

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

MAR 04 2020

S.C. SUPREME COURT

Certiorari to Greenwood County

Honorable Thomas A. Russo, Circuit Court Judge

TRAVIS SENTELL WILLIAMS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2019-001115

APPENDIX

WANDA H. CARTER
Deputy Chief Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

JANELL GREGORY
Assistant Attorney General
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEYS FOR RESPONDENT

ATTORNEY FOR PETITIONER

INDEX

INDEX i

GUILTY PLEA TRANSCRIPT DATED FEBRUARY 5, 20181

APPLICATION FOR POST-CONVICTION RELIEF33

RETURN.....40

POST-CONVICTION RELIEF HEARING TRANSCRIPT DATED JUNE 4, 201950

DEFENDANT’S EXHIBIT NO. 186

ORDER OF DISMISSAL.....87

INDICTMENTS105

STATE OF SOUTH CAROLINA
COUNTY OF GREENWOOD

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,)
)
 PLAINIFF,)
)
 -VS-)
 TRAVIS SENTELL WILLIAMS,)
 DEFENDANT.)
 _____)

TRANSCRIPT OF RECORD

FEBRUARY 5, 2018
GREENWOOD, SOUTH CAROLINA

BEFORE:

THE HONORABLE FRANK R. ADDY, JR., JUDGE

APPEARANCES:

ATTORNEY FOR PLAINTIFF:
CARSON PENNEY, ASSISTANT SOLICITOR

ATTORNEYS FOR DEFENDANT:
JANNA NELSON, ESQUIRE

TARA T. SCOTT, CVR
CIRCUIT COURT REPORTER

INDEX

<u>WITNESS</u>	<u>PAGE NO.</u>
PLEA	3
CERTIFICATE OF REPORTER	32

EXHIBITS

(NO EXHIBITS INTRODUCED DURING THIS PROCEEDING)

1 THE COURT: All right, Solicitor.

2 MS. PENNEY: Your Honor, standing before you is Travis
3 Sentell Williams. He's here to plead guilty to true bill
4 indictment 17-GS-24-1969. That's an indictment for DVHAN.
5 He's here to plead straight up to that. In consideration
6 for that plea we are going to nolle pros 17-GS-24-1968,
7 that's a resisting arrest, 17-GS-24-1154 that's attempted
8 murder, and 18-GS-24-0041, harassment in the second degree.

9 THE COURT: All right. Ms. Nelson, you are representing
10 Mr. Williams. Correct me if I am wrong. I think this
11 charge carries from zero to twenty.

12 MS. NELSON: That's right, Your Honor, and I am.

13 THE COURT: You've advised Mr. Williams of the
14 ramifications of this plea, the penalties involved, the
15 elements of this offense, and all his constitutional rights?

16 MS. NELSON: I have, Your Honor.

17 THE COURT: And I think that this is a 85 percent
18 offense, or -- I am correct on that?

19 MS. NELSON: It is, Your Honor.

20 THE COURT: And I think it's also classified as a
21 violent offense and a serious offense. You've explained
22 that to Mr. Williams as well?

23 MS. NELSON: I have.

24 THE COURT: From your investigation of the facts and
25 circumstances surrounding this incident, Ms. Nelson, do you

1 think that the State possesses sufficient credible evidence
2 to prove Mr. William's guilt beyond a reasonable doubt and
3 if he were to stand trial his conviction would be likely?

4 MS. NELSON: As to this charge, Yes, Sir.

5 THE COURT: All right. Mr. Williams, if you could just
6 raise your right hand for me please.

7 TRAVIS SENTELL WILLIAMS, having first
8 been duly sworn, testified as follows:

9 EXAMINATION BY THE COURT

10 Q Sir, are you Travis Sentell Williams?

11 A I am.

12 Q Mr. Williams, I am told that you want to plead guilty to
13 domestic violence of a high and aggravated nature. Is that
14 correct?

15 A Yes, sir.

16 Q You understand that that carries up to 20 years.
17 Whatever sentence you receive is entirely up to me. You
18 understand that, sir?

19 A Yeah.

20 Q I'll have to hear from both side. Whatever I feel is
21 appropriate is what you'll end up having to do. You
22 understand, sir?

23 A I do.

24 Q Now, in the last 24 hours have you taken any medication
25 or any substance that affects your thinking?

1 A No, I haven't.

2 Q And have you ever been treated for any mental illness
3 issues or problems understanding what's going on?

4 A No, I haven't.

5 Q Mr. Williams, you understand that whatever sentence you
6 get you'll have to do 85 percent of that time. For example,
7 and just by way of an example, if I were to give you 10
8 years you would have to serve eight and a half years before
9 you can hope to get out of prison. Do you understand, sir?

10 A I do.

11 Q This is also classified as a violent offense. That means
12 that your opportunities in the Department of Corrections for
13 various programs will probably be limited somewhat, and by
14 law you'll be prohibited from possessing a firearm for the
15 rest of your life. Do you understand that, sir?

16 A I do.

17 Q Additionally, being a serious offense, if in the future
18 you're convicted of two additional serious offenses, the
19 State can seek life without the possibility of parole
20 against you. Do you understand that, sir?

21 A I do.

22 Q Knowing all that, Mr. Williams, how do you wish to plead
23 to this charge?

24 A Guilty.

25 Q I'm going to ask Ms. Penny to give me the facts. When

1 she's done speaking, I'll then ask you if that's what took
2 place. So, please pay attention to what she says; Okay,
3 sir?

4 A Yes.

5 THE COURT: Solicitor?

6 MS. PENNEY: Your Honor, on or about August 16th and
7 17th of 2016 at the Ideal Motel in Greenwood County, Travis
8 Williams severely assaulted his then-wife, Semeka Key
9 Williams. Ms. Williams is standing here with me today. The
10 Defendant accused Semeka of cheating on him and when she
11 denied it he began his assault on her. He strangled her
12 from the front and from behind until she lost consciousness.
13 She fought back until then.

14 When she regained consciousness he was still hitting
15 her and cussing her, then he told her to take a shower with
16 him. She did to appease him. When they got out of the
17 shower, he told her to have sex with him. She refused and
18 he strangled her again. He also began to beat her in the
19 head and face with his fist. While he was beating her he
20 sat on her chest and pinned down her arms with his legs.
21 She told him that he was going to kill her and the Defendant
22 said he was planning on killing her anyway.

23 He beat her so badly he broke her jaw on both sides.
24 She heard a pop and she told him he broke her jaw. Excuse me
25 for my language, but he said that he didn't give a fuck. He

1 beat her again until she passed out. When she woke up he
2 was crying and he said he would have to kill her because he
3 really messed up her face and everybody would know what
4 happened. He continued to cry and told her he didn't want
5 to look at her face. She saw herself in the mirror, then
6 asked him to take her to the hospital. She said she
7 wouldn't tell anyone, but that she had to go to the
8 hospital. She was desperate.

9 The Defendant told her he would not take her to the
10 hospital. He told her to get up off the bed so he could
11 flip the mattress. It had blood on it. He told her that
12 she better lay down on her towel so she didn't get blood on
13 the bed. If she got blood on the bed, he said, he would
14 assume she was trying to set him up. She couldn't lay down
15 anyway because she couldn't breathe at this point. She told
16 him as much, and told him she had to go to the hospital or
17 doctor's office. She was desperate, so she told him she
18 wouldn't tell on him.

19 They left and she tried to jump out of the car at one
20 point, but he grabbed her and told her if she did that again
21 he would have to kill her. He took her to his grandmother's
22 house and told her they'd been in a car accident. At this
23 point her face with swelling severely and she was still
24 having trouble breathing and speaking. Semeka agreed that
25 if he took her to the hospital she would tell them that

1 she'd been in a car wreck. She was desperate to get help.
2 His grandmother left at one point and came back with a
3 suction bulb to suck the mucus out of her throat. That
4 didn't work. Semeka continued to beg the Defendant to take
5 her to the hospital. Eventually, he took her to the Laurens
6 County Hospital. People would suspect him of beating her if
7 he took her to Self.

8 When they arrived at the hospital the Defendant told
9 the triage nurse that she had been in a wreck in North
10 Carolina. Semeka could not speak at this point. When they
11 asked her what happened she could only cry. Later that day
12 she was transported to Greenville Memorial's trauma ICU.
13 She does not remember being transported. When he was
14 arrested on August 26, 2016 he ran away and jumped the fence
15 to avoid deputies. After being told to stop multiple times
16 he reached into his pocket. He was then tased and arrested.
17 At the appropriate time, Your Honor, I'd like to talk more
18 about the investigation and Semeka's injuries, Mr. William's
19 record, and I know that Semeka would also like to address
20 the court.

21 THE COURT: All right. Certainly.

22 EXAMINATION BY THE COURT

Q

23 Q Mr. Williams, you heard what the State alleges happened
24 during the evening of August 16th and 17th of 2016, is what
25 they say accurate, sir?

1 MS. NELSON: May I speak?

2 THE COURT: Sure.

3 MS. NELSON: I know you were addressing Travis. There
4 are a number of details in there, Your Honor, that we would
5 dispute and would have disputed at trial, but the bottom
6 line is that Travis does not dispute causing, at least, the
7 majority of this lady's injuries.

8 He admits to hitting her and takes responsibility for
9 breaking her jaw which was, of course, what got her sent to
10 the hospital. So, as far as admitting to what -- to facts
11 that form the basis for the plea I believe he can do that,
12 Your Honor. But for him to say that everything that was
13 recited is accurate, I don't think would be -- I don't think
14 he can agree with that, because there's just a lot we
15 dispute. One of the things being the threats to kill her.
16 But, in a nut shell, I think.

17 Travis, is that accurate what I said?

18 DEFENDANT: Yes, it is.

19 Q Mr. Williams, you would then agree that you did, in
20 fact, inflict great bodily injury upon Ms. Williams?

21 A Yes, sir.

22 Q I need to review with you rights that you're giving up
23 by pleading guilty. If I say something that you don't
24 understand or I asked about anything you don't understand,
25 stop me I'll let you talk with Ms. Nelson. If you still

1 don't understand it tell me and I'll try and explain it
2 better, okay, sir?

3 A Okay.

4 Q Now you understand, Mr. Williams, obviously you don't
5 have to plead guilty you could have a jury trial on this
6 case. You understand that, sir?

7 A Yes.

8 Q In communications with your attorney and the Solicitor,
9 I believe that this case is on the trial docket for next
10 week, so you could have a trial a week from today if you
11 wanted one. You understand that, sir?

12 A I do.

13 Q I know that Ms. Nelson has been in preparation for
14 that. You understand that, obviously, if you plead guilty
15 you don't get a jury trial.

16 A Uh-huh.

17 Q In that trial, the State would have the burden of
18 proving your guilt beyond a reasonable doubt to the
19 unanimous satisfaction of all twelve jurors. That means
20 that all twelve of them would have to agree as to your guilt
21 before you could be punished in any way for this crime. Do
22 you understand that, sir?

23 A I do.

24 Q You would help pick the jury and the State, again,
25 would have the burden of proving your guilt beyond a

11

1 reasonable doubt. They try to meet that burden by calling
2 witnesses. They would come in here. They'd be sworn. You
3 and your attorney would have a chance to see, confront, and
4 cross-examine them. Do you understand, Mr. Williams?

5 A I do.

6 Q That means that you'd be able to ask them any question
7 relevant to any issue involved in this particular case. Do
8 you understand, sir?

9 A I do.

10 Q Now, at trial you have no burden of proof. The burden
11 is always on the State to prove your guilt, but if you
12 wanted you could call your own witnesses to testify. You
13 could subpoena any reluctant witnesses. Any witnesses who
14 refuse to come to court you can subpoena them and force them
15 to come to court. Do you understand, Mr. Williams?

16 A I do.

17 Q And, of course, you could take the stand in your own
18 defense. Whether or not you chose to take the stand would
19 be entirely up to you, and if you chose not to take the
20 stand, you understand that I would tell the jury that they
21 couldn't use that as evidence of guilt. They couldn't
22 consider your failure to testify in any way in deciding
23 whether you're guilty of this crime. Do you understand,
24 sir?

25 A I do.

1 Q That's your Fifth Amendment right against self-
2 incrimination. By pleading guilty you waive that. By
3 pleading guilty you also waive your presumption of
4 innocence. Do you understand that, sir?

5 A I do.

6 Q The way a presumption of innocence works is fairly
7 simple. In the eyes of the law you're considered not guilty
8 of this crime. Even right now, because I haven't accepted
9 your plea yet. Do you understand, sir?

10 A Yes, sir.

11 Q Obviously, you haven't been convicted at trial. If you
12 plead guilty though you waive your presumption of innocence.
13 Additionally, Mr. Williams, I've been given a brief overview
14 of the evidence that the State has against you. You
15 understand that at trial you can challenge any of the
16 evidence that was seized or any evidence that was gathered.
17 You could challenge any statements that were given to the
18 police. You could challenge the accuracy, like Ms. Nelson
19 referenced a moment ago, of the account of what happened.
20 You could challenge any evidence at trial. Do you
21 understand, sir?

22 A I do.

23 Q If you plead guilty though you waive your right to
24 challenge any of the State's evidence. Finally, Mr.
25 Williams, by pleading guilty you're waiving your right to

13

1 present any defense. I have no way of knowing if you have a
2 defense to this charger or not. I'm sure that's something
3 you've discussed with Ms. Nelson. Do you understand?

4 A Yes, sir.

5 Q A defense could be, hey, her injuries were the results
6 of a car accident. A defense could be, perhaps not by way
7 of a defense, but maybe to mitigate the charges somewhat.
8 You could argue, "The injuries I inflicted weren't great.
9 They weren't significant. They weren't to the extent that
10 she claims. I simply struck her once." Or something like
11 that. You understand that, sir?

