

THE STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)
THE STATE)
v.)
WILLIAM LAMAR RICHARDSON,)
DEFENDANT.)

IN THE COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT
Indictment Nos.: 2018GS23005157

Rule 203(d)(1)(b)(iv) Certification

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SC Court of Appeals

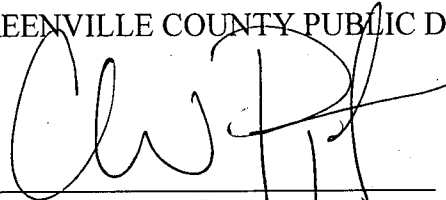
Pursuant to SC Rule 203(D)(1)(b)(iv), Defendant would show that the sentence imposed is unreasonable. Defendant was sentenced to three (3) years in the South Carolina Department of Corrections (SCDC) suspended to the service of one (1) year in the Greenville County Home Incarceration Program and given credit for 1 day of time already served in the Greenville County Detention Center. Defendant communicated to his Attorney that he demands an appeal.

Defendant's Attorney is filing this appeal pursuant to his ethical duty to his client, and Defendant's constitutional right to appeal. See Frazer v. South Carolina, 430 F.3d 696, 706 (4th Cir. 2005) ("A defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate in behalf of his client.'") (quoting Anders v. California, 386 U.S. 738, 744 (1967)).

Defendant provided his Defense Counsel with a letter outlining his reasons for appeal. After a review of the letter, Defense Counsel can provide no material issues to appeal. A copy of Defendant's letter is attached.

Respectfully submitted,

GREENVILLE COUNTY PUBLIC DEFENDER



Charles S. Propst, Esq.
Attorney for Appellant
305 E. North Street, Suite 123
Greenville, SC 29601
(864) 467-8522

Greenville, SC
Date: November 22, 2019

Greenville County Public Defender's Office

To: Charles S. Propst, Esq.

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This letter serves as my record to appeal my criminal conviction.

Mr. William Lamar Richardson, Jr., respectfully requests the appeal of his criminal conviction entered on November 14, 2019. Mr. Richardson requests this appeal for the following reasons:

After careful review of my case, I discovered that I was indicted on July 30, 2019. I was arrested on March 2, 2018. Rule 3(c) Action on Warrant, Within 90 days after receipt of an arrest warrant from the Clerk of Court, the solicitor shall take action on the warrant by (1) preparing an indictment for presentment to the grand jury, which indictment shall be filed with the Clerk of Court, assigned a criminal case number, and presented to the Grand Jury; (2) formally dismissing the warrant, noting on the face of the warrant the action taken; or (3) making other affirmative disposition in writing and filing such action with the Clerk of Court.

Rule 3(d) Extensions of Time, The solicitor may petition the circuit court for an order delaying action on the warrant, as set forth above, for successive ninety (90) day periods if the circuit court specifically finds good cause for such delay for each successive ninety-day period. As required under the rule, the State should have indicted me no later than September 2018. The State failed to indict me but ordered me to get an attorney on September 19, 2018. Section 17-19-10, Offenses shall be prosecuted upon grand jury indictment. No person shall be held to answer in any court for an alleged crime or offense, unless upon indictment by a grand jury. Also, I requested a preliminary hearing on March 2, 2018, but did not receive a preliminary hearing.

Also, the Sentence Sheet showed the indictment number as **2018GS2305157**, indicating that the Defendant was indicted in 2018, not 2019. However, the indictment indicated that I was indicted in July 2019, although the date 2019 is written over the 2018 date. Specifically, the record showed that I was indicted on July 30, 2019. I was not informed of the State's indictment against me prior to entering my guilty plea on November 14, 2019. I would not have pled guilty if I had known this information.

ABA Standard 3-5.6 Conduct of Negotiated Disposition Discussions, (f), Before entering into a disposition agreement, the prosecutor should disclose to the defense a factual basis sufficient to support the charges in the proposed agreement.

ABA Standard 11.1.1, Objectives and pretrial procedures

(a) Procedures prior to trial should be consistent with the constitutional rights of the defendant:

- (i) promote a fair and expeditious disposition of the charges, whether by diversion, plea, or trial;
- (ii) provide the defendant with sufficient information to make an informed plea

The Arrest Warrant states as probable cause that the Defendant was found to be in possession of 3.7 grams of a white crystal-like substance that field tested positive for Methamphetamine. However, the record failed to show that there was additional testing beyond the testing allegedly done by Deputy John S. Williams, Jr. Also, there is a question as to the complete chain of custody of the evidence since the file is void of when and whether the evidence was placed into the department's evidence locker. Further, I noted that the arrest warrant stated that the officer found 3.7 grams of a white, crystal-like substance. However, the indictment failed to indicate the weight of the alleged evidence.

