

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville Co. **RECEIVED**
The Court of General Sessions
Hon. Chief Admin. Judge JUL 30 2018
Letitia H. Verdin SC Court of Appeals
2017 - 001353
2002 - GS - 23 - 1576

The State

VS

Respondent

Jerome Williams

Appellant

RECORD ON APPEAL

Other counsel of record
Alan Wilson, Atty Gen.
J. Benjamin Aptin
Senior Asst. Deputy Atty Gen.,
P.O. Box 11549
Columbia SC 29211

Jerome Williams
213559
Tyger L.C.F. / U. 3.
200 Prison Rd.
Florence, SC 29335

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STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)
)
IN RE:)
)
)
)
GRAND JURY SESSIONS)
JANUARY-JUNE 2002)
_____)

IN THE COURT OF GENERAL SESSIONS

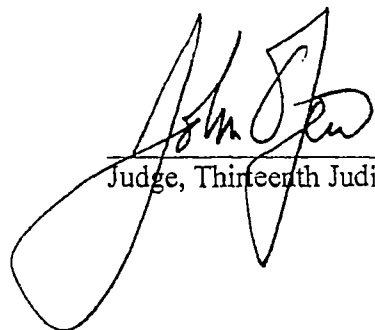
ORDER

IT IS ORDERED that the Grand Jury for Greenville County, South Carolina, shall convene during the month of January – June 2002 as follows:

MONDAY	JANUARY 7, 2002
TUESDAY	FEBRURY 19, 2002
TUESDAY	MARCH 19, 2002
TUESDAY	APRIL 2, 2002
TUESDAY	MAY 7, 2002
TUESDAY	JUNE 25, 2002

IT IS FURTHER ORDERED that the Clerk of Court for Greenville County, South Carolina, shall notify all Grand Jurors of these meeting dates and times.

IT IS SO ORDERED.



Judge, Thirteenth Judicial Circuit

Greenville, South Carolina
October 16, 2001

Ex. B

State of South Carolina
County of Greenville

Jerome Williams
Defendant

-vs.-

State of South Carolina
Plaintiff.

In the Court of General Sessions

Case No: ~~02-65-23-1576~~

02-65-23-1576

Memorandum in support of motion to set aside
judgment.

Comes now the defendant, Jerome Williams, Pro se, and hereby submits the memorandum in support of his rule 60 (b) (3) (5), SCRCF, motion to set aside judgment, raising claim of a fraud upon the court, as perpetrated by Greenville County Assistant Solicitor Lora A. Reese. Accordingly, defendant Jerome Williams (hereafter "Williams") would show this court the following:

I

Statement of Facts

Williams was convicted and sentenced in the Court of General Sessions, for Greenville County, after entering a guilty plea on June 19, 2002 for violation of S.C. Code Ann. § 16-11-311 Burglary First Degree. Judge John Few accepted Williams' plea and sentenced him to a thirty (30) year period of incarceration in the S.C. department of Correction.

II

Statement of Case

This motion involves Williams' attempt to gain relief from the judgment and conviction and sentence entered against him on June 19, 2002 in the above captioned criminal case. The rule 60 (b) (3) (5), SCRPC motion raises claim of a fraud upon the court, resulting from acts of gross misconduct and criminal violation of the law, as perpetuated by Lora A. Reese, the Greenville County Assistant Solicitor, in office on February 19, 2002, at the time the violations herein alleged arose.

Specifically, Assistant Solicitor Lora A. Reese (hereafter "Reese") caused false and misleading information to be printed and published in the true billed State Indictments returned against defendant Williams.

The facts and evidence below will conclusively establish an instance of extrinsic fraud upon the court.

III

Argument

[Standard of Review]

It is clear that a motion made for relief from judgment under Rules of Civil Procedure (SCRPC) rest within the sound discretion of the trial court. See Savo Investments V. Ocean Holiday Partnership, 314 S.C. 116, 441 SE2d 835, 843 (ct App 1994); Thomas V. Hammond, 279 S.C. 115, 382 SE2d 900 (S.C. 1989). A motion asserting "Fraud upon the court concerns the integrity of the Judicial process itself [and] a judgment may be set aside for fraud upon the court at any

time”; see 12 Joseph T. McLaughlin, Morris Federal Practice {60.21 [4] [a] at 60-61. That is, when a party can show [extrinsic] fraud upon the court “there is no time limit on any party or the court.” Id. See also Chewing V. Ford Motor Credit Co. 354 S.C. 72, 579 SE2d 605 (S.C. 2003). (There is no statute of limitation when a party seeks to set aside a judgment due to fraud upon the court.) Indeed, the very language of rule 60 (b) (3) (5), so provides, “This rule does not limit the power of the court...to set aside a judgment for fraud upon the court.”