12 A Yes, sir.

13 Q If you plead guilty though, you waive your right to
14 present any defense or to do any of the stuff I just
15 described. Are you certain that you want to give up these
16 rights and plead guilty?

17 A Yes, sir.

18 Q Because the Agent is here I am assuming that you're on
19 probation right now. Is that correct?

20 A Yes, I am.

21 Q All right. You understand that this plea constitutes a
22 violation of the probationary sentence that you're currently
23 on. Do you understand that, sir?

24 A Yes, sir.

25 THE COURT: Ms. Nelson, I assume that you are satisfied

1 with the Discovery and I know the issue with a cell phone is
2 sort of still floating around out there as far as doing a
3 data drop and that kind of a thing. But you're satisfied
4 with the response from the State in terms of Discovery?

5 MS. NELSON: I am, Your Honor, and I've explained to
6 Travis that we wouldn't be proceeding with paying for the
7 cell phone extraction if this plea went forward today, and
8 he understands that and is willing to go forward without us
9 having that information, Your Honor.

10 THE COURT: And you have shared that information with
11 Mr. Williams?

12 MS. NELSON: We -- yes, sir. We've talked about it and
13 talked about it again just this morning.

14 THE COURT: And the Discovery, correct?

15 MS. NELSON: Yes, sir.

16 THE COURT: Very good.

17 Q Mr. Williams, are you happy with the way that Ms.
18 Nelson has represented you?

19 A Yes, Your Honor.

20 Q Have you had enough time to talk to her?

21 A I have.

22 Q You have met with her frequently enough then?

23 A I have.

24 Q So you don't need more time to discuss this case with
25 her?

1 A No.

2 Q Is there anything that she's failed to do that you
3 wanted her to do?

4 A No.

5 Q Totally satisfied with her help then?

6 A Yes, sir.

7 Q All right. Do you have any complaints to make against
8 the Solicitor's Office, law enforcement, court personnel, or
9 anyone involved in this?

10 A No.

11 Q You have been treated fairly?

12 A I have.

13 Q And aside from dismissal of the attempted murder charge
14 has anyone promised you anything else or held out any other
15 hope of reward to try to get you to plead guilty?

16 A No.

17 Q Has anyone threatened you, forced you, coerced you in
18 any way to get you to plead guilty?

19 A No, sir.

20 Q You are pleading guilty then of your own free will?

21 A Yes, sir.

22 Q Have you understood all my questions?

23 A I have.

24 Q Is there anything that you want to ask me or Ms. Nelson
25 about before I accept your plea?

1 A I don't.

2 Q And you're sure that you don't want a jury trial?

3 A I'm positive.

4 THE COURT: I do find there's a basis for this plea. It
5 is freely, voluntarily, knowingly, and intelligently made.
6 Mr. Williams is satisfied with Ms. Nelson's help. I'll
7 accept his plea.

8 All right. Before I turn back to you, Solicitor, do
9 you want to go ahead and tell me a little bit about his
10 probation case?

11 AGENT WILLIAMS: Sure, Your Honor. He was placed on
12 probation October 19, 2015 by Judge Griffith. He was
13 sentenced to three years suspended to a time served of 49
14 days and 60 months probation for the charge of domestic
15 violence second degree.

16 THE COURT: All right, very good. Ms. Penny, happy to
17 hear anything else by way of the prior record and the other
18 information that you want to impart in the situation and
19 then I'll happily hear from Ms. Williams.

20 MS. PENNEY: Sure, Your Honor. As a reminder, this
21 incident happened on August 16 and 17, 2016. On August 22nd
22 Ms. Williams' sister, Marissa Durant, called in a welfare
23 check to the Greenwood County Sheriff's Office. She hadn't
24 heard from Semeka in days and typically heard from her every
25 day. Greenwood Deputy Smith talked to Travis about that --

1 the Defendant about that welfare check, and he told Deputy
2 Smith that Semeka was in a car wreck, was a passenger in the
3 car, and refused EMS. He then told Deputy Smith that Semeka
4 asked him to take her to Laurens because she felt that Self
5 could not help her, and that she was at Greenville Memorial
6 now. He asked Deputy Smith to keep this information from
7 her sister who called in the welfare check, because she
8 would think -- the sister would think that he hurt Semeka.

9 Deputy Smith checked with the highway patrolman to see if
10 Semeka had been in any wrecks in the last 30 days and he
11 couldn't find any. He then contacted Greenville Memorial
12 security to find out her condition. Six days after she has
13 been taken to Laurens on the 23rd of August she was still
14 intubated and unconscious. A week later on the 24th she was
15 still in neuro ICU in Greenville. She was awake and she
16 gave limited written information to a Greenville Memorial
17 officer, but just as soon as she was awake and could write
18 she immediately reported that she was assaulted and she was
19 not in a car accident.

20 On August 25, the next day, Greenwood County Sheriff's
21 deputy, Sharon Middleton, interviewed Semeka. She was
22 intermittently awake at the time, but could not speak. She
23 was intubated and her jaw was wired shut. The next day,
24 Deputy Middleton took the Defendant's written statement. He
25 told her that Semeka's injuries were caused by her fighting

1 with another woman. It's a written statement. On September
2 16, Deputy Middleton executed a search warrant at the Ideal
3 Motel and found blood on the mattress in room 119 where they
4 stayed the night before Semeka went to the hospital.

5 As for her injuries, as an initial matter Semeka was
6 intubated almost immediately on her arrival in Laurens. Her
7 situation was so critical that they did not even sedate her
8 before intubating her. She was transported to Greenville
9 Memorial directly into the trauma ICU. Throughout the
10 course of her treatment notes in the file over multiple days
11 said there was a high probability of life-threatening
12 deterioration in her condition. Her final diagnoses
13 included traumatic brain injury with moderate loss of
14 consciousness, jaw broken in two places, fracture of the
15 first cervical vertebra, acute respiratory failure, and a
16 left facial wound that at one point was necrotic.

17 She was not taken off the ventilator until August 28th,
18 11 days after she went to the hospital. She was released
19 from the hospital on September 2 with her trach still in
20 place, her jaw still wired shut, and her feeding tube still
21 inserted. That's 16 days after she was admitted.

22 As for his record, I've handed up its history and
23 summarized it, because it is 17 pages long. You've already
24 heard from Mr. Williams about the assault on her in 2015.
25 The details of that assault include that he pushed her down

1 the stairs while she was three months pregnant with their
2 child. The pending harassment and resisting charges I've
3 already mentioned, but the harassment charge he picked up
4 while he was in jail, because he would not stop calling
5 Semeka. He literally made hundreds of phone calls to her
6 despite her telling him to stop calling. After jail
7 personnel block her number, he continued to make 3-way calls
8 so that he can reach her through another person. The two
9 ABHANS that you see on the summary in 2010, Your Honor
10 sentenced him then to six and a half years. The probation
11 for DV first in 2015 we've already heard about.

12 As for his time in the jail, he actually also made
13 harassing and threatening phone calls to another three-way -
14 - excuse me, another female, and used three-way calls to
15 accomplish those. He attempted to assault a corrections
16 officer and was tased. He's fought and been tased twice
17 because of those fights. He threatened the life of another
18 inmate. These are mere highlights. They occurred
19 throughout his confinement. Because of various infractions
20 he's now on lockdown through the end of April. This all
21 goes together to show it's clear that he cannot follow the
22 rules of society, such that he cannot even behave himself in
23 jail when he's facing the most serious charges of his life.

24 And I think Semeka wants to address the Court.

25 THE COURT: Certainly happy to hear from Ms. Williams

1 or if one of the investigators or victims advocates wishes
2 to speak for her that's fine too. Ma'am, anything that you
3 want to tell me. I'm all ears.

4 MS. WILLIAMS: Hello Your Honor. My name is Semeka Key
5 Williams. I am a victim of domestic violence. I am
6 currently a student at Greenville Technical College taking
7 classes for accounting. I am currently on disability for
8 what my ex-husband Travis Sentell Williams have done to me.
9 Travis and I were engaged in a relationship since mid 2014.
10 In 2015, we got married in May and had a child. I am here
11 so that the full impact of the crime is brought to your
12 attention, Your Honor.

13 Due to the long history of abuse and this incident that
14 have brought us to court today. I was so much in love with
15 Travis. I took a lot from him. I allowed him to do and
16 treat me any type of way. I used to allow Travis to hit on
17 me and I would take it. I would like to express what I have
18 been through. I have been hurt and in pain for many years
19 for what Travis has done to me. I had to send my kids away.
20 I had also isolated myself from my family. I feel like I do
21 not have -- did not have anybody because Travis always told
22 me that nobody would believe me, want me, and he always was
23 the only one that loved me.

24 Travis manipulated me all the time. He had ways to
25 make me think that you are, I mean he, well that you are on

1 your own so that he could control you. When I was staying
2 at my Aunt house to used to get someone's red car and come
3 to where I was at. If I didn't come outside and leave with
4 him he would cuss me out and let me feel like I had to prove
5 myself to him that I was in the house. I even remember when
6 I tried to stop talking to him. He's always threatened me
7 with if he caught me, or if I left him, what he would do.
8 When I was going through all of a sudden being in the
9 hospital in 2015, I had to send my kids to my sister in
10 Oklahoma because Travis wouldn't help me. That hurt me the
11 most. What hurt me the most is when my ex-husband beat me
12 in August 2016. When I woke up, I couldn't talk. I had to
13 go over two months without being able to talk to my kids
14 because he broke my jaw. All I could do was listen to them
15 talk to me, and I cried because I felt like if I'd just left
16 him I would not have not put them through fear of not having
17 not hearing from me for almost a week and not hearing my
18 voice for almost two months.

19 He used to send me pictures and nasty messages to just
20 to get me upset, then when I didn't do what he say he used
21 to threaten me with doing something to me. Travis has
22 thrown me around and forcefully held against my will, call
23 me out my name repeatedly, had my cell phone and took -- I
24 mean, had my cell phone was taking it looking through it.
25 Travis even attacked me at the point I had to go to the

1 hospital and to my doctor.

2 After August 2016 my life has changed completely. I
3 have trust issue, PTSD, bad nerves in my back. I had to
4 regain my strength back. My jaw was broken. I have
5 nightmares, bad nerves, and looking at the scars on my face
6 and neck. Emotional scars is so long, but after saying all
7 this, the part I don't understand is how and why the man
8 that I loved so much could leave me in the hospital to die
9 by myself. He never came back for me, but he said that he
10 loves me. I do not think that he had any remorse for what
11 he did to me. Because all he is worried about is not going
12 to prison. I do not think that Travis has learned a lesson
13 and I think that he needs to get the maximum for what he has
14 done to me. I'm afraid that if Travis gets an easy let out
15 of prison card, the next time he gonna kill the next person.
16 The reason I said this is because he told me he was going to
17 kill me because he don't want me to tell on him. Once
18 again, thank you for letting me speak. Thank you.

19 THE COURT: Thank you Ms. Williams. If she needs to
20 have a seat over there she can feel free to sit where the
21 jury normally would if she wants to. She might be more
22 comfortable.

23 Ms. Penny, anything else from the State?

24 MS. PENNEY: No, nothing else from the State, Your
25 Honor.

1 THE COURT: Ms. Nelson, happy to hear from you Ma'am.

2 MS. NELSON: Thank you very much, Your Honor. I'm sure
3 you remember Ms. Penney and I briefly discussing this case
4 with you, I believe, last term. I am not here to in any way
5 minimize what happened to Ms. Williams. Her injuries are
6 clear from the medical records. They're -- the only thing
7 that would have been in dispute if we had gone forward with
8 a trial next week is how the injury to her face happened,
9 because it didn't seem to be consistent with anything that
10 had been reported. What Travis has told me is he did not
11 know how that happened, just that particular injury to her
12 cheek that that Ms. Penney mentioned.

13 However, I don't -- again, I don't say any of that to
14 minimize what happened to her and what she had to go through
15 as a result of her injuries. There are things in the
16 factual scenario that's been presented to you that we would
17 dispute and would just tell Your Honor that the trouble
18 between this couple was not all one-sided. It was not all
19 Travis just being a horrible person to Ms. Williams. There
20 was some -- there were mutual things going on, Your Honor.
21 He does dispute that he ever threatened to kill Ms. Williams
22 at any point. He certainly is the one who took her to the
23 hospital. As to the prior incident where there was an
24 allegation of him pushing her down the stairs. What my
25 understanding is what they both ended up saying after that

1 was that he -- that he bumped her and not pushed her and he
2 did plead to that charge, as many people do, because they
3 don't want to run the risk of going to a trial. And he had
4 -- he had an offer that was something he wanted to take
5 rather than run the risk of going to trial.

6 He certainly knows that he's going to be punished for
7 what happened, Your Honor, and even knowing that and knowing
8 the range that this charge carries he is standing before you
9 admitting what he did. Certainly a hard thing for anybody
10 to admit, that they caused that kind of injury to somebody.
11 We would also dispute that the whole argument came about as
12 a result of him accusing her of something, but rather that
13 it was the other way around and the altercation with the
14 other female that Travis spoke about to the officer was
15 something that happened that night at the Civic Center. A
16 woman that Ms. Williams accused Travis of cheating on her
17 with. But regardless of those factual disputes, again,
18 Travis is not disputing that he caused Ms. Williams'
19 injuries and he certainly, regardless of how the argument
20 came about or how it happened, he knows that he shouldn't
21 have done what he did and he is remorseful for it. He is
22 sorry that it happened. It's my understanding that Ms.
23 Williams came to the jail to -- I don't think she was
24 allowed to visit him, but she came to the jail with his
25 mother on several occasions and this is after this man has

1 purportedly threatened to kill her.