Rule 3.8: Special Responsibilities of a Prosecutor

The prosecutor in a criminal case shall: (a) refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause; (b) make reasonable efforts to assure that the accused has been advised of the right to, and the procedure for obtaining, counsel and has been given reasonable opportunity to obtain counsel; (c) not seek to obtain from an unrepresented accused a waiver of important pretrial rights, such as the right to a preliminary hearing; (d) make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense

(a) A prosecutor should not seek an indictment unless the prosecutor reasonably believes the charges are supported by probable cause and that there will be admissible evidence sufficient to support the charges beyond reasonable doubt at trial. A prosecutor should advise a grand jury of the prosecutor's opinion that it should not indict if the prosecutor believes the evidence presented does not warrant an indictment.

(b) After criminal charges are filed, a prosecutor should maintain them only if the prosecutor continues to reasonably believe that probable cause exists and that admissible evidence will be sufficient to support conviction beyond a reasonable doubt.

(c) If a prosecutor has significant doubt about the guilt of the accused or the quality, truthfulness, or sufficiency of the evidence in any criminal case assigned to the prosecutor, the prosecutor should disclose those doubts to supervisory staff. The prosecutor's office should then determine whether it is appropriate to proceed with the case.

This letter serves as a record of my intent to appeal

William L. Edwards Jr. 11/21/2019

Respectfully,

SOLICITOR'S OFFICE
13TH CIRCUIT
2019 NOV 21 PM 3:00

13th Circuit Public Defender
Greenville County Courthouse
305 E. North Street, Suite 123
Greenville, SC 29601

Daisy Burtell
for Chad Probst

WITNESSES


John S Williams Jr

Greenville County Sheriffs Office

3/2/2018

ARREST WARRANT NUMBER
2018A2330201905

ACTION OF GRAND JURY
TRUE BILL



FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2018-GS-23-
MLW

005157

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

July

TERM-2018

2019

THE STATE

vs.

WILLIAM LAMAR RICHARDSON, JR.

WTA

Indictment for

3198

**POSSESSION OF METHAMPHETAMINE WITH
INTENT TO DISTRIBUTE**

VIOLATION § 44-53-0375

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SC Court of Appeals

FILED

JUL 06 2018

Clerk of Court
Greenville County

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
POSSESSION OF METHAMPHETAMINE WITH INTENT TO
DISTRIBUTE

At a Court of General Sessions, convened on

JUL 30 2019

the Grand Jurors of Greenville

County present upon their oath:


That WILLIAM LAMAR RICHARDSON, JR. did in Greenville County, on or about the 2nd day of March, 2018, possess with intent to distribute or aid, abet, or conspire to possess with the intent to distribute a quantity of Methamphetamine (Crank), a controlled substance, such possession not having been authorized by law. This is in violation of §44-53-0375 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

BAR # 13066

STATE OF SOUTH CAROLINA

1726922

IN THE COURT OF GENERAL SESSIONS

HIP
0-3 yrs.

COUNTY OF Greenville
STATE VS.

William Lamar Richardson Jr

AKA:

Race: BLACK Sex: M Age: 38

DOB: SS#

Address:

City, State, Zip:

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: DRUGS/POSS METH (GS) -1st

INDICTMENT/CASE#: 2018GS2305157

A/W#: 2018A2330201905

Date of Offense: 3/2/2018

S.C. Code § : 44-53-0375(b)(1)

CDR Code #: 3198

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SENTENCE SHEET NOV 25 2019

SC Court of Appeals

CONVICTED OF or PLEAS

in violation of § 44-53-0375(a) of the S.C. Code of Laws, bearing CDR Code # 3009
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Wallace, Mat 13066 SC Bar# Defendant PROPST, CHARLES 100399 SC Bar# Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 3 days/months/years or under the Youthful Offender Act not to exceed years, and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ plus 20% fee: \$ days/hours Public Service Employment

Payment Terms: Set by SCDPPPS

Recipient:

*Fine:		\$
§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso (Public Def/Probation)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$ 150.00
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 8.25

TOTAL \$ 283.25

Obtain GED.
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender Fund
Other:

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/ Deputy Clerk Paul B. Wiseman
Court Reporter: Hudgens

Presiding Judge
Judge Code: 2162
Sentence Date: NOV 14 2019