other crime.  
22 But if you come in front of a judge again on a drug  
23 charge the penalty will likely be increased based on  
24 this conviction, do you understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: All right.

2 Mr. Williams, the biggest right you are giving up  
3 is the right to a jury trial. You are presumed  
4 innocent on these two charges and you can't be  
5 convicted until you are tried and 12 York County  
6 citizens vote to find you guilty after hearing all the  
7 evidence. The vote has to be unanimous and beyond a  
8 reasonable doubt. Do you understand that?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: And at the trial you would have the  
11 right to have a lawyer help you. That lawyer can  
12 speak for you. May be give you legal advice or get  
13 even get evidence suppressed. You right to  
14 participate in your own defense. You can speak if you  
15 want to speak up or can you stay silent. If you  
16 choose to remain silent it can't be used against you  
17 in way. You have the right to cross examine or  
18 confront all the witnesses the government has and you  
19 have the right to call your own witnesses into court  
20 to help you and you can subpoena them if you need to.  
21 Do you understand all these rights?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And do you want to give them all up  
24 and plead guilty today?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Is that your lawyer, Miss Holt there  
2 with you?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Have you had enough time to talk to  
5 her about your case?

6 THE DEFENDANT: Yes.

7 THE COURT: Has she done everything you've asked  
8 her to do?

9 THE DEFENDANT: Yes.

10 THE COURT: Are you completely satisfied with her  
11 services?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: Is your choice to plead guilty today  
14 your own decision made freely and voluntarily?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Other than the negotiation for a  
17 probationary sentence has anyone promised you anything  
18 or threatened you in anyway to get you to plead  
19 guilty?

20 THE DEFENDANT: Yes, sir. I came here with the  
21 knowledge of probation. He wouldn't go above that and  
22 I was told at least six months. I was told to ask  
23 because I know it is up to your decision.

24 THE COURT: I'm having a little bit of trouble  
25 understanding you, Mr. Williams. You said you were

1 threatened to get you to plead guilty today?

2 THE DEFENDANT: No, I wasn't threatened.

3 THE COURT: Anyone promise you anything other than  
4 probation?

5 THE DEFENDANT: Yeah, I came here with the  
6 knowledge of receiving probation. A six-month term I  
7 would have to ask for.

8 THE COURT: So what you're saying is you are going  
9 to ask me to put you on probation for just six months?

10 THE DEFENDANT: Yes.

11 THE COURT: You understand I don't have to do  
12 that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: What your attorney has negotiated was  
15 for a probationary term is up to me.

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Okay. And Miss Holt do you concur  
18 with your client's decision?

19 MS. HOLT: Yes, Your Honor.

20 THE COURT: Thank you. Mr. Porter.

21 MR. PORTER: Thank you, Your Honor. On February  
22 2nd, 2018 Adnah Church Road and Winterberry Lane  
23 within York County, South Carolina, highway patrol was  
24 running a license checkpoint. The defendant  
25 approached that checkpoint. They suspected him of DUI

1 and asked him to step out of the vehicle. They found  
2 out his license was suspended. Placed him under  
3 arrest. When he was searched the officers located a  
4 quantity of what they believed to be ecstasy pills. It  
5 eventually tested positive for methamphetamine and a  
6 firearm was located in the vehicle that was unlawfully  
7 carried.

8 THE COURT: And what's his prior record?

9 MR. PORTER: In 1999, two possessions of crack  
10 cocaine and possession of a pistol; received a YOA  
11 sentence, 2000 a domestic violence, 2003 possession  
12 with intent to distribute marijuana and failing to  
13 stop, 2008 public disorderly conduct, 2010 AWIK,  
14 pointing and present. He got a ten year suspended on  
15 three years probationary sentence. He completed that  
16 probation successfully by my records.

17 THE COURT: All right. Mr. Williams, did you hear  
18 what the prosecutor said happened in your case?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Is that in fact what happened?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: You hesitated a little bit. Is there  
23 something you don't agree with?

24 THE DEFENDANT: No, sir.

25 THE COURT: Are you sure?

1 THE DEFENDANT: I mean, there was a lot of  
2 discrepancy with the case as far as my name. The  
3 Indictment they got somebody else's name on it and as  
4 far as -- it was just a lot of discrepancy. But I'll  
5 plead. I take the plea.