2 We also think that there would have -- as you know, we
3 wanted to see the phone because of disputing the idea that
4 the story about the car wreck was Travis's idea. And
5 obviously again that isn't a factor in this plea it's just
6 I'm just trying to convey to Your Honor that this was not
7 all one-sided in this relationship. There was actually a
8 point when Mr. Williams was fired from his job at Lloyd
9 Roofing because Ms. Williams wouldn't stop calling his
10 employer because she was angry with him.

11 There's a lot that's been talked about that isn't
12 related to this particular charge and I'm not going to do
13 any of that, Your Honor. Ms. Williams talked about her
14 children and they -- she and Travis had one child together,
15 and my understanding is that Ms. Williams agreed to
16 relinquish her parental rights and that child has been
17 adopted. As you know, Your Honor, the attempted murder
18 charge was not what Travis was originally charged with. He
19 is actually pleading to the charge that he was originally
20 charged with that law enforcement felt was the appropriate
21 charge. Like many of our domestic cases we are not given an
22 option other than a person standing, here like Travis is
23 doing, and pleading to what they were originally charged
24 with no consideration at all. And with the with sword of
25 going to trial on an attempted murder charge, not the charge

1 he was originally charged with, but a much more serious
2 charge. So people are put in the position of not really
3 having a plea offer in essence. But -- and this is coming
4 from me, not Travis. But nevertheless, he's still standing
5 here taking responsibility when there has been very little
6 consideration given in exchange for his plea today, Your
7 Honor.

8 As far as his background, he does have family here.
9 His mother, his grandmother. He has a brother here and
10 another one in Columbia. He grew up here, went to Greenwood
11 High. He has his GED. He has worked primarily in
12 construction and roofing. He was working at Sterilite when
13 this incident happened because he had lost his job at Lloyd
14 Roofing, and he is in contact with his family. The reason
15 no one is here is because he specifically asked them not to
16 be here. He didn't want them to -- he didn't want them to
17 have to stand here and hear what was going to happen, Your
18 Honor, and hear what was going to be said, and so he asked
19 them to please stay home. They would have been here,
20 certainly to support him if that's what Travis had wanted
21 them to do, but he is sparing them that. He is saving
22 everyone the time and expense of having a trial on this case
23 next week when our docket is like it is and we can move on
24 to some other things. Doctors are not going to have to miss
25 -- mess up their schedules by being here. Again, I don't

1 say any of that to minimize the charge or minimize what
2 happened, but it it is something that I think speaks on
3 Travis' behalf that is taking responsibility under all those
4 circumstances, Your Honor.

5 He has been in jail for 529 days, which I certainly
6 think anybody across the street in our jail for that length
7 of time it would be difficult for somebody not to have a bad
8 day over there. I know that that has been presented to you
9 as some indicator that he can't function around other
10 people. He's certainly always been polite and respectful to
11 me and everyone in my office, but I think when you're in the
12 situation that people are in in the jail for that length of
13 time. He's never had a bond. He's never asked for a bond.
14 That it's not unusual that the stresses of being confined
15 would would have an effect on a person. He has been there
16 for 529 days. We would ask that you give him credit for
17 that time, Your Honor, and that you take into strong
18 consideration his willingness to to admit to what he's done
19 and stand before you today and ask for any mercy that you
20 see fit to give him, Your Honor.

21 THE COURT: Very good. Just one housekeeping matter and
22 I'd like for this to be reflected on the record, but I am
23 correct that when we met in chambers last month I was not
24 able to give you guys any sort of indication on on a number
25 in terms of a sentencing -- a definitive sentencing thing.

1 Come on up.

2 MS. NELSON: Can we approach?

3 THE COURT: Yes.

4 (Whereupon, there was a brief conference off the
5 record.)

6 Q All right. Mr. Williams, anything that you would like
7 to say?

8 A No, sir.

9 Q You sure?

10 A I would like to say that I apologize to the victim, you
11 know -- what happened. You know. Things shouldn't have
12 went that way. You know. Other than that, no.

13 THE COURT: All right. There is one housekeeping
14 matter that I do want to put on the record. When we spoke
15 at the bench, the attorneys related to me what I had
16 discussed in chambers by way of the sentencing range. The
17 last time that we met about this case in chambers, but the
18 way we left the conversation, as I recall it, was that I
19 would really have to just eyeball the situation then make a
20 decision. Hear from everybody, but I was not able to commit
21 to anything definitive in the way of a sentence for Mr.
22 Williams.

23 First, Ms. Williams, I am terribly, terribly, terribly,
24 sorry that this happened to you. I really don't know what
25 else to say. It's by the grace of God that you're with us

1 today and I'm obviously very happy that you are with us
2 today. Nobody should ever have to put up with one percent,
3 two percent, five percent of what happened to you that
4 night. It was completely out of line, and it was completely
5 unacceptable, and just looking at the photographs I'm truly
6 sickened by what took place that evening, Ma'am. I am very
7 very, very, very, sorry.

8 Mr. Williams, understand that part of what the Court
9 has to do when somebody comes in front of them -- and I'm a
10 big believer in trying to get people as much credit as
11 possible for accepting responsibility, which you are doing
12 today. It is maybe a year-and-a-half or so after the actual
13 event, but you are ultimately taking responsibility,
14 admitting your responsibility for the injuries that you
15 inflicted on your wife. So I do take that into account.
16 Understand though at the same time, Mr. Williams, I have to
17 take into account your prior record and I'm looking at your
18 prior record. Apparently you've been in trouble with the
19 law since you turned 18. Those were relatively minor
20 offenses, but then a few years later when apparently you are
21 around the age of 25, assault and battery high and
22 aggravated nature. You catch a straight 18 months on that.
23 Simple assaults, resisting arrest one year later. I guess
24 you get out of prison, DV first offense. 2008, assault and
25 battery high and aggravated nature, straight one-year

1 sentence. Two years later, assault and battery high and
2 aggravated nature under the old law. Pled guilty down from
3 a CDV high and aggravated nature. CSC first degree, pled
4 down to an ABHAN, six and a half years. Assault and battery
5 third, 2013. 2015, DV first, CDV first. I just see all
6 these assaults on your record, Mr. Williams, and I really
7 don't know what's wrong with you, sir. I really and truly
8 don't. That causes me a great deal of concern, and it just
9 so happens that you're on probation for domestic violence
10 when you pick up another domestic violence. That's your
11 problem okay, sir.

12 Candidly, from what I've heard, if the State of South
13 Carolina was able to prove fifteen or twenty percent of what
14 they were alleging, there's a good chance that that jury
15 would have found you guilty of attempted murder and you'd be
16 looking at the 30-year sentence and probably no light at the
17 end of the tunnel. You hear what I'm saying? I think
18 you're making a very wise decision by entering this plea
19 today, but I just can't turn a blind eye to the injuries
20 that you inflicted on somebody that you've purported to
21 love. We got a problem with that kind of thing in this
22 state, and it's up to me to send a clear clear message that
23 that kind of conduct just won't be tolerated.

24 What I've done, Mr. Williams, I've tried to give you as
25 much consideration for the plea that you are entering for

1 sparing the State the burden of going through a trial,
2 sparing the victim the trauma of having to testify. It's by
3 the grace of God that you're not facing a murder charge, Mr.
4 Williams. It's by the grace of God that the State was
5 willing to let you plead guilty to what you were originally
6 charged with, and it's by the grace of God, with your
7 history of assaulting women and other people, that somebody
8 hasn't wound up dead. I've given you a straight 18 years to
9 serve. I have given you credit for the 529 days that you
10 served in jail. I am revoking him in full. The probation
11 violation will, however, run concurrent with these charges
12 and while in prison I'm asking that you complete a batterers
13 treatment program. So, Mr. Williams, you've got a long long
14 period of time to serve and during those 18 years, at the
15 very least, you won't be in a position to injure somebody
16 else that you purport to love. But, chickens have come
17 home to roost today, Mr. Williams, but I do wish you luck,
18 sir. Take care.

19 MS. PENNEY: Thank you, Your Honor.

20 MS. NELSON: Thank you, Your Honor.

21 --- (END OF REQUESTED TRANSCRIPT OF RECORD) ---

22

23

24

25

Certificate of Reporter

I, the undersigned, Tara T. Scott, CVR, Retired Official Court Reporter for 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/hearing of the captioned case, relative to appeal, in the Circuit Court for Greenwood County, South Carolina, on the 5th day of February, 2018.

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

Tara T. Scott

Tara T. Scott, CVR

Certified Verbatim Reporter

December 20, 2018

FORM 5

STATE OF SOUTH CAROLINA)

County of GREENWOOD)

TRAVIS SENTELL WILLIAMS - 249923)
Full name and prison number (if any) of Applicant)

v.)

State of South Carolina,)

Respondent)

IN THE COURT OF COMMON PLEAS

2018-CP-24-00563

APPLICATION FOR
POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention McBennick CI
2. Name and location of Court which imposed sentence GREENWOOD County -
In the Court of General Sessions
3. Name(s) of co-defendant(s) (if any) NA
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2017GS2401969
 - (b) _____

2018 JUN 22 PM 4:29

FILED COMMON PLEAS
8TH JUDICIAL CIRCUIT
GREENWOOD, S.C.

- (c) _____
- 5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) FEBRUARY 5TH, 2018
 - (b) _____
 - (c) _____

- 6. Check whether a finding of guilty was made:
 - (a) after a plea of guilty _____
 - (b) after a plea of not guilty _____
 - (c) after a plea of nolo contendere _____

7. Did you appeal from the judgment of conviction or the imposition of sentence?
NA

- 8. If you answered "yes" to (7), list:
 - (a) the name of each Court to which you appealed:
 - i. NA
 - ii. _____
 - iii. _____
 - (b) the result in each such Court to which you appealed:
 - i. NA
 - ii. _____
 - iii. _____
 - (c) the date of each such result:
 - i. NA
 - ii. _____
 - iii. _____
 - (d) if known, citations of any written opinion or orders entered pursuant to such results:
 - i. NA
 - ii. _____
 - iii. _____

- 9. If you answered "no" to (7), state your reasons for not so appealing:
 - (a) Attorney/Counsel never advised applicant of appeal rights.
 - (b) _____

(c) _____

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) UnConstitutional Guilty Plea
- (b) Inadequate Ineffective Assistance of Counsel
- (c) X

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) Applicant didn't have a full understanding of consequences of Plea.
- (b) Attorney/Counsel assured Applicant that he would not receive beyond 15 years pursuant to her conversation with the judge. However Applicant received 18 years.
- (c) _____

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? NA
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NA
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NA
- (d) any other petitions, motions or applications in this or any other Court? NA

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:
 - i. NA
 - ii. _____
 - iii. _____
 - iv. _____
- (b) the name and location of the Court in which each was filed:
 - i. NA
 - ii. _____
 - iii. _____
 - iv. _____

(c) the disposition thereof:

- i. NA
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. NA
- ii. _____
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. NA
- ii. _____
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NA

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. NA
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. NA
- ii. _____
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

- (a) First PR Action
- (b) First PR Action
- (c) _____

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? YEA
- (b) your trial, if any? _____
- (c) your sentencing? YEA
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? YEA
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? YEA

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
 - i. JANNA A. NELSON
Suite 208 Park Plaza @@@ * 600 Monument St.
Greenwood SC 29646
 - ii. _____
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. Arraignment, plea, sentencing and Motion for reconsideration of sentence
 - ii. _____
 - iii. _____

19. State clearly the relief you seek in filing this application:

vacate conviction and sentence and subsequently remand
for new trial

20. Are you now under sentence from any other court that you have not challenged?

NA

STATE OF SOUTH CAROLINA)

County of McClintock)

VERIFICATION

I, TRAVIS S. WILLIAMS, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

TSW

SWORN to and subscribed before me this 07 day of June, 2018.

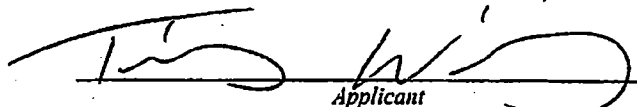
J. Franklin
Notary Public

My Commission Expires: 12-16-2019

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, TRAVIS S. WILLIAMS, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) ✓ I am the applicant in this action and I believe I am entitled to redress.
- (2) ✓ Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.


Applicant

SWORN or affirmed to and subscribed before me this
07 day of June, 2018.


Notary Public

My Commission Expires: 12-16-2019

STATE OF SOUTH CAROLINA)
COUNTY OF GREENWOOD)

IN THE COURT OF COMMON PLEAS)
FOR THE EIGHTH JUDICIAL CIRCUIT)

Travis Sentell Williams, #249923,)
Applicant,)

Case No.: 2018-CP-24-0563)

v.)

RETURN

State of South Carolina,)
Respondent.)

The State (Respondent), making its Return to the application for Post-Conviction Relief filed on June 22, 2018 would respectfully show this Court:

I. Procedural History

Travis Sentell Williams (Applicant) is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Greenwood County Clerk of Court. During the June 2017 term, the Greenwood County Grand Jury indicted Applicant for attempted murder (17-GS-24-1154). During the November 2017 term, the Greenwood County Grand Jury indicted Applicant for domestic violence of a high and aggravated nature (DVHAN) (2017-GS-24-1969) and resisting arrest (2017-GS-24-1968). During the January 2018 term, the Greenwood County Grand Jury indicted Applicant for harassment (second degree) (2018-GS-24-0041). Public Defender Janna A. Nelson, of the Eight Circuit Public Defender’s Office (Counsel) represented Applicant. Assistant Solicitor Carson Penney of the Sixteenth Circuit Solicitor’s Office prosecuted the case.

On February 5, 2018, Applicant appeared before the Honorable Frank R. Addy, Jr. and pled guilty as indicted to DVHAN. Pursuant to plea negotiations between the State and Applicant, the remaining charges against him were dismissed. There was no recommendation or negotiation

for Applicant's sentence and Judge Addy sentenced Applicant to imprisonment for eighteen years with credit for time served of 529 days. Judge Addy also revoked Applicant's probation in full, which resulted in a three year sentence that Judge Addy imposed to run concurrent to Applicant's eighteen year sentence. Applicant did not appeal his conviction or sentence.