Accordingly, this motion raising claim of an extrinsic fraud upon the court is both timely and proper, and Williams should be allowed to take testimony and present evidence at the hearing when scheduled.

Therefore, Williams would show this Court the following:

[Fraud Upon the Court]

In this case, Williams’ bill of indictment prints that, at a Court of General Sessions, convened on February 19, 2002, the Grand Jurors of Greenville County presented upon their oath (see exhibit 1 Indictment) and the title page prints that it was published at a Court of General Sessions during its February term 2002 (see exhibit 1 Indictment). Lastly, all indictments are true billed and signed by Greenville County Assistant Solicitor Lora A. Reese (see exhibit 1 Indictment) who was in office at the time, and who would therefore be the person directly responsible for preparing and processing Williams’ indictment.

However, the clear evidence presented below conclusively establishes that no Court of General Sessions had in fact been open on the indictment’s February 19, 2002 date of return. Thus, false information is contained in Williams’ State indictment, and therefore, in support of his claims, Williams would show this court the following:

The terms of court for Greenville County are tentatively fixed by S.C. code Ann. { 14-5-790, and which does not provide for a court to be open on the indictments day or return and publishing. Although in practice, the Greenville County terms of court are actually being set in six month intervals by order of the State Supreme Court. However, notwithstanding those conditions, the record clearly shows that no General Sessions Court had been open on the date in question (see exhibit 2 certified true copy court term calendar). Therefore, false information is contained in Williams' State Indictment, which was processed by Assistant Solicitor Lora A. Reese.

It is an offense against public justice to willfully give false information in a state indictment. S.C. code Ann. { 16-9-10, "Perjury and subordination of perjury" states in pertinent part:

- A. (2). It is unlawful for a person to willfully give false, misleading or incomplete information on a document, record, report or form required by the law of this state.
- B. (2) A person who violates the provisions of subsection A. (2). is guilty of a misdemeanor, and upon conviction must be imprisoned not more than six months, or fined not less than one hundred dollars or both.
- C. A person may be convicted under this section...if he or she commits perjury by his own act, consent or agreement.

First, it should be noted that a criminal indictment is a document required by the law of this state (see S.C. code Ann. {17-17-10 (2003) "No person shall be held to answer in any court for an alleged criminal offence, unless upon indictment by Grand Jury" except in specific

instances). Therefore, for purposes of establishing perjury under these provisions of {16-9-10, Williams true billed indictment would clearly satisfy the requirements of subsection A. (2).

Second, it should be noted that Assistant Solicitor Lora A. Reese was in office and operating as Greenville County Prosecutor during the times relevant to the herein alleged violations, and therefore, was required to know the laws of this state, and had special responsibilities to see that justice was done. See Appellant Court Rules 407, Rules of Professional Conduct, Rule 3.8 comment; see also State V. Quattlebaum, 338 S.C. 86, 212 SE2d 587 (1975); State V. King, 222 S.C. 108, 71 SE2d 793, 798 (1952) "...the prosecutor must see that no conviction takes place except in strict conformity with the law, and that the accused is not deprived of any constitutional rights or privileges".

[Insert added]

Therefore, Assistant Solicitor Reese's act of printing false court term information in Williams' indictment would by necessity have to be viewed as a "willful" act. Accordingly, Ms. Reese is guilty of violations of {16-9-10, which acts would also constitute gross misconduct (see Rules of Professional Conduct, Rule 407, SCRCP; Rule 8.4b) "It is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects"; and Rule 8.4(d) "It is professional misconduct for a lawyer to engage in dishonesty, fraud, deceit or misrepresentation".

In general, extrinsic fraud upon the court can be defined as "...a fraud perpetrated by officers of the court so that the judicial machinery cannot perform in the usual manner its impartial task of adjudging cases that are presented for adjudication" (see Evan V. Gunter, 294 S.C. 525, 366 SE2d 44, 46 [1988], quoting H. Lightsey, J. Flannagon, S.C. Civil Procedure, 408

2nd ed. [1985]). Importantly, our Supreme Court in Chewing held that, "The subordination of perjury by an attorney and/or the intentional concealment of documents by an attorney are actions which constitute extrinsic fraud" Id at 579 Se2d at 610.