6 THE COURT: Well, Mr. Williams, these are two  
7 different issues. If you think you have legal  
8 defenses or there are problems with the legal case you  
9 are giving up those rights by pleading guilty. Do you  
10 understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Okay. All right. The question I am  
13 going to have to ask you now, legal issues aside, did  
14 you have in your possession methamphetamine?

15 THE DEFENDANT: Yes, sir. Yes, it was meth. They  
16 were saying it was meth.

17 THE COURT: You had what you thought was ecstasy but  
18 they tested it and it was methamphetamine?

19 THE DEFENDANT: Yes.

20 THE COURT: And did you have a pistol that you  
21 were carrying?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay.

24 Do you still want to plead guilty to one count of  
25 possession with intent to distribute methamphetamine,

1 first offense, and one count of unlawful carrying of a  
2 pistol?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Are you guilty of those two charges?

5 THE DEFENDANT: Yes.

6 THE COURT: And do you understand if you take this  
7 plea you are giving up any chance to challenge what  
8 you say are discrepancies?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: All right. Mr. Williams do you  
11 understand if you don't like my sentence you have ten  
12 days to appeal it?

13 THE DEFENDANT: Yes, sir,

14 THE COURT: And finally, is everything you told me  
15 today been the truth?

16 THE DEFENDANT: Yes.

17 THE COURT: I find there is a substantial factual  
18 basis for the plea that has been made freely,  
19 voluntarily, knowingly and intelligently. Mr.  
20 Williams has had the advice of a very competent lawyer  
21 with whom he says he totally satisfied. So I will  
22 accept the negotiated plea and will happy to hear from  
23 counsel about the length of probation.

24 MS. HOLT: May it please the Court, Your Honor. I  
25 did want to mention and Delvinchi has me to let the

1 Court know he does have four children at home that he  
2 supports. He has got a three-year old, a 15-year old,  
3 16 and 20-year old. He currently owns his own  
4 business as a barber and so he has been supporting  
5 them. He was asking for a shorter sentence of  
6 probation of six months so that he could support them.  
7 So he'd have more money basically to free up to  
8 support them while they are living with him and then  
9 he also wanted as the solicitor did mention to me to  
10 mention that he has completed successfully probation  
11 in the past.

12 THE COURT: Okay.

13 So, the request for a very short term of probation  
14 is for financial reasons?

15 MS. HOLT: Correct.

16 THE COURT: What's the lowest fee I can order for  
17 supervision?

18 PROBATION OFFICER: Normally it's \$50 per month.

19 THE COURT: Is that the normal fee?

20 PROBATION OFFICER: Normally it's \$50 per month.  
21 You can do ten.

22 THE COURT: Mr. Williams, these are serious  
23 charges especially distribution of methamphetamine. I  
24 will give you three years of probation, but you may  
25 speak with probation orders I will order that

1 supervision fee be only \$10 a month. So financially  
2 it will be much easier and I will hang five years over  
3 your head on the methamphetamine charge, okay?  
4 Because you've done probation before and you were  
5 successful on it, but you got a record and you need to  
6 make -- you've got four kids you're supporting. You  
7 need to make a decision to work hard at the barber  
8 shop and not be trying to make money other ways. Do  
9 you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: Anything you want to say Mr. Williams?

12 THE DEFENDANT: Yes, sir. I have, like I said,  
13 it's been 15 years since I have been in trouble and  
14 people change over time. I've completed probation  
15 before. I know I can. You know, and I accept -- I  
16 accept what I did and I'm sorry.

17 THE COURT: All right. Thank you, Mr. Williams.  
18 The State of South Carolina versus Delvinchi Keon  
19 Williams, Indictments 2018-GS-46-07460 and 07461,  
20 charges are unlawful carrying of a pistol and  
21 possession with intent to distribute methamphetamine,  
22 first offense. The sentence of the court is Mr.  
23 Williams is commit to the custody of the South  
24 Carolina Department of Corrections for a period of one  
25 year, provided upon the service of two days. The

1 balance is suspended with probation for three years.  
2 He gets credit for two days already served and on the  
3 possession with intent to methamphetamine, the  
4 sentence of the court is Mr. Williams is committed to  
5 the custody of South Carolina Department of  
6 Corrections for a period of five years provided upon  
7 the service of two days. The balance is suspended  
8 with probation for three years. He also gets credit  
9 for two days time served. These are both concurrent  
10 sentences and the supervision fee is \$10 a month.