II. Factual History

On or about August 16, 2016, Applicant assaulted his wife (Victim) at the Ideal Motel in Greenwood County. (GP Tr. 6.) Applicant accused Victim of cheating on him and when she denied it, Applicant began to assault her. (GP Tr. 6.) Applicant strangled her from the front and from behind until she lost consciousness, which prevented Victim from continuing to fight back. (GP Tr. 6.) When Victim regained consciousness, Applicant was still hitting her. (GP Tr. 6.) Victim took a shower with Applicant to appease him, but then refused to have sex with him when they got out of the shower. (GP Tr. 6.) Upon her refusal, Applicant began to strangle Victim again and beat her in the head and face with his fist. (GP Tr. 6.) While he was beating her, Applicant sat on Victim's chest and pinned her arms down with his legs. (GP Tr. 6.) Victim told Applicant he was going to kill her and Applicant said he was planning on killing her anyway. (GP Tr. 6.) Applicant beat Victim so badly he broke her jaw in two places. (GP Tr. 6.) Applicant continued to beat Victim until she passed out. (GP Tr. 6-7.)

When Victim woke up, Applicant was crying and she he would have to kill her because he really messed up her face and everybody would know what happened. (GP Tr. 7.) Applicant continued to cry and told Victim he did not want to look at her face. (GP Tr. 7.) When Victim saw her face in the mirror she asked Applicant to take her to the hospital. (GP Tr. 7.) Victim told Applicant she would not tell anyone what happened, but that she had to go to the hospital. (GP Tr. 7.) Applicant told her he would not take her to the hospital. (GP Tr. 7.) Applicant told Victim

to get off the bed so he could flip the mattress because it had blood on it. (GP Tr. 7.) Applicant told her she better lay down on her towel so she did not get blood on the bed, and if she got blood on the bed he would assume she was trying to set him up. (GP Tr. 7.) Victim could not lay down anyway because she could not breathe at this point. (GP Tr. 7.) Victim told Applicant she could not breathe and told him she needed to go to the hospital or doctor's office. (GP Tr. 7.) Victim was desperate, so she told Applicant she would not tell on him. (GP Tr. 7.)

Applicant and Victim left the hotel and, at one point, Victim attempted to jump out of the car. (GP Tr. 7.) Applicant grabbed Victim and told her if she did that again he would have to kill her. (GP Tr. 7.) Applicant took Victim to his grandmother's house and told her they'd been in a car accident. (GP Tr. 7.) At this point, Victim's face was swelling severely and she was still having trouble breathing and speaking. (GP Tr. 7.) Applicant's grandmother attempted to suction mucus out of Victim's throat with a suction bulb at one point, but that did not work. (GP Tr. 8.) Victim agreed to tell the hospital she had been in a car accident if he took her to the hospital. (GP Tr. 7-8.)

Applicant eventually took Victim to the Laurens County [Memorial] Hospital because people would suspect him of beating Victim if he took her to Self [Regional Healthcare]. (GP Tr. 8.) Applicant told the triage nurse that Victim had been in a car accident in North Carolina. (GP Tr. 8.) Victim could not speak at this point, and when the staff asked her what happened all she could do was cry. (GP Tr. 8.) Victim was transported to Greenville Memorial's trauma ICU later that day. (GP Tr. 8.) Victim does not remember being transported. (GP Tr. 8.) Victim remained in the hospital for sixteen days and when she was released she still had her trach in place, a feeding tube, and her jaw wired shut. (GP Tr. 18.)

Applicant was arrested on August 26, 2016 and during his arrest, Applicant ran away from

deputies and jumped a fence in an effort to avoid law enforcement. (GP Tr. 8.) Applicant was tased by officers after he ignored commands to stop and then reached into his pocket. (GP Tr. 8.)

III. Allegations Raised and Relief Sought

In his application for post-conviction relief, Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Counsel
 - a. "Attorney/Counsel assured applicant that he would not receive beyond 15 years pursuant to her conversation with the judge. However, applicant received 18 years."
2. Involuntary Guilty Plea
 - a. "Applicant didn't have a full understanding of consequences of plea"

As requested relief, Applicant requests the court to "vacate conviction and sentence and subsequently remand for new trial".

Attached to this Return and incorporated by reference are the records of the Greenwood County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, the plea transcript, and the application. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

IV. Response to Allegation of Ineffective Assistance of Counsel

Applicant alleges Counsel was constitutionally ineffective because Counsel assure Applicant that he would not receive more than fifteen years based on a conversation Counsel had with Judge Addy prior to his plea. In a PCR action, an applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it]

cannot be relied upon as having produced a just result.” Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in Strickland, 466 U.S. 668. First, the applicant must prove that counsel’s performance was deficient. Id.; Cherry v. State, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney’s performance by its “reasonableness under prevailing professional norms.” Cherry, 300 S.C. at 117, 386 S.E.2d at 625 (quoting Strickland, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Butler, 286 S.C. at 442, 334 S.E.2d at 814. “Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment.” Id. (citing Strickland, 466 U.S. at 690). The applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. Second, counsel’s deficient performance must have prejudiced the applicant such that “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625. With respect to guilty plea counsel, the applicant must show that there is a reasonable probability that, but for counsel’s alleged errors, he would not have pleaded guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52 (1985).

In the present case, Applicant can satisfy neither requirement of the Strickland test. The record clearly shows Applicant was told by the court that Applicant’s charge carries up to twenty years and the sentence was entirely up to the court. (GP Tr. 4.) Additionally, prior to sentencing, Judge Addy put on the record that he met with Counsel and the State in chambers a month prior to Applicant’s plea and he did not provided a definitive sentence to Counsel or the State at that time.

(GP Tr. 27-28.) During the plea, a sidebar conference was held and Judge Addy put on the record that the attorneys stated he had provided a sentencing range, but did not commit to a definitive sentence at that time. (GP Tr. 28.) However, the allegation of ineffective assistance of counsel probably raises questions of fact that the record does not conclusively refute. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

V. Response to Allegations of Involuntary Guilty Plea

Applicant also asserts his plea was involuntary. In PCR cases, an applicant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 363-64, 527 S.E.2d 742, 747 (2000) (citations omitted). An applicant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001). An applicant alleging his guilty plea was induced by ineffective assistance of counsel must prove counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56 (1985). Further, "[t]hat a guilty plea must be intelligently made is not a requirement that all advice offered by the defendant's lawyer withstand retrospective examination in a post-conviction hearing." McMann v. Richardson, 397 U.S. 759, 770 (1970). Rather, "whether a plea of guilty is unintelligent . . . depends as an initial matter, not on whether a court would retrospectively consider counsel's advice to be right or wrong, but on whether that advice was within the range of competence demanded of attorneys in criminal cases." Id. at 771.

The record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Dalton v. State, 376 S.C. 130, 138, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing Boykin v. Alabama, 395 U.S. 238, 242 (1969)). A defendant's knowing and voluntary waiver of statutory or constitutional rights must be established by a complete record, and "may be accomplished by colloquy between the court and defendant, between the court and defendant's counsel, or both." Roddy v. State, 339 S.C. 29, 34, 528 S.E.2d 418, 421 (2000) (citing State v. Ray, 310 S.C. 431, 437, 427 S.E.2d 171, 174 (1993)). Further, "[a] guilty plea is a solemn, judicial admission of the truth of the charges" against the applicant; thus, a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed. Dalton, at 137–38, 654 S.E.2d at 874 (citing Blackledge v. Allison, 431 U.S. 63 (1977)). Therefore, admissions "made during a guilty plea should be considered conclusive unless [an applicant] presents valid reasons why he should be allowed to depart from the truth of his statements." Id. (citing Crawford v. United States, 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976)). "In considering an allegation on PCR that a guilty plea was based on inaccurate advice of counsel, the transcript of the guilty plea hearing will be considered to determine whether any possible error by counsel was cured by the information conveyed at the plea hearing." Id. at 138–39, 654 S.E.2d at 874 (citing Wolfe v. State, 326 S.C. 158, 165, 485 S.E.2d 367, 370 (1997)).

Respondent submits the record fully supports the knowing and voluntary nature of Applicant's plea. Judge Addy conducted an extensive plea colloquy with Applicant prior to accepting his guilty plea. Additionally, Counsel told the court she had advised Applicant "of the ramifications of this plea, the penalties involved, the elements of this offense and his constitutional rights." (GP Tr. 3.) It is clear from the record Applicant understood the charges and consequences of his plea. However, allegations regarding the voluntariness of the plea may raise a question of

fact that is not conclusively refuted by the record. Accordingly, Respondent requests an evidentiary hearing to fully resolve this issue. See Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

VI. Any Future Amendments

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. Any claims not specifically laid out in this PCR application or in amendments will be opposed by the State at an evidentiary hearing pursuant to §§ 17-27-10 to -160 of the South Carolina Code of Laws and Rule 71.1 of the South Carolina Rules of Civil Procedure. See also Rules 15(a)-(b), SCRCF. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. See Rule 11, SCRCF. Pro se filings will not be considered at the PCR hearing. Respondent reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to Respondent. See Rule 15(a), SCRCF.

VII. Response to All Other Allegations

Each and every allegation contained within the application not expressly admitted, qualified, or explained in this Return is hereby denied.

VIII. Request for an Evidentiary Hearing

WHEREFORE, Respondent requests that an evidentiary hearing be held on the claims of ineffective assistance of plea counsel and involuntary guilty plea.

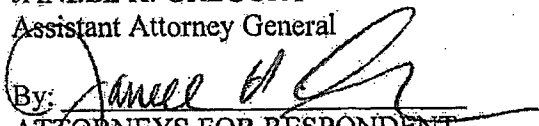
Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

JANELL H. GREGORY
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
Telephone: (803) 734-3737

February 12, 2019

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENWOOD)
)
)
)
 TRAVIS SENTELL WILLIAMS, #249923)
)
 Applicant,)
)
 vs.)
)
 STATE OF SOUTH CAROLINA,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS


2018-CP-24-0563

AFFIDAVIT OF SERVICE BY MAIL

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Return in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Ashley A. McMahan, Esquire
Mac | Vance Attorneys, LLC
Post Office Box 5501
West Columbia, South Carolina 29171

DATED this the 12th day of February, 2019.


 Carlotta L. Weaver, Legal Assistant
 For Respondent

1 STATE OF SOUTH CAROLINA
2 IN GENERAL SESSIONS
3 COUNTY OF LAURENS

4 Travis Sentell Williams,
5 Petitioner,

6 vs. Transcript of Record
7 2018-CP-24-00563

8 State of South Carolina,
9 Respondent.

10

11 June 4, 2019
12 Laurens, South Carolina

13 B E F O R E:

14 The Honorable THOMAS A. RUSSO

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

16 Ashley L. McMahan, Representing Travis Sentell
17 Williams

18 Janell H. Gregory, Representing the State of South
19 Carolina

20
21

22

23

24

SHARON G. HARDOON, CSR
Official Circuit Court Reporter, II

25

		INDEX	
WITNESS/EXAMINATION			
	Witness Name	Page	Line
	Travis Sentell Williams		
4	Examination By Ms. McMahan	4	19
	Cross By Ms. Gregory	10	20
	Janna Nelson		
6	Examination By Ms. McMahan	15	18
	Cross By Ms. Gregory	21	4
	Carson Penny		
8	Examination By Ms. Gregory	25	9
	Cross By Miss McMahan	31	13
	Certificate of Reporter	36	1

EXHIBITS			
13	EXH.	1, Letter, 5/13/19	6 14
14	EXH.	1, Letter, 5/13/19	18 4

15

16

17

18

19

20

21

22

23

24

25

1 THE COURT: Yes, ma'am.

2 MS. GREGORY: May it please the Court,
3 Your Honor. Before you is Travis Williams.
4 Applicant was indicted by the Greenwood County
5 grand jury for attempted murder, domestic violence
6 of a high and aggravated nature, resisting arrest,
7 and harassment, second degree.

8 On February 15th, 2018, applicant
9 appeared before Judge Addy to plea guilty to
10 domestic violence of a high and aggravated nature.
11 Pursuant to the plea negotiations, the remaining
12 charges against him were dismissed. There was no
13 recommendation or negotiation for applicant's
14 sentence, and Judge Addy sentenced him to 18 years
15 imprisonment with credit for 529 days.

16 Applicant's probation was also revoked in
17 full which resulted in a three-year sentence that
18 Judge Addy set to run concurrent with applicant's
19 18-year sentence. He did not file an appeal.

20 He filed a timely PCR application on
21 June 22, 2018 alleging ineffectiveness of counsel,
22 alleging that counsel assured applicant that he
23 would not receive more than 15 years pursuant to
24 the conversation with the judge. However, he
25 received 18 years. In an voluntary guilty plea,

1 Testimony of Travis Williams 4
2 applicant did not have a full understanding of the
3 consequences of his plea.

4 He is present today and represented by
5 Miss McMahan.

6 THE COURT: Miss McMahan.

7 MS. MCMAHAN: Yes, Your Honor. At this
8 time, the applicant calls Mr. Williams.

9 THE COURT: Mr. Williams, if you can
10 please come around, please, sir.

11 THE CLERK: Do you solemnly swear or
12 affirm that the testimony you're about to give in
13 this case be the truth, the whole truth, and
14 nothing but the truth, so help you God?