Defendant Williams asserts that the facts and evidence presented above showing Reese's criminal violations of {16-9-10 "perjury against public justice" is in and of itself sufficient under Chewing to make out a Prima facie case of extrinsic fraud upon the court. Plainly, the false February 19, 2002 information printed and published in Williams' indictment by Assistant Solicitor Lora A. Reese did indeed harm the integrity of the judicial process.

Therefore, Williams would also show this court the following:

A criminal defendant in this state has a constitutional and statutory right to have an indictment returned by a legally constituted Grand Jury (see Evans V. State, 363 S.C. 495, 611 SE2d 510 [2005]; State V. Williams 263 S.C. 290, 210 SE2d 298 [1974]), and the right to make contemporaneous objections to a defective indictment, see S.C. Code Ann {17-19-90, "Every objection to an indictment for any defect apparent on the face thereof, shall be taken by demurrer or on motion to squash such indictment before the jury shall be sworn and not afterwards." Those procedural Due Process rights are owed to every criminal defendant in this state, and which also operates as checks and balances in the Judicial Process. However, in this case, the proper functioning of the court was frustrated by Ms. Reese's willful act of printing false information in Williams' indictment, incorrectly stating that the Grand Jury had been impaneled at a court of General Sessions on February 19, 2002 when in fact no such court had been open (see exhibit 1 indictment in comparison with exhibit 2 calendar). Thus Ms. Reese was able to

give an appearance of correctness to an otherwise irregular and most likely unlawful Grand Jury process (see exhibit 3, Newspaper Article).

Significantly, the false information also operated in such a manner as to improperly lead Williams into believing that the Grand Jury process had been supervised by the Court. In fact, it was this very reliance on the correctness of process that caused Williams not to make a contemporaneous objection to either the Grand Jury procedures, or its indictments. Importantly, Williams' failure to make contemporaneous objection to false indictment information also resulted in the court itself be deprived of the opportunity to examine and make necessary correction to a Grand Jury process known for its irregularities, (see exhibit 3, Newspaper Article). Interfering with the administration of justice in the manner shown here involves injury not only to Williams, but to public confidence in our state's judicial system as well. The proper functioning of our courts is a topic of great and fundamental interest in South Carolina, (see Quattlebaum, 338 S.C. 441 527 SE2d 109 (2000), "Every South Carolinian has a vital interest in the fair administration of justice").

Based on the facts and evidence presented in the record of this case, Williams has established that Assistant Solicitor Reese committed gross acts of misconduct and perjury against public justice, directed at the Judicial Process itself. Accordingly, fraud upon the court is shown here, (see Chewing and Evans. Rule 60 (b) (3) (5), SCRPC, places no limit on the power of the court to set aside judgment of conviction and sentence for a fraud upon the court.

Therefore, this court should correct its wrongs committed against Williams and this state's judicial system by Ms. Reese.

**Terms of Circuit and Family Court
February 2002**

EXHIBIT 2

**Holiday:
Mon Feb 18, President's Day**

Circuit Number	2/4/2002	2/11/2002	2/18/2002	2/25/2002
13	General Sessions Greenville Few, John JOHNSON	General Sessions Greenville Few, John JOHNSON	Common Pleas Non- Jury 19 Floyd, Henry DIGIROLAMO 19	Common Pleas. Greenville Few, John JOHNSON
	General Sessions Greenville Kittredge, John KOFFSKEY	General Sessions Greenville Kittredge, John KOFFSKEY	General Sessions 21 Greenville Watson, Joseph	Common Pleas Non- Jury 25, 26 Kittredge, John KOFFSKEY 25, 26
	Common Pleas Greenville Patterson, Larry DIGIROLAMO	General Sessions Greenville Patterson, Larry DIGIROLAMO	General Sessions/State Grand Jury 22 Greenville Few, John	Common Pleas Greenville Patterson, Larry DIGIROLAMO
	Common Pleas Non- Jury Watson, Joseph THOMAS	General Sessions Pickens Watson, Joseph JENKINS		Common Pleas Non- Jury/PCR Watson, Joseph Common Pleas Non- Jury 1 Kittredge, John KOFFSKEY 1