11 MS. HOLT: Thank you, Your Honor.

12 MR. PORTER: Thank you.

13 (END OF TRANSCRIPT)

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CERTIFICATION

I, the undersigned Aileen Butler, Official Court Reporter for the 16TH Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings in the captioned case, in the Circuit Court for York County, South Carolina, on the 31st day of January, 2019.

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

April 30, 2019

S/ *Aileen Butler*

**WITNESSES**

SCHP

Witnessing Officer: *Hassen*

**ARREST WARRANT NUMBER**

DIRECT INDICTMENT

**ACTION OF GRAND JURY**

**TRUE BILL**

*Mr Barrett*  
Foreperson of Grand Jury  
Date: *10-11-18*

**VERDICT**

Foreperson of Petit Jury  
Date:

**DIRECT INDICTMENT  
DOCKET NO. 2018-GS-46-07460**

**The State of South Carolina**

**County of York**

**COURT OF GENERAL SESSIONS**

**OCTOBER 11, TERM 2018**

**THE STATE**

**VS.**

**DELVINCHE KEON WILLIAMS**

**DIRECT INDICTMENT FOR  
POSSESSION WITH INTENT TO  
DISTRIBUTE METHAMPHETAMINE**

SC Code: § 44-53-375(B)  
CDR Code: 3198

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

**Defendant**

I  
hereby appear in my own proper person and plead guilty to the within indictment or to

*[Signature]*  
Defendant

**Witness:**

*[Signature]*  
C.C.C. PLS. AND G.S. *Special*

DAVID HANCOCK  
CLERK OF COURT  
YORK COUNTY, SC  
2019 FEB -6 PM 4:58  
CERTIFIED TRUE COPY

STATE OF SOUTH CAROLINA  
COUNTY OF YORK


DIRECT INDICTMENT

At a Court of General Sessions, convened on October 11, 2018, the Grand Jurors of York County present upon their oath:

**POSSESSION WITH INTENT TO DISTRIBUTE METHAMPHETAMINE**

The defendant, Delvinche Keon Williams, did on or about February 2, 2018, in York County, South Carolina, manufacture, distribute, dispense, deliver, purchase, or otherwise aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with the intent to distribute, dispense, deliver, or purchase methamphetamine in violation of the provisions of Section 44-53-370, all in violation of Section 44-53-375(B), Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
\_\_\_\_\_  
DANIEL K. PORTER  
ASSISTANT SOLICITOR

DAVID HAMILTON  
CLERK OF COURT  
YORK COUNTY, SC  
2019 FEB -6- PM 4:58  
CERTIFIED TRUE COPY

**WITNESSES**

SCHP

Witnessing Officer: *Hassen*

**ARREST WARRANT NUMBER**

2018A4610200170

**ACTION OF GRAND JURY**

**TRUE BILL**

*MO Barrett*  
Foreperson of Grand Jury  
Date: *10-11-18*

**VERDICT**

Foreperson of Petit Jury  
Date:

DOCKET NO. 2018-GS-46-07461

**The State of South Carolina**

County of York

**COURT OF GENERAL SESSIONS**

**OCTOBER 11, TERM 2018**

**THE STATE**

**VS.**

**DELVINCHE KEON WILLIAMS**

**INDICTMENT FOR**

**UNLAWFUL CARRYING OF A PISTOL**

SC Code: § 16-23-0020  
CDR Code: 0044

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury. 1/8

**Defendant**

I \_\_\_\_\_  
hereby appear in my own proper person and plead guilty to the within indictment or to

*[Signature]*  
Defendant

**Witness:**

*[Signature]*  
C.C.C. PLS. AND G.S. *[Signature]*

STATE OF SOUTH CAROLINA  
 COUNTY OF YORK

CERTIFIED TRUE COPY  
 INDICTMENT  
 2019 FEB -7 AM 10:17

At a Court of General Sessions, convened on October 11, 2018, the Grand Jurors of York County present upon their oath:

**UNLAWFUL CARRYING OF A PISTOL**

The defendant, Delvinche Keon Williams, did in York County, South Carolina, on or about February 2, 2018, unlawfully carry about his or her person a handgun, whether concealed or not, all in violation of Section 16-23-20, Code of Laws of South Carolina (1976, as amended).

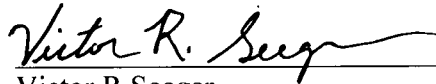
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

  
 DANIEL K. PORTER  
 ASSISTANT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Victor R Seeger  
Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 28th day of October, 2019.

**RECEIVED**  
OCT 28 2019  
SC Court of Appeals