15 THE WITNESS: Yes, ma'am.

16 WHEREUPON:

17 TRAVIS SENTELL WILLIAMS,
18 after having been sworn to tell the truth, testified
19 as follows:

20 DIRECT EXAMINATION

21 MS. MCMAHAN:

22 Q Mr. Williams, did you file this PCR application?

23 A Yes, ma'am.

24 Q Who represented you on this charge?

25 A Janna Nelson.

 Q So tell me what happened to make -- with her

Testimony of Travis Williams

5

1 representation. At some point, you pled guilty; is
2 that correct?

3 A I did.

4 Q And how did you get to that point?

5 A I thought it was, like -- it was either a
6 plea or it was a jury trial.

7 Q So you felt like the guilty plea was your only
8 choice?

9 A Yes.

10 Q What were they going to indict you for and try you
11 for?

12 A Attempted murder.

13 Q And the date of your guilty plea, what did -- what
14 happened?

15 A As far as?

16 Q Just walk us through that day. Like, what
17 happened that day at your guilty plea with
18 Judge Addy?

19 A They found me guilty of --

20 Q Was there any conversations that the judge and the
21 attorneys had beforehand, or anything like that?

22 A With me and my attorney?

23 Q Uh-huh.

24 A Yes, we had a conversation with both.

25 Q What did you guys talk about?

Testimony of Travis Williams

6

1 A She just basically told me, you know, what
2 would happened if I was found guilty.

3 Q Did she go in the back and talk to Judge Addy?

4 A Not that day, no. She went to -- you know.
5 They went to the bench.

6 Q What did she tell you would get as your sentence?
7 What did she tell you you'd probably get as your
8 sentence?

9 A 5 to 15. 7 to 15.

10 Q She said you'd get somewhere around 15?

11 A 7 to 15, between.

12 Q Between 7 and 15.

13 MS. MCMAHAN: Can I get this marked?

14 (DFT. EXH. 1, Letter, 5/13/19, was marked
15 for identification.)

16 BY MS. GREGORY:

17 Q I'm going to show you what's been marked as
18 Exhibit 1. Do you recognize that?

19 A I do.

20 Q What is it?

21 A It's a letter from the attorney.

22 Q Did she send it to you?

23 A Yes, she did.

24 Q And there's some lines drawn on it. Who drew
25 those lines?

Testimony of Travis Williams

7

1 A I did.

2 Q Okay. And when did you receive this?

3 A It was -- I guess it was -- it was in May. I
4 don't remember the exact date.

5 Q And you were already at McCormick then?

6 A I was at McCormick.

7 Q And, essentially, what did she tell you to do in
8 this letter?

9 A Basically, she told me to blame her for the
10 additional time I had got, the additional time I
11 had got.

12 Q So your main issue today with Miss Nelson is what
13 happened at the guilty plea and her telling you you
14 were going to get a certain amount of time and you
15 didn't get it?

16 A Uh-huh. Yes, ma'am.

17 Q Is that your only real issue that you have with
18 her?

19 A And a lot of -- a lot of evidence that wasn't
20 presented during my case on my behalf.

21 Q So she didn't present a bunch of mitigation on
22 your behalf at the guilty plea?

23 A Yeah.

24 Q Like, what kind of evidence?

25 MS. GREGORY: Objection, Your Honor.

Testimony of Travis Williams

8

1 This isn't part of the application.

2 MS. MCMAHAN: Actually, I sent you guys
3 an email about this, that this is an ancillary
4 issue about this application and that's what I was
5 going to bring up. I wasn't going to amend it.

6 MS. GREGORY: I did not receive an email.

7 MS. MCMAHAN: I sent it to both of you.

8 MS. GREGORY: When?

9 MS. MCMAHAN: Two weeks ago, three weeks
10 ago.

11 MS. GREGORY: I did not receive that. I
12 did not receive that. I may have stored an email
13 about that.

14 THE COURT: Has any amendment been filed
15 or anything?

16 MS. GREGORY: No, sir.

17 MS. MCMAHAN: No. This is an
18 ancillary -- the same issue that he raised. It's
19 just sort of an offshoot of it. My indication of
20 it -- I didn't deem it necessary to file any sort
21 of amendment because this issue all related, sort
22 of, to the mitigation. So that way he did get the
23 amount of time that he was actually told he was
24 going to get.

25 THE COURT: Okay. I'll allow you to

Testimony of Travis Williams

9

1 proceed.

2 MS. MCMAHAN:

3 Q Okay. So a lot of evidence wasn't presented.

4 What are some examples of some evidence?

5 A Well, basically, the victim's behavior. A

6 lot of -- a lot of reports that she with

7 Greenwood County, basically.

8 Q That the victim had filed other reports or that --

9 about --

10 A I mean, just that they was fabricated, her

11 lies on me.

12 Q Okay. Had the victim called Greenwood County and

13 everything on your behalf? Or she called up to the

14 Sheriff's Department, hadn't she?

15 A Yeah, she did.

16 Q Okay. Was that presented?

17 A I don't know. I don't think it was. Yeah,

18 yeah. No, not that -- not that day.

19 Q Not her calling up to the Sheriff's Department.

20 That was not presented.

21 A Yeah.

22 Q There was some other stuff that was presented?

23 A Yeah, there was.

24 Q Well, what else should Miss Nelson have brought up

25 to the Court?

Testimony of Travis Williams

10

1 A Just the victim's behavior should have been
2 more presented of how she really was, you know.
3 And just to prove that her statements and
4 everything was said -- other statements, it was
5 just a bunch of bull, basically.

6 Q So there was one particular part of her statement
7 that you had a disagreement with and I think
8 Miss Nelson brought it up at the guilty plea. What
9 was that?

10 A What was your question?

11 Q We'll just move on from that.

12 MS. MCMAHAN: It's in the guilty plea,
13 Your Honor. I have no further --

14 MS. MCMAHAN:

15 Q Is there anything else you want to tell the Court
16 today?

17 A No.

18 MS. MCMAHAN: I have no further
19 questions. Answer anything Miss Gregory has.

20 CROSS-EXAMINATION

21 BY MS. GREGORY:

22 Q Mr. Williams, how many times did you meet with
23 your attorney prior to your plea?

24 A About two or three times, maybe.

25 Q I'm sorry?

Testimony of Travis Williams

11

1 A Two or three times, maybe.

2 Q In person?

3 A Yeah.

4 Q Do you recall reviewing discovery with her, the
5 evidence that the State had against you?

6 A No. She wasn't the one that presented
7 discovery.

8 Q She wasn't what?

9 A She wasn't the one that brung my discovery.

10 Q Who did?

11 A It was --

12 Q An investigator?

13 A No.

14 Q Did you see the discovery?

15 A Yes, I did.

16 Q I'm sorry?

17 A Yes, I did. You asked if I had seen it.

18 Q Okay. Do you recall the judge telling you that
19 you could receive up to a 20-year sentence, and that
20 the sentence you received was entirely up to him? Do
21 you recall the judge saying that to you during the
22 guilty plea?

23 A I don't remember him saying that.

24 Q Do you recall the judge telling you that he would
25 listen to both sides and whatever sentence he felt was

Testimony of Travis Williams

12

1 appropriate would be what you would have to do?

2 A No, I don't know. I'm not sure.

3 Q I have the transcript here and I can show you.

4 MS. GREGORY: May I approach, Your Honor?

5 THE COURT: Yes, ma'am.

6 BY MS. GREGORY:

7 Q This might refresh your memory. This is just the
8 highlighted areas there. Do you recall the judge
9 telling you that he would listen to both sides --

10 THE COURT: Can you refer to the page?

11 MS. GREGORY: I'm sorry. Page 4, Your
12 Honor.

13 THE WITNESS: Oh, yeah. I think I
14 remember that.

15 BY MS. GREGORY:

16 Q You remember that?

17 A Yeah.

18 Q I'll let you hold on to that. So you recall him
19 telling you whatever sentence he felt was appropriate
20 would be what you would have to do and you agreed; is
21 that correct?

22 A Yes.

23 Q Do you recall the judge explaining that your
24 charge was an 85 percent charge?

25 A Yes.

Testimony of Travis Williams

13

1 Q And was classified as a violent and serious
2 offense?

3 A Yes.

4 Q Do you recall telling the judge that you wanted to
5 plead guilty?

6 A Yes.

7 Q Do you recall telling the judge that you did
8 inflict great bodily injury on the victim?

9 A No. I mean, I didn't plea because a lot of
10 injuries wasn't done by me.

11 Q Correct.

12 MS. GREGORY: If I can approach again,
13 Your Honor.

14 THE COURT: Yes, ma'am.

15 BY MS. GREGORY:

16 Q On page 9, your attorney, kind of, corrected the
17 statement of the State. And at the end of that
18 statement she asked you if it was accurate, what she
19 said. Do you see that?

20 A Yeah. I see that.

21 Q Okay. And you did not dispute causing the
22 majority of the victim's injuries; is that correct?
23 That's also on page 9.

24 A Yes.

25 Q Do you recall telling the judge you were positive

Testimony of Travis Williams

14

1 you did not want a jury trial in this case?

2 A I did.

3 Q Do you recall telling the judge you had enough
4 time to talk with your attorney and you met with her
5 frequently enough and that there was nothing that she
6 failed to do for you?

7 A I did.

8 Q Do you recall telling the judge that you did not
9 need more time to talk to your attorney?

10 A No. I did. I do.

11 Q Do you recall waiving your constitutional
12 rights?

13 A Uh-huh.

14 Q Do you recall telling the judge no one forced or
15 coerced you to plead guilty?

16 A I do.

17 Q Do you recall telling the judge that you were
18 pleading guilty out of your own free will?

19 A I do.

20 MS. GREGORY: No further questions, Your
21 Honor. If I could just grab the transcript back.
22 Thank you.

23 THE COURT: Anything on redirect?

24 MS. MCMAHAN: Nothing, Your Honor.

25 THE COURT: All right. Thank you, sir.

Testimony of Janna Nelson

15

1 you may step down

2 MS. MCMAHAN: Your Honor, the State calls
3 -- not the State. The applicant calls
4 Miss Nelson, Miss Janna Nelson.

5 THE COURT: Miss Nelson, if you would
6 please come around.

7 THE WITNESS: Good morning, Judge.

8 THE COURT: Good morning.

9 THE CLERK: Do you solemnly swear or
10 affirm that the testimony you're about to give in
11 this case be the truth, the whole truth, and
12 nothing but the truth, so help you God?

13 THE WITNESS: I do.

14 WHEREUPON:

15 JANNA NELSON,
16 after having been sworn to tell the truth, testified
17 as follows:

18 DIRECT EXAMINATION

19 MS. MCMAHAN:

20 Q I'm sorry I'm coming so close.

21 A It's okay.

22 Q Did you represent Mr. Williams?

23 A I did. He was originally represented by
24 other attorneys in our office. First,
25 Miss Patricia Bolin. When she left, she was

Testimony of Janna Nelson

16

1 replaced by Jennifer Clinkscales who had the case
2 while she was there. She wasn't with us for, I
3 don't know, a very long time. And when she left,
4 I took that case over.

5 Q Okay. And so you were the third person?

6 A Yes.

7 Q Do you remember meeting with him at all?

8 A Yes.

9 Q And what did the main discussions revolve
10 around?

11 A Potential -- as best I remember, potential
12 plea offers. The circumstances surrounding the
13 incident, just, you know, what happened and what
14 didn't happen. Discussions about the victim's --
15 some of the things that Travis was talking about
16 just now on the stand. Some of her previous
17 reports that she had made to law enforcement.
18 Some DSS issues that she had had. The phone calls
19 that the two of them had had while he was in the
20 jail.

21 I don't remember the specifics about her call
22 to the Sheriff's Department. I just don't remember,
23 but we probably talked about that too. That -- in
24 general, that was -- and, of course, going to trial.
25 You know, the risks. Sort of the risk benefit

Testimony of Janna Nelson

17

1 analysis of whether you go to trial or whether you
2 plea guilty.

3 Q And, in the transcript, you kind alluded to this a
4 little bit that you weren't necessarily disputing that
5 he caused injuries. You were disputing that he had
6 threatened to kill her. Do you remember that?

7 A I don't remember specifically remember it,
8 but I don't dispute it at all. That's accurate.

9 Q And I'm going to show you what's marked as
10 Exhibit 1. Do you recognize that?

11 A Yes.

12 Q And what is it?

13 A That's the letter I sent to Travis that he
14 just testified about.

15 Q And you wrote that letter?

16 A Yes.

17 Q Is this the exact letter? This is the original?

18 A I believe that it is. I mean, it's -- yes,
19 this is the one. It looks like the original,
20 yes.

21 Q And that's your signature at the bottom?

22 A Uh-huh.

23 MS. MCMAHAN: Your Honor, at this time, the
24 applicant moves this in as Exhibit 1.

25 MS. GREGORY: No objection, Your Honor.

Testimony of Janna Nelson

18

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT: Without objection.

MS. MCMAHAN: I have a copy for you, too.

THE COURT: Thank you, ma'am.

(DFT. EXH. 1, Letter, 5/13/19 was entered into evidence.)

BY MS. MCMAHAN:

Q Did he ever indicate to you that he wanted to go to trial or that he wanted a guilty plea, or how did that come about?

A I mean, there were just general discussions about which one would be better to do. And he was, kind of, between a rock and a hard place because he wasn't being given the plea offer that we wanted, and, if he went to trial, he was risking being convicted of an attempted murder.

Q So tell me how it came about with the discussion, I guess, with Judge Addy about the time and all that.

A Okay. I think what Travis wanted was -- well, that isn't answering your question. But I think what he -- what had been proposed prior to even me taking the case over was an offer of five years. I think that was what -- according to the notes in our file, that was, kind of, what Travis was looking for as a resolution.

So I could not get an offer anything

Testimony of Janna Nelson

19

1 other than straight up to the DV-HAN, which was
2 exactly what he was originally charged with, so he
3 essentially had no offer. And the State was using
4 the leverage of getting an indictment for an
5 enhanced charge that he wasn't originally charged
6 with at all.