CERTIFIED TRUE COPY,

By 

South Carolina Court Administration

(10)

State of South Carolina
Solicitor, Thirteenth Judicial Circuit

Ex. C

Telephone: 864-467-8647
Telefax: 864-467-8610



Greenville County Courthouse
305 E. North Street, Suite 325
Greenville, SC 29601-2185

Solicitor
W. Walter Wilkins

February 14, 2017

The Honorable Letitia Verdin
Chief Administrative Judge for General Sessions
305 E. North Street, Suite 318
Greenville, SC 29601

Re: State of SC v. Jerome Williams
Indictment # 2002-GS-23-001576

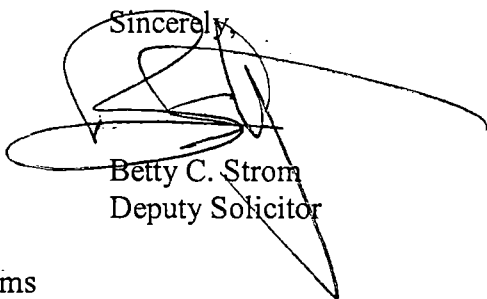
Dear Judge Verdin:

I am writing to you in your capacity as Chief Administrative Judge for General Sessions court. The above defendant has filed a Motion to Set Aside Judgement to which the state responded in writing. This was done back in 2014. A hearing was never scheduled by the Chief Administrative Judge and subsequently the defendant has filed a law suit against the State.

I am writing to request that you review the matter and either decide on the basis of the pleadings, or to schedule a hearing in the matter. I believe you can determine the matter based upon the pleadings, but I am just trying to get this matter resolved.

If there is anything I can do, please do not hesitate to contact me. I have enclosed copies of the pleadings filed in the clerk of court's office for your convenience.

Sincerely,



Betty C. Strom
Deputy Solicitor

cc: W/out enclosures Jerome Williams
Inmate # 00213559/Tyer River Correctional Institute

(11)

Ex. D

Date 2/20/17

Dear Judge

Please be advised, that I rec'd solicitor letter regarding my 60 (b) motion and her answer.

With all due respect, my 60 (b) motion can "not" be argued nor decided without a hearing - "orally argued from both sides"

Solicitor Betty Stron own answer support my request for a hearing. If I filed in the wrong court, per SCR Civil P. - Rule 82 ca) I can ask for my action to be moved to the right Ct.

And, make any amendments per. Rule 15 (b), with leave of the Ct.

A matter of fact, Solicitor Betty Stron refused to say anything about my 60 (b) motion until I filed a mandamus # upon this matter.

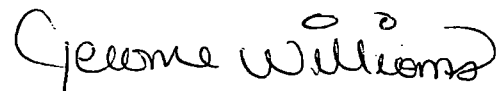
Thus, would you be so kind as to set my 60 (b) for a hearing. Thereby any appeal rights/issues for both

cc: Solicitor

Personal file

(12)

Sincerely,



Ex. E

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF GREENVILLE) THIRTEENTH JUDICIAL CIRCUIT

THE STATE)
VS.) ORDER DENYING DEFENDANT'S MOTION
JEROME WILLIAMS,)
DEFENDANT) 2002-GS23-1576

02231576

FILED
PAULEY
GREENVILLE CO. SC
2017 MAY 15 PM 1:39

THIS MATTER CAME BEFORE ME FRIDAY, MAY 12, 2017 ON A PRO SE MOTION OF THE DEFENDANT, Jerome Williams requesting to set aside judgement of the above indictment. The defendant alleges a fraud upon the court in that he claims that a Grand Jury was never convened on February 19, 2002, the date his indictment was true billed.

The defendant was present for the hearing. The State was present and represented by Betty C. Strom, Deputy Solicitor for the 13th Circuit Solicitor's Office.

Upon hearing from the defendant and consideration of the filed pleadings, I find that the defendant's motion is without merit and is hereby DENIED.

So Ordered this 5 day of May, 2017.



Honorable Letitia H. Verdin
Chief Administrative Judge, 13th Circuit

Greenville, SC

(13)

EXHIBIT 3

Grand jury pace draws criticism

Panel typically weighs 900 indictments per day; questions raised over its effectiveness

STAFF WRITER
palongi@greenvillenews.com

Each time the Greenville County grand jury meets, it considers about 900 indictments in a single day.

The group of 18 citizens went through 7,321 charges from Jan. 1 to Aug. 31 and returned indictments on all but one, according to the Greenville County Clerk of Court's Office.

The grand jury system was set up as a check against prosecutorial vendettas and hasty indictments. But with the grand jury blazing through so many cases, some have raised questions about how effective the panel can be.

Furman University political science professor Don Ajesi called the grand jury a "rubber stamp" for the Solicitor's Office. "The system isn't working," he said. "It has not functioned effectively as any kind of buffer."

Thirteenth Circuit Solicitor Bob Ariail said the grand jury hears about two-thirds of the cases that pass through his office. The panel rarely refuses to indict because solicitors weed out the weak cases and dismiss them, he said.

"We don't take junk to the grand jury," Ariail said.

The grand jury's job is to hear the state's evidence and decide if there is probable cause to hold a trial. Unlike most hearings in the criminal justice system, the defendant has no right to be present, have counsel or introduce evidence.

The Solicitor's Office doesn't oversee the grand



"We don't take junk to the grand jury."

— Bob Ariail
13th Circuit Solicitor

jury. The panel reports to Chief Administrative Judge Gary Hill, who declined comment, citing judicial ethics.

Defense attorney Stephen Henry said he has been arguing in some cases that indictments should be quashed because of how many cases are run through the system. But the grand jury is a secret process, he said, making his argument tough to prove.

"If I could bring in one grand jury foreman to testify under oath, I think all this would be over," Henry said.

The county's grand jury meets once a month. Panel members start hearing cases at 9 a.m. and usually finish by 6 p.m., although they wrapped up at about 3:45 p.m. last month, Ariail said.

The grand jury has given solicitors specific instruc-

See JURY on page 3A

JURY FROM PAGE 1A

tions on what it wants to know, Ariail said. Solicitors have communicated those instructions to law enforcement officers who present cases to the grand jury, he said.

In DUI cases, for example, the jury may want to hear only about "where the stop took place, what the bad driving was and what the Breathalyzer is," Ariail said.

"Bam, bam, bam — you're talking three seconds to present these cases," he said.

antees defendants a grand jury hearing in federal cases, but the U.S. Supreme Court has said that states can use a different system, said Andrew Siegel, assistant law professor at the University of South Carolina.

Even with the option, there often is little support for eliminating grand juries at the state level, he said.

Solicitors like them because they are friendly to the prosecution, Siegel said. Defense attorneys see grand juries as a check on prosecutorial power, at least in some cases, and there is no guarantee they would be replaced with anything better, he said. 54

you treat the grand jury as archaic and do away with it," Siegel said, "or take steps to reinvigorate the grand jury."

State Sen. Ralph Anderson, D-Greenville, pledged in an interview with *The Greenville News* to learn more about the grand jury and consider legislation before the Legislature reconvenes in January.

Until he was contacted by *The News*, he didn't know about the grand jury's workload or the high percentage of indictments it returns.

"It can't be fair," said Anderson, a member of the Senate Judiciary Committee.

Paul Alonzi can be reached at 298-

(14)

I N D E X

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Motions	4			
Certificate of Reporter	13			

EXHIBITS PAGE

NO.

DESCRIPTION

ID EV

PLAINTIFF EXHIBITS

(No exhibits offered.)

DEFENSE EXHIBITS

(No exhibits offered.)

COURT EXHIBITS

(No exhibits offered.)

P R O C E E D I N G S

(Proceedings begin on the 12th day of May, 2017
at approximately 12:19 p.m.)

THE COURT: Hey, there. Right there.
You're in the right place.

MR. WILLIAMS: All right.

THE COURT: All right. Mr. Williams, you
have got a 60(b) motion that you filed with my
office. You actually filed it with Judge Few,
but I've taken his place since, I guess, you've
been incarcerated. You filed it wanting me to
set aside a conviction against you from some
time ago. I've read your motion. I've read your
memo.

You requested a hearing, so I've set it for
a hearing. I'll tell you how it's going to go.
I'm going to give you -- it's set for a 15-
minute hearing, which is what our motions are
set for today, between 5 and 15 minutes. But
I'll give you the maximum time, 15.

What we're going to do is like this, I'm
going to let you argue for about 5 minutes, if
there's anything you want to point out from
your memo, specifically, or if there's anything
you want to add to it. All right. No need to go

1 through the whole thing again. Then I'm going
2 to turn to the Solicitor. I'm going to let her
3 argue for about five minutes, whatever she
4 wants to say. Then I'm going to come back to
5 you for maybe one or two minutes of rebuttal,
6 is what we call it. I'll give you the last
7 word, so to speak. Then that will leave a
8 couple of minutes for me to ask any questions
9 that I need to ask before I rule. All right.
10 Fair enough?

11 **MR. WILLIAMS:** Yes, ma'am.

12 **THE COURT:** Okay. Alrighty. Yes, sir.

13 **MR. WILLIAMS:** Let me get it together.

14 **THE COURT:** That's okay. Take your time.

15 **MR. WILLIAMS:** Okay. I'm attempting to
16 gain relief in the judgement, conviction and
17 sentence. I -- I made this motion, 60(b)
18 motion --

19 **THE COURT:** Uh-huh.

20 **MR. WILLIAMS:** --- because of fraud upon
21 the court.

22 **THE COURT:** Okay.

23 **MR. WILLIAMS:** I don't -- extrinsic fraud
24 from the court.

25 **THE COURT:** Okay.

1 **MR. WILLIAMS:** It's -- it's not -- statute
2 of limitations. You are familiar with Chewning
3 versus Ford Motors?

4 **THE COURT:** Yes, sir.

5 **MR. WILLIAMS:** I'd really like to know why
6 -- I really want to know was there a grand jury
7 convened on February 19th, 2002. That's really
8 -- that's really what I want to know.

9 **THE COURT:** Did the grand jury take a look
10 at your -- now, remind me, were you tried?

11 **MR. WILLIAMS:** No, I took a guilty plea.

12 **THE COURT:** You took a guilty plea?

13 **MR. WILLIAMS:** Yes, ma'am.

14 **THE COURT:** So if it wasn't -- if it
15 wasn't presented to the grand jury, then you
16 would have had to waive your right to have it
17 presented to the grand jury. Do you remember
18 anything like that? You would have had to sign
19 something on the sentencing sheet that said you
20 waived your right to have it presented, and
21 then the judge would ask you questions about
22 that in the questions that he or she would have
23 asked. That's pretty standard procedure.

24 But do you know, Ms. Strom? Was this case
25 indicted?

1 **MS. STROM:** Judge, I'd have to look it up
2 on the computer just to make sure. I was
3 looking to see if I had it in our response.
4 (Pause.)

5 The grand jury was convened on that date.
6 The order signed by Judge Few back in October
7 of 2001 set the grand jury dates for the first
8 six months.

9 **THE COURT:** I see.

10 **MS. STROM:** And February 19th, 2002 is one
11 of them. Ms. Washington looks like she's
12 helping me out on that.

13 **THE COURT:** Oh, okay.

14 **MS. STROM:** She'll be able to check.

15 **THE COURT:** Okay. So we're looking that up
16 right now.

17 **MR. WILLIAMS:** So I have -- I got a
18 certified calendar that said that it wasn't
19 convened.

20 **THE COURT:** Okay. I think you're grasping
21 at straws on that one. The administrative judge
22 sets -- sets those dates and signs an order for
23 those dates to be -- to be set. In all honesty,
24 Mr. Williams, I'm just telling you, the grand
25 jury meets on a regular basis once a month in

1 Greenville County.

2 **MR. WILLIAMS:** But wouldn't there --
3 wouldn't there be a court reporter there?

4 **THE COURT:** No, sir. No, sir. Not in the
5 grand jury. Grand jury proceedings are secret.
6 Not even a defense attorney would be there,
7 nothing.

8 **MR. WILLIAMS:** So that -- so that piece of
9 paper don't mean anything then if you can't
10 prove that there wasn't one convened.

11 **THE COURT:** I'm telling you, if Judge Few
12 ordered, as the administrative judge, that the
13 grand jury convene those dates, it did. They --
14 without a special intervening order, they would
15 had convened and they would have considered
16 indictments on that day.

17 **MR. WILLIAMS:** I don't understand.

18 **THE COURT:** Okay. Okay. I wish I could
19 help you to understand it. We're looking it up
20 to see if it even was indicted.

21 **MR. WILLIAMS:** It's just a piece of paper
22 that got his name on it.

23 **THE COURT:** That piece of paper with his
24 name on it is a very important piece of paper
25 around here.

1 **MR. WILLIAMS:** So this certified calendar
2 don't mean nothing? That's what you're saying.

3 **THE COURT:** I'm telling you even if it's
4 not on the calendar or however it works, if
5 it's not on some calendar that's put out by the
6 clerk's office or whatever, I'm just telling
7 you the grand jury in Greenville County meets
8 once a month pursuant to an order from an
9 administrative judge. Without an intervening
10 superceding order, they have to meet. We're
11 looking it up right here to see --

12 **MS. STROM:** I'm going to step over there.

13 **THE COURT:** -- yeah -- to see if the case
14 was actually indicted. So it may be that it was
15 indicted.

16 **MS. STROM:** It was true billed February
17 19th, 2002.

18 **THE COURT:** Okay. And that was a grand
19 jury day. There you go. So your question about
20 that, it was, in fact, indicted on that day,
21 which is further proof that the grand jury did
22 indict on that day.

23 **MR. WILLIAMS:** So that's -- I don't get
24 it.

25 **THE COURT:** Okay. Any other matters you

1 want to bring up.

2 **MR. WILLIAMS:** That's the main reason I
3 came in here.

4 **THE COURT:** I understand. I understand. It
5 looks like the mystery's solved. We got an
6 order from the judge that says for the grand
7 jury to meet on that day. Then we've got an
8 indictment where you were indicted on that
9 charge for that day. Then you entered a plea, a
10 guilty plea, on that indictment at some point.
11 I really don't have any basis to vacate your
12 conviction based on that. All right.

13 **MR. WILLIAMS:** I don't -- I still don't
14 get it.

15 **THE COURT:** I understand. I understand.
16 The legal process can be -- the legal system
17 can be very confusing, but that's, in fact,
18 what we've got.

19 All right. Y'all've got his indictment
20 there?

21 **MS. STROM:** Yes, ma'am. It shows the --

22 **THE COURT:** You want to just give him a
23 copy of that indictment?

24 **MS. STROM:** I'll show it to him and then I
25 can show it to you. He can have this copy.

1 **MR. WILLIAMS:** Oh, I've already got that.

2 **THE COURT:** Okay.

3 **MR. WILLIAMS:** So it's nothing I can do?

4 **THE COURT:** Not based on what -- not based
5 on what you've presented to me. There's nothing
6 that -- there's nothing that gives me a basis
7 to vacate your conviction. All right.

8 Mr. Williams, I know this isn't news you wanted
9 to hear today. But as I've said, there's
10 nothing I -- there's just no basis for me to
11 vacate your conviction. I wish you the best of
12 luck though.

13 **MR. WILLIAMS:** Well, I --

14 **THE COURT:** Thank you.

15 **MS. STROM:** Thank you, Your Honor.

16 **THE COURT:** Do you want this?

17 **MR. WILLIAMS:** No, I have one.

18 **THE COURT:** You have it? Okay.

19 **MS. STROM:** Thank you, Your Honor.

20 **MR. WILLIAMS:** So I can appeal it, right?

21 **THE COURT:** You certainly can appeal this
22 decision, if you'd like to.

23 **MS. STROM:** Do you want me to prepare an
24 order, Your Honor?

25 **THE COURT:** Do you mind?

1 **MS. STROM:** I don't mind at all.

2 **THE COURT:** Thank you so much. So we'll
3 have an order ---.

4 **MS. STROM:** And I'll get a copy to him.

5 **THE COURT:** --- and you'll get a copy of
6 it. Once you receive a copy, you can.

7 **MR. WILLIAMS:** All right. Thank you,
8 ma'am.

9 **THE COURT:** Thank you.

10 **MS. STROM:** Thank you.

11

12 (Proceedings conclude at approximately

13 12:29 p.m.)

14

15

16

17

CERTIFICATE

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

I, the undersigned, Teresa B. Johnson, Official Court Reporter for the Thirteenth 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 had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville, South Carolina, on this 15th day of January, 2018.

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

Teresa B. Johnson

Official Court Reporter

CERTIFICATE OF COUNSEL

I the undersigned hereby certify that the
Record on appeal contains all material
proposed to be included by any of the parties
and not any other material.

s/ Jerome Williams

Date: 6/8/18

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SC Court of Appeals