7 So I went to conference it with the judge,
8 which we frequently do when we have a straight up plea
9 like that, to see if I could get some idea of what
10 Travis could expect at sentencing. So we had that
11 in-chambers conference, and I don't remember the exact
12 date of that conference. It was not the same day he
13 pled. It was sometime before that, not -- you know,
14 some short period of time before that.

15 And, in the conference, my understanding
16 was that Judge Addy let us know that he felt,
17 based on what he had heard, he would be in a range
18 of 7 to 15 years, and that's what I told Travis.

19 My prediction for him was -- I think that
20 what I told him was to expect something in the
21 neighborhood of maybe 12 because I thought the
22 judge would, sort of, split the difference, but I
23 also told him that -- you know, that -- that 15
24 was a possibility because that was at the outside
25 range of what the judge had said.

Testimony of Janna Nelson

20

1 But I did rely heavily on the representation
2 that the judge made to me in chambers. And I told
3 Travis that I had never before had Judge Addy tell me
4 something in chambers, give me a range like that, and
5 then do something different. I had had that
6 experience on maybe two other occasions with other
7 judges, where something different happened at
8 sentencing.

9 But, in all, I mean, I've been at that office
10 since 2007, and Judge Addy became a circuit -- he was
11 a probate judge at that time. He became a circuit
12 judge not long thereafter, and I had -- in all those
13 years of practicing in front of him, I had never had
14 this kind of situation where I was told something in
15 chambers and someone turned -- someone got more time.

16 Q And, just to clarify, what did he tell you in
17 chambers again?

18 A 7 to 15, is what my notes reflect.

19 Q But you told Mr. Williams you think you'll
20 probably get in the neighborhood of 12, but 15 is
21 still a possibility, but you didn't really -- because
22 you relied on Judge Addy's representation back in
23 chambers?

24 A Yes.

25 MS. MCMAHAN: Okay. I have no further

1 questions. Please answer any questions of
2 Miss Gregory may have.

3 THE WITNESS: Okay.

4 CROSS-EXAMINATION

5 BY MS. GREGORY:

6 Q Did Judge Addy guaranty you he would go over that
7 15-year sentence?

8 A I do not recall him using the words, Janna, I
9 guaranty you, I will not go over 15 years. But my
10 impression of it was that, you know, while I
11 understand that a judge can do whatever they want
12 to do on -- you know, regardless of what he said
13 to me in chambers --

14 Q Sure.

15 A -- I personally took that as something of a
16 guaranty, that that was where the range of the
17 sentence would be.

18 But did he specifically say, Janna, I
19 guaranty you, or sign something that said this is a
20 guaranty, I don't think so.

21 Q And you filed a motion to reconsider the
22 sentence?

23 A Yes.

24 Q And do you recall in that motion to reconsider,
25 you explained that you had no guaranty, and that the

Testimony of Janna Nelson

22

1 plea was not a negotiation or a recommendation on the
2 sentence?

3 A Yes.

4 Q Okay. Did you think it was in his best interest
5 to plea guilty versus going to trial on attempted
6 murder?

7 A Given that -- given the range that was
8 represented to me that I thought he was going to
9 be sentence within, I did think it was probably
10 his best -- his best shot. He had another DV
11 first charge pending with the same victim, and
12 another separate charge.

13 I did have hope that if we went to trial that
14 we could possibly get the lesser of AG-HAN if the jury
15 did not believe that he was actually trying to kill
16 her when they had this altercation, and that would
17 have been the same exact range as the DV-HAN.

18 Q And that was up to 20 years, correct?

19 A Right.

20 Q And he received 18 years, which is still less than
21 the maximum, correct?

22 A Barely, but, yes, it's less.

23 Q It's less than the maximum. So if you knew the
24 range was going to be up to 18 years, you would not
25 have suggested that he take the plea?

Testimony of Janna Nelson

23

1 A I think that would have been enough to push
2 it toward why not go ahead and roll the dice and
3 see. I mean, if we're going to get 18, why not go
4 ahead and at least try. You know, you might get
5 the same exact result at trial, or --

6 Q Even for trial on attempted murder, which would
7 be --

8 A If they convicted him of attempted murder,
9 then, yes, he could have gotten more, of course.
10 And that's certainly one of the considerations
11 when you are weighing these risks of going to
12 trial.

13 Q Sure. Did you threaten or coerce him to plead
14 guilty?

15 A No.

16 Q Was it his decision to plea guilty?

17 A It was, but that decision was -- I didn't
18 coerce him, but I told him that you should expect
19 to get no more than 15 because that's what
20 Judge Addy told me. So I certainly believe that
21 that influenced his decision to plea.

22 Q What was his criminal history like?

23 A I mean, he had a criminal history.

24 Q Did that influence the judge's decision, do you
25 recall?

Testimony of Janna Nelson

24

1 A I'm not in his mind, but I imagine it did.

2 But he would have heard about that in -- I believe
3 he would have heard at least some of that in
4 chambers when we had the conference before the
5 plea.

6 Q During the plea hearing, did Mr. Alexander ever
7 tell you, I don't want to do this?

8 A Mr. Williams?

9 Q Mr. Williams. I'm sorry. Yes.

10 A I do not recall him turning to me during the
11 plea and saying, I don't want to do this.

12 Q Did you file a motion to withdraw his guilty
13 plea?

14 A No.

15 MS. GREGORY: No further questions, Your
16 Honor.

17 THE COURT: Any redirect?

18 MS. MCMAHAN: No redirect, Your Honor.

19 At this time, the applicant rests.

20 THE COURT: You may step down.

21 MS. GREGORY: The State with call Carson
22 Penny, Your Honor.

23 THE COURT: Miss Penny, if you please
24 come around to be sworn.

25 THE CLERK: Do you solemnly swear or

Testimony of Carson Penny

25

1 affirm that the testimony you're about to give in this
2 case will be the truth, the whole truth, and nothing
3 but the truth, so help you God?

4 THE WITNESS: I do.

5 WHEREUPON:

6 CARSON PENNY,

7 after having been sworn to tell the truth, testified
8 as follows:

9 DIRECT EXAMINATION

10 BY MS. GREGORY:

11 Q Good morning, Miss Penny. Thank you for being
12 here today.

13 A Good morning.

14 Q Where do you work?

15 A I work at the 8th Circuit Solicitor's
16 Office.

17 Q Were you working there at the time Mr. Williams'
18 case came through?

19 A Yes, I was.

20 Q Were you prosecuting that case?

21 A I was.

22 Q How long have you been practicing law?

23 A Since 2010.

24 Q What was the State's evidence against
25 Mr. Williams?

Testimony of Carson Penny

26

1 A First of all, we had direct testimony from
2 the victim, Mrs. Williams, about what occurred
3 during the assault. It included a statement from
4 him that he was going to kill her. He was going
5 to have to kill her. All the different times he
6 choked her and hit her. What he did after that,
7 took to her to his grandmother's house and
8 attempted to keep her from going to the hospital
9 and take her to the hospital. She had to convince
10 him to take her to the hospital.

11 We had medical records that evidenced the
12 more than two weeks in ICU that she spent after that
13 in Greenville after being transported from Laurens.
14 We had a bloody mattress from the hotel. We had
15 doctors coming to testify about the extent of her
16 injuries and her recovery.

17 Q What were the extent of her injuries?

18 A She had, I think, a collapsed airway and had
19 to be intubated almost immediately when she
20 arrived in Laurens. I recall speaking to a doctor
21 who said that they almost never intubate without
22 anesthesia, but, in this case, it was so emergent
23 that they had to. She had a broken jaw.

24 When she woke up -- she did not recall being
25 taken to Greenville. When she woke up, she had a

Testimony of Carson Penny

27

1 broken jaw and her jaw wired shut. She actually left
2 the hospital with her jaw wired shut after more than
3 two weeks there.

4 She had an injury to her face that was,
5 perhaps, I think -- some injury from the assault that
6 became necrotic, so she's had to have multiple
7 surgeries on that. She, actually, just recently is
8 continuing to have surgeries to fix that, plastic
9 surgery on her face.

10 Q What was the additional evidence against
11 Mr. Williams?

12 A He -- when he presented her -- when he took
13 her to the Laurens County Hospital, he told
14 her that -- he told the hospital that they had
15 been in an automobile accident and didn't call
16 EMS. And we, you know -- I think we spoke to
17 somebody in North Carolina because he said they
18 had been in North Carolina. We talked to highway
19 patrol. No agent could identify any accident that
20 somebody could have been in. And that's
21 Mrs. Williams in the last 30 days, so that didn't
22 add up.

23 We had a written statement that he gave to a
24 Greenwood County investigator shortly thereafter where
25 he gave a different story that Mrs. Williams had been

Testimony of Carson Penny

28

1 in a fight with a different female, I guess over some
2 relationship with him. There was a couple more other
3 things.

4 Q Okay. Would you have classified this as a strong
5 case?

6 A Yes.

7 Q In the motion -- I'm sorry. In Judge Addy's order
8 denying the motion to reconsider the sentence, do you
9 recall what he said? I have a copy of it.

10 MS. GREGORY: May I approach, Your Honor?

11 THE COURT: Yes, ma'am.

12 BY MS. GREGORY:

13 Q It's pink highlighted. Can you read what he said
14 regarding the State's case?

15 A Yes. He says, "In the Court's opinion, to
16 characterize the State's case as strong would be
17 an understatement. Direct evidence of
18 Mr. Williams' specific intent to kill the victim,
19 as well as the extent of her injuries, clearly
20 supported the previously indicted charge of
21 attempted murder. Coupled with a graphic
22 life-threatening nature of victim's injuries and
23 Mr. Williams' attempt to concoct a plausible
24 narrative immediately following his brutal
25 assault, even after having time to reflect upon

Testimony of Carson Penny

29

1 the horror of his actions, one could easily find
2 that a proper and just sentence warrants more time
3 than this Court actually imposed, and likely
4 warrants a greater sentence than the law permits."

5 Q Thank you, Miss Penny.

6 How did the plea offer come about?

7 A I made the plea offer to Miss Clinkscales,
8 who had been one of his previous attorneys in the
9 Public Defender's Office, in late May in 2017. I
10 think that I emailed it to her. I know that I
11 spoke to her about it. And it's the offer that
12 we've been talking about, a straight up plea to
13 DV-HAN.

14 Q Do you recall if your offer ever provided a
15 five-year plea?

16 A No. Absolutely, no. That did not happen.

17 Q What were the terms of the plea? If it's straight
18 up, were you also dismissing charges?

19 A Yes. Obviously, if he pled straight up to
20 DV-HAN, we would dismiss the attempted murder and
21 not go forward with that.

22 While he was in jail in Greenwood County, we
23 ended up indicting him on a harassment charge that we
24 also -- that we also dismissed as part of this plea.

25 I don't recall there being another pending

Testimony of Carson Penny

30

1 DV, but if there was, of course, we would have
2 dismissed that as well.

3 Q Do you recall conversations with Judge Addy and
4 Miss Nelson in his chambers prior to the plea?

5 A I recall having those conversations and a
6 sense that I left with, but I can't remember
7 exactly what he said.

8 Q What was the sense that you left with?

9 A Well, we did -- I do remember the 7 to 15
10 range that we talked about. But I also remember
11 him saying that, of course, on the day of the
12 plea, he'll have to eyeball, or make a judgment
13 call about what he sees then, because, you know,
14 in chambers we can't talk about everything. It's
15 more of a brief conversation than everything I
16 would have presented on the record.

17 And I left his office with the sense that if
18 I didn't get more than 15, I hadn't done my job.

19 Q So you believe it was possible for you to go above
20 15?

21 A Yes, I did.

22 Q If Mr. Williams had proceeded to trial, what was
23 the -- which indictments or indictment would you have
24 proceeded to trial on?

25 A Attempted murder.

Testimony of Carson Penny

31

1 Q Do you believe he would have potentially received,
2 based on the strength of your case, a more substantial
3 sentence than the 18 years?

4 A Yes.

5 Q What is the maximum for attempted murder?

6 A Thirty years.

7 Q Do you recall Judge Addy stating if you could
8 prove 15 to 20 percent of what was alleged that he
9 could be facing 30 years in prison?

10 A I do.

11 MS. GREGORY: No further questions, Your
12 Honor.

13 CROSS-EXAMINATION

14 MS. MCMAHAN:

15 Q You just testified that you felt like he would
16 have gotten substantially more than 18, but you didn't
17 actually try it, did you?

18 A No.

19 Q So you would never really know that because that
20 would be up the judge, right?

21 A Sure.

22 Q Was the victim cooperative throughout the whole
23 time?

24 A Absolutely.

25 Q Did she ever indicate that she wanted the charges

Testimony of Carson Penny

32

1 to be dropped?

2 A No.

3 Q Did you know that she had been calling him at the
4 jail?

5 A I knew that they spoke. That was a big issue
6 that we had to deal with, that he called her. And
7 I know that they spoke when he called her a few
8 times.

9 Q Did she tell you -- ever tell you what they had
10 spoken about, or anything?

11 A I think we had general conversations about
12 it, but I'm not sure that I know specifics.

13 Q So at the time of the guilty plea, was he already
14 indicted for attempted murder or you were going to
15 indict him?

16 A I believe I had already indicted him. It was
17 on the trial docket.

18 Q Was it on the trial docket for that week?

19 A I mean, it was on the trial docket, but I
20 don't know if we would have gotten it that week or
21 not. I can't remember that.

22 Q So it could have just rolled over to another week?

23 A Right.

24 MS. MCMAHAN: I don't believe I have any
25 further questions, Your Honor.

1 THE COURT: Anything on redirect?

2 MS. GREGORY: No, Your Honor.

3 THE COURT: Ma'am, you can step down.

4 MS. GREGORY: The State does not have any
5 further witnesses, Your Honor.

6 THE COURT: All right. Miss McMahan, on
7 behalf of --

8 MS. MCMAHAN: Your Honor, I just ask that
9 you look all the evidence as a whole, specifically
10 Miss Nelson's letter. That you -- in her
11 testimony regarding that she felt that when
12 Judge Addy gave her the range of 7 to 15, that
13 that was -- you know, she felt like it was a
14 guaranty. That's what she advised her client
15 accordingly to.

16 And taking all that take into
17 consideration, I believe that we have met our
18 burden of proof.

19 THE COURT: Okay.

20 MS. GREGORY: Yes, Your Honor.

21 THE COURT: Yes, ma'am.

22 MS. GREGORY: In Robinson v. State, the
23 South Carolina Supreme Court has recognized that
24 the proper guilty plea colloquy with the judge
25 asserts to cure any deficiency and remove any

1. prejudice. And, in this case, it is very clear
2. that the State had a very strong case. And we can
3. dismiss -- this allegation can be dismissed just
4. on the prejudice analysis alone. Although he
5. received three more years than he wanted, it's
6. substantially lower than the 30 days he faced
7. going to trial on the attempted murder charge.
8. And based on the strength of the State's case,
9. it's fairly likely that he would have been found
10. guilty of that.

11. So we would ask that this application be
12. dismissed just on the prejudice analysis alone.

13. THE COURT: All right. Let me talk with
14. Mr. Williams just briefly.

15. Mr. Williams, you understand, if I grant
16. your application, that I can't do anything about
17. the sentence, okay?

18. MR. WILLIAMS: Yes, sir.

19. THE COURT: I don't have any authority to
20. change a sentence or to alter a sentence.

21. The only thing that I could do is, if I
22. were to agree with your application and to grant
23. it, that I would put you back in the position you
24. were in before you entered your plea. So you
25. would be facing indictment 2017-GS-24-1968, which

1 is a charge of resisting arrest, GS-24-1154, which
2 is an indictment for attempted murder, and
3 2017-41, which is an indictment for harassment in
4 the second degree, as well as this charge of
5 domestic violence. So you understand all of those
6 charges come back.

7 THE WITNESS: I do, Your Honor.

8 THE COURT: And that the State is not
9 bound by any recommendations or negotiations.

10 MR. WILLIAMS: I do, Your Honor.

11 THE COURT: All right. And so you would
12 go back to facing those four charges, and however
13 that would come out.

14 Understanding that, do you still want to
15 go forward and want me to consider your
16 application?

17 MR. WILLIAMS: I do, Your Honor.

18 THE COURT: All right. I certainly will
19 do that. I'm going to take the matter under
20 advisement and I will have an answer for you
21 probably by the end of the week.

22 MS. MCMAHAN: Thank you.

23 MS. GREGORY: Thank you, Your Honor.

24 (The proceedings were concluded.)

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

I, SHARON G. HARDOON, Official Circuit Court Reporter, II for the State of South Carolina at Large, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the hearing of the captioned case in General Sessions, Laurens County, South Carolina.

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

September 29, 2019



Sharon G. Hardoon, CSR
Official Circuit Court Reporter, II

PUBLIC DEFENDER

Circuit Defender for the Eighth Judicial Circuit
Abbeville, Greenwood, Laurens, and Newberry Counties
Suite 208, Park Plaza
600 Monument Street
Greenwood, South Carolina 29646
Phone: (864)229-9505 Fax: (864)227-1104

Janna A. Nelson
Circuit Defender

May 23, 2018

Mr. Travis Sentell Williams, #249923
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899

Dear Mr. Williams:

I apologize that you had to write me two letters before I sent you the enclosed paperwork. I knew that you had a full year to file a PCR, but nevertheless, I should have gotten this to you sooner.

Enclosed are the motion for reconsideration of sentence I filed on your behalf, Judge Addy's Order denying the motion, and a PCR application. In the PCR, you should certainly blame the additional 3 years you got on me since I assured you the maximum would be 15 years based on my conversation with Judge Addy in chambers. If you like, you can also blame me for encouraging you to consider a plea deal when you wanted to go to trial, and wish now that you had gone to trial.

To answer your questions in your first letter, you will not be back before Judge Addy at a PCR hearing. You will be represented by another lawyer who will be appointed for you by the Office of Indigent Defense, but you will need to file the PCR application yourself before you will be assigned an attorney. You have one year from the date of your sentence to file it. Your PCR attorney can certainly get information I have on the case and I will answer any questions they have and help in any way I can.

I do not have a transcript of your sentencing hearing. We do not normally get them because we are charged for them and we do not need them since our representation is concluded. However, in this case, because I feel responsible for the additional time you unexpectedly got, I will order the transcript for you and send it as soon as I receive it.

Yours very truly,


Janna A. Nelson

Enclosures



STATE OF SOUTH CAROLINA)
COUNTY OF GREENWOOD)

IN THE COURT OF COMMON PLEAS
FOR THE EIGHTH JUDICIAL CIRCUIT

2018-CP-24-00563

Travis Sentell Williams, #249923,)

Applicant,)

ORDER OF DISMISSAL

v.)

State of South Carolina,)

Respondent.)

This matter comes before the Court by way of an application for post-conviction relief filed on June 22, 2018, by Travis Sentell Williams (Applicant). The State (Respondent) filed a return on February 14, 2019, requesting an evidentiary hearing. An evidentiary hearing into the matter was convened on June 4, 2019, at the Laurens County Courthouse. Applicant was present at the hearing and represented by Ashley A. McMahan, Esquire. Assistant Attorney General Janell H. Gregory of the South Carolina Attorney General's Office appeared on behalf of Respondent. At the hearing, Applicant testified on his own behalf. Public Defender Janna A. Nelson of the Eighth Circuit Public Defender's Office (Counsel) and Assistant Solicitor Carson B. Penney (Penney) of the Eight Circuit Solicitor's Office also testified. After a review of the record and all evidence presented, this Court finds Applicant has failed to meet his requisite burden of proof and denies this application.

PROCEDURAL HISTORY

The records before this Court establish Travis Sentell Williams (Applicant) is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Greenwood County Clerk of Court. During the June 2017 term, the Greenwood County Grand Jury indicted Applicant for attempted murder (17-GS-24-1154). During the November 2017 term,

the Greenwood County Grand Jury indicted Applicant for domestic violence of a high and aggravated nature (DVHAN) (2017-GS-24-1969) and resisting arrest (2017-GS-24-1968). During the January 2018 term, the Greenwood County Grand Jury indicted Applicant for harassment (second degree) (2018-GS-24-0041). Public Defender Janna A. Nelson, of the Eight Circuit Public Defender's Office (Counsel) represented Applicant. Assistant Solicitor Carson Penney of the Sixteenth Circuit Solicitor's Office prosecuted the case.

On February 5, 2018, Applicant appeared before the Honorable Frank R. Addy, Jr. and pled guilty as indicted to DVHAN. Pursuant to plea negotiations between the State and Applicant, the remaining charges against him were dismissed. There was no recommendation or negotiation for Applicant's sentence and Judge Addy sentenced Applicant to imprisonment for eighteen years with credit for time served of 529 days. Judge Addy also revoked Applicant's probation in full, which resulted in a three year sentence that Judge Addy imposed to run concurrent to Applicant's eighteen year sentence. Applicant did not appeal his conviction or sentence.

SUMMARY OF FACTS

On or about August 16, 2016, Applicant assaulted his wife (Victim) at the Ideal Motel in Greenwood County. (GP Tr. 6.) Applicant accused Victim of cheating on him and when she denied it, Applicant began to assault her. (GP Tr. 6.) Applicant strangled her from the front and from behind until she lost consciousness, which prevented Victim from continuing to fight back. (GP Tr. 6.) When Victim regained consciousness, Applicant was still hitting her. (GP Tr. 6.) Victim took a shower with Applicant to appease him, but then refused to have sex with him when they got out of the shower. (GP Tr. 6.) Upon her refusal, Applicant began to strangle Victim again and beat her in the head and face with his fist. (GP Tr. 6.) While he was beating her, Applicant sat on Victim's chest and pinned her arms down with his legs. (GP Tr. 6.) Victim told Applicant he was going to kill her and Applicant said he was planning on killing her anyway. (GP Tr. 6.)

Applicant beat Victim so badly he broke her jaw in two places. (GP Tr. 6.) Applicant continued to beat Victim until she passed out. (GP Tr. 6-7.)

When Victim woke up, Applicant was crying and she he would have to kill her because he really messed up her face and everybody would know what happened. (GP Tr. 7.) Applicant continued to cry and told Victim he did not want to look at her face. (GP Tr. 7.) When Victim saw her face in the mirror she asked Applicant to take her to the hospital. (GP Tr. 7.) Victim told Applicant she would not tell anyone what happened, but that she had to go to the hospital. (GP Tr. 7.) Applicant told her he would not take her to the hospital. (GP Tr. 7.) Applicant told Victim to get off the bed so he could flip the mattress because it had blood on it. (GP Tr. 7.) Applicant told her she better lay down on her towel so she did not get blood on the bed, and if she got blood on the bed he would assume she was trying to set him up. (GP Tr. 7.) Victim could not lay down anyway because she could not breathe at this point. (GP Tr. 7.) Victim told Applicant she could not breathe and told him she needed to go to the hospital or doctor's office. (GP Tr. 7.) Victim was desperate, so she told Applicant she would not tell on him. (GP Tr. 7.)

Applicant and Victim left the hotel and, at one point, Victim attempted to jump out of the car. (GP Tr. 7.) Applicant grabbed Victim and told her if she did that again he would have to kill her. (GP Tr. 7.) Applicant took Victim to his grandmother's house and told her they'd been in a car accident. (GP Tr. 7.) At this point, Victim's face was swelling severely and she was still having trouble breathing and speaking. (GP Tr. 7.) Applicant's grandmother attempted to suction mucus out of Victim's throat with a suction bulb at one point, but that did not work. (GP Tr. 8.) Victim agreed to tell the hospital she had been in a car accident if he took her to the hospital. (GP Tr. 7-8.)

Applicant eventually took Victim to the Laurens County [Memorial] Hospital because people would suspect him of beating Victim if he took her to Self [Regional Healthcare]. (GP Tr.

8.) Applicant told the triage nurse that Victim had been in a car accident in North Carolina. (GP Tr. 8.) Victim could not speak at this point, and when the staff asked her what happened all she could do was cry. (GP Tr. 8.) Victim was transported to Greenville Memorial's trauma ICU later that day. (GP Tr. 8.) Victim does not remember being transported. (GP Tr. 8.) Victim remained in the hospital for sixteen days and when she was released she still had her trach in place, a feeding tube, and her jaw wired shut. (GP Tr. 18.)

Applicant was arrested on August 26, 2016 and during his arrest, Applicant ran away from deputies and jumped a fence in an effort to avoid law enforcement. (GP Tr. 8.) Applicant was tased by officers after he ignored commands to stop and then reached into his pocket. (GP Tr. 8.)

ALLEGATIONS RAISED

In his application for post-conviction relief, Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of Counsel
 - a. "Attorney/Counsel assured applicant that he would not receive beyond 15 years pursuant to her conversation with the judge. However, applicant received 18 years."
2. Involuntary Guilty Plea
 - a. "Applicant didn't have a full understanding of consequences of plea"

On June 4, 2019, an evidentiary hearing was convened. Applicant proceeded with the hearing on all of the allegations set forth in his application.

TESTIMONY PRESENTED AT THE EVIDENTIARY HEARING

Applicant's Testimony

Applicant testified he was represented by Counsel during his guilty plea. Applicant testified he pled guilty because he felt like that was his only choice. Applicant testified he talked with Counsel about what would happen at trial if he was found guilty. Applicant testified Counsel told him he would get between seven and fifteen years based on her conversation with the plea

judge. Applicant testified he received a letter from Counsel telling him to blame her for the extra time he got in a post-conviction relief application.¹ Applicant testified Counsel did not present any mitigation evidence on his behalf during the guilty plea. Applicant testified Counsel should have brought up Victim's behavior during the guilty plea.

During cross-examination, Applicant testified he met with Counsel two or three times prior to the guilty plea. Applicant testified he recalled the plea judge telling him that he could receive up to a twenty year sentence and the sentence he would receive was entirely up to the judge. Applicant testified he recalled the plea judge telling him he would listen to both sides and whatever sentence he felt was appropriate would be the sentence Applicant would serve. Applicant testified he recalled the judge explaining to him that his charge was an 85% charge and was classified as a violent and serious offense. Applicant testified he recalled telling the judge he wanted to plead guilty and that he did inflict great bodily injury on Victim in this case. Applicant testified he recalled agreeing with Counsel that he did not dispute causing the majority of Victim's injuries. Applicant testified he recalled telling the judge he was positive he did not want a jury trial in this case. Applicant testified he recalled telling the plea judge that he was not forced or coerced into pleading guilty. Applicant testified he was pleading guilty out of his own free will. Applicant testified he recalled telling the plea judge that he had enough time to talk to Counsel, he met with her frequently enough, and that he did not need any more time to speak with her.

Counsel's Testimony

Counsel testified she was Applicant's third attorney. Counsel testified their main conversations revolved around potential plea offers and what happened and what did not happen between him and Victim. Counsel testified Applicant was not given the plea offer that he wanted,

¹ Applicant entered this letter as Plaintiff's Exhibit 1.

but he did not want to be convicted of attempted murder either. Counsel testified they discussed reports Victim made to law enforcement. Counsel testified she did send the letter Applicant introduced. Counsel testified Applicant was between a rock and a hard place because if he did not take the plea offer he was at risk for being tried and convicted of attempted murder. Counsel testified Applicant was provided an offer of five years based on the notes in the file, but that was not what Applicant wanted. Counsel testified she never received any offer other than a straight up plea to domestic violence of a high and aggravated nature. Counsel testified she had a conference with the plea judge and Penney to get an idea of the sentence and it was her understanding that the plea judge would consider a range between seven and fifteen years. Counsel testified this is what she told Applicant. Counsel testified she expected Applicant to get around twelve years. Counsel testified she has not had a client get more time than what was discussed with this plea judge in chambers.

On cross-examination, Counsel testified the plea judge did not use the word "guarantee," but she took his range as a guarantee. Counsel testified she did not threaten or coerce Applicant to plead guilty, but she believes her representation of a seven to fifteen year sentence influenced Applicant. Counsel testified Applicant had a criminal history. Counsel testified Applicant did not tell her he wanted a trial. Counsel testified she filed a motion to reconsider the sentence after the guilty plea hearing. Counsel testified she did not file a motion to withdraw Applicant's guilty plea.

Penney's Testimony

Penney testified she was the prosecutor who handled the case. Penney testified the evidence against Applicant included direct testimony from Victim, medical records of her injuries, doctor testimony regarding the severity of her injuries, a bloody mattress. Penney testified she was present for the chambers conference with Counsel and the plea judge. Penney testified she left that conference believing if she did not get more than fifteen years she had not done her job.

Penney testified the plea judge told her and Counsel that he would have to “eyeball” the situation on the day of the guilty plea. Penney testified the plea judge, in his order denying Applicant’s motion to reconsider the sentence, stated

To characterize the State’s case as strong would be an understatement. Direct evidence of [Applicant’s] specific intent to kill the victim, as well as the extent of her injuries, clearly support the previously indicted charge of Attempted Murder, Coupled with the graphic, life threatening nature of the victim’s injuries and Mr. Williams’ attempt to concoct an implausible narrative immediately following his brutal assault *even after having time to reflect upon the horror of his actions*, one could easily find that a proper and just sentence warrant more time than this Court actually imposed (and likely warrants a greater sentence than the law permits.)

Penney testified Applicant would have been tried for attempted murder had Applicant proceeded to trial. Penney testified Applicant was not offered a five year plea deal. Penney testified the only offer was for Applicant to plead straight up to domestic violence of a high and aggravated nature in exchange for the dismissal of his remaining charges.

On cross-examination, Penney testified Victim was cooperative and did not ask that the charges against Applicant be dropped. Penney testified Applicant had spoken to Victim because Applicant called Victim.

APPLICABLE LAW

In a post-conviction relief action, the applicant bears the burden of proving the allegations in his or her application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the applicant must prove that “counsel’s conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result.” Strickland v. Washington, 466 U.S. 668 (1984); Butler, 286 S.C. 441, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. Id. at 117, 300 S.C. 115. First, the applicant must prove counsel's performance was deficient. Id. Under this prong, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, any deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 300 S.C. 115. With respect to guilty plea counsel, the applicant must show there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 59 (1985).

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

This Court viewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court has reviewed the Clerk of Court records regarding the subject convictions, the trial transcript, Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, and the legal arguments made by the attorneys. Set forth below are the relevant findings of fact and conclusion of law as required by S.C. Code Ann. § 17-27-80 (2003).

Ineffective Assistance of Counsel

This Court finds Applicant has failed to meet his burden of proving he is entitled to post-conviction relief on any of his allegations of ineffective assistance of counsel. Applicant has failed to prove both deficiency on the part of Counsel and any prejudice therefrom.

Counsel was ineffective for assuring Applicant would not receive more than fifteen year sentence because of her conversation with the plea judge, however, Applicant received an eighteen year sentence.

Applicant alleges Counsel was ineffective for telling Applicant, after discussing his case with the plea judge, he would not receive a sentence of more than fifteen if he pled guilty to domestic violence of a high and aggravated nature. However, Applicant received an eighteen year sentence at his guilty plea. At some point after the guilty plea, Applicant received a letter from Counsel telling him it was her fault he received an additional three year sentence and he should apply for post-conviction relief.

In Wolfe v. State, 326 S.C. 158, 485 S.E.2d 367 (1997), Wolfe pled guilty to assault and battery with intent to kill (ABIK) and possession of a firearm or knife during the commission of a violent crime. Wolfe received the maximum possible sentence of twenty years for ABIK and five years for the weapon charge. Id. at 162, 485 S.E.2d at 369. Wolfe later filed a post-conviction relief action alleging, in part, that his guilty plea was induced by his trial counsel's representation to him that the trial judge would give him a reduced sentence if he pleaded guilty to the charges. Id. at 164, 485 S.E.2d at 370. Wolfe testified at the evidentiary hearing that trial counsel informed him that he has not known this judge to "backstep on a representation that he would impose a reduced sentence." Id. at 165, 485 S.E.2d at 371. Wolfe further testified trial counsel told him "the trial court's questions concerning the plea were 'routine' questions." Id.

The Supreme Court of South Carolina held "any possible misconceptions on Wolfe's part were cured by the colloquy during the actual guilty plea hearing. . . . the judge repeatedly asked

Wolfe about the range of sentencing, and asked Wolfe *twice* whether he understood that there were no promises and that no sentencing recommendations were binding on the judge. Wolfe indicated he understood there were no such promises." *Id.* at 164-165, 485 S.E.2d at 370. The Court also noted trial counsel's statement to the judge during the guilty plea hearing that there had been no promises made as to the actual sentence the trial court would impose on Applicant. *Id.* The Court further noted, "The transcript of Wolfe's guilty plea hearing reflects that the trial judge questioned Wolfe extensively about the plea, asking him, *inter alia*, whether he understood that he could get twenty years for ABIK and five years for possession of a firearm or knife during the commission of a violent crime and whether he had been promised anything for pleading guilty." *Id.* at 161, 485 S.E.2d at 369. Ultimately, the Court found Applicant's "[w]ishful thinking regarding sentencing does not equal a misapprehension concerning the possible range of sentence, especially where one acknowledges on the record that one knows the range of sentences and that no promises have been made." *Id.* at 165, 485 S.E.2d at 371.

This Court finds Applicant's case is nearly identical to that of Wolfe. Here, Applicant is alleging his Counsel was ineffective for telling him, after a chambers conference with the plea judge, that Applicant would, at most, receive a fifteen year sentence. Also similarly, the plea judge conducted an extensive colloquy with Applicant, which included the following:

Plea Judge: You understand that the carries up to 20 years. Whatever sentence you receive is entirely up to me. You understand that, sir?

Applicant: Yeah.

Plea Judge: I'll have to hear from both side[s]. Whatever I feel is appropriate is what you'll end up having to do. You understand, sir?

Applicant: I do.

(GP Tr. 4.) During the colloquy, Applicant testified – other than the dismissal of the attempted murder charge – he had not been promised anything or “held out any other hope of reward” in exchange for his guilty plea. (GP Tr. 15.) Applicant also testified he was pleading guilty of his own free will, wanted to waive his constitutional rights, and told the plea judge he was “positive” he did not want a jury trial. (GP Tr. 9-13, 16.)

Prior to imposing the sentence, the plea judge stated, “when we met in chambers last month I was not able to give you guys any sort of indication on a number in terms of sentencing - - a definitive sentencing thing.” (GP Tr. 27.) Counsel, Penney, and the plea judge then had a sidebar conversation and the plea judge went back on the record to state, “When we spoke at the bench, the attorneys related to me what I had discussed in chambers by way of the sentencing range. The last time that we met about this case in chambers . . . as I recall it, was that I would really have to just eyeball the situation then make a decision. Hear from everybody, but I was not able to commit to anything definitive in the way of a sentence for [Applicant].” (GP Tr. 28.) The plea judge then, after addressing Victim and Applicant’s extensive criminal history, imposed an eighteen year sentence on Applicant. (GP Tr. 28-31.)

On February 15, 2018, Counsel filed a motion to reconsider Applicant’s sentence. In that motion Counsel conceded that, although the plea judge provided a range of seven to fifteen years, he told her and Penney that he would need to “eyeball” the case. In the order denying Applicant’s motion, the plea judge stated he “definitely recalls informing all concerned that the Court would have to ‘eyeball’ the situation and could not firmly commit to any particular sentence. The Court’s plea colloquy with [Applicant] was thorough, and [Applicant] indicated that he had sufficient time to decide how he wanted to proceed concerning his charges.”

This Court finds Counsel’s testimony and Penney’s testimony with respect to this allegation very credible, whereas Applicant’s testimony is not credible. This Court finds, as in

Wolfe, any misconception Applicant was under regarding the sentence he believed he would receive was cured by the extensive colloquy with the plea judge. The record clearly shows Applicant understood and acknowledged the potential twenty year sentence he faced for his charge, and his testimony that he was not promised anything in exchange for his guilty plea or coerced into pleading guilty. (GP Tr. 15.)

Additionally, this Court finds Applicant has failed to show any resulting prejudice from Counsel's alleged deficiency. Penney testified at the evidentiary hearing that she would have tried Applicant for attempted murder if Applicant had not pled guilty. Penney also testified she believed the State had a strong case against Applicant, which was clearly an assessment shared by the plea judge. At the conclusion of the plea hearing, the plea judge stated, "Candidly, from what I've heard, if the State of South Carolina was able to prove fifteen or twenty percent of what they were alleging, there's a good chance that . . . jury would have found you guilty of attempted murder and you'd be looking at the 30-year sentence and probably no light at the end of the tunnel." (GP Tr. 30.) Applicant received an eighteen year sentence, which is still less than the maximum sentence the plea judge could have imposed. It is clear from the record and the testimony at the evidentiary hearing that Penney and the plea judge believe the State had a strong case and could have sought a much higher sentence if Applicant had proceeded to trial for attempted murder. It is evidence Applicant received a favorable outcome in his case despite any alleged deficiency on Counsel's behalf. Based on the forgoing, Applicant has failed to meet his burden set forth in Strickland and this allegation must be denied and dismissed with prejudice.

Involuntary Guilty Plea

Applicant alleges his plea was involuntary because he did not have a full understanding of the consequences of his plea.

This Court finds Applicant's guilty plea was freely and voluntarily made. In evaluating issues concerning guilty pleas, this Court will consider the entire record, including the transcript of the guilty plea proceeding and the evidence presented at the post-conviction relief hearing. Roddy v. State, 339 S.C. 29, 528 S.E.2d 418 (2000). Voluntariness of a guilty plea is not merely determined by an examination of a specific inquiry by the plea court alone but rather is determined by the record of both the guilty plea proceeding and the post-conviction relief hearing. Id. In order to find a guilty plea was knowingly and voluntarily entered into, the record must establish the defendant had a full understanding of the consequences of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238 (1969). Further, "[a] guilty plea is a solemn, judicial admission of the truth of the charges" against the applicant; thus, an applicant's right to contest the validity of such a plea is usually foreclosed. Dalton v. State, 376 S.C. 130, 137-38, 654 S.E.2d 870, 874 (citing Blackledge v. Allison, 431 U.S. 63 (1977)). Therefore, admissions "made during a guilty plea should be considered conclusive unless [an applicant] presents valid reasons why he should be allowed to depart from the truth of his statements." Id. (citing Crawford v. United States, 519 F.2d 347 (4th Cir. 1975)); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976).

This Court finds this allegation is without merit, and Applicant has failed to carry his burden of proving his guilty plea was involuntary. The records before this Court, and particularly the transcript of Applicant's plea proceeding, show Applicant engaged in a thorough colloquy with the court before electing to forgo his constitutional rights and knowingly, voluntarily, and intelligently enter a plea of guilty. This Court finds Applicant knew the charges he was facing and understood the plea he was entering, including the potential twenty year sentence for his charge.

This Court also finds Applicant was properly and fully advised of his constitutional rights and knowingly and voluntarily waived those rights to accept a favorable plea.

Therefore, this Court finds Applicant had a full understanding of the consequences of his plea and the charges against him, and the plea court correctly found Applicant's plea was freely, voluntarily, and intelligently made. Based on these findings, Applicant's allegations regarding his plea being involuntary are denied and dismissed with prejudice.

CONCLUSION

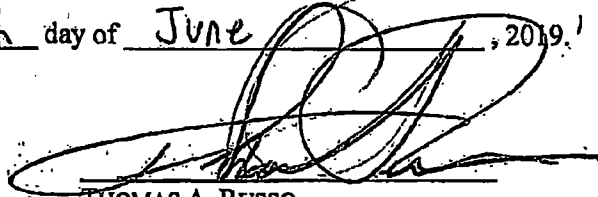
Based on the foregoing, the Court finds and concludes Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

The Court notes Applicant must file and serve a notice of appeal within thirty days from post-conviction relief counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED THAT:

1. The application for post-conviction relief is denied and dismissed with prejudice; and
2. Applicant will remain in the custody of the South Carolina Department of Corrections to complete service of his sentence.

AND IT IS SO ORDERED this 19th day of June, 2019.

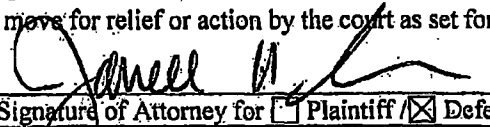


THOMAS A. RUSSO
Presiding Judge
Eighth Judicial Circuit

Arene, South Carolina

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENWOOD)
)
TRAVIS SENTELL WILLIAMS, #249923)
 Plaintiff,)
 vs.)
)
STATE OF SOUTH CAROLINA)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 EIGHTH JUDICIAL CIRCUIT
 CASE NO.: 2018-CP-24-00563
 MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET

Plaintiff's Attorney: Ashley A. McMahan, Bar No. _____ Address: Post Office Box 5501 West Columbia, South Carolina 29169 Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: Janell H. Gregory, Bar No. _____ Address: Post Office Box 11549 Columbia, South Carolina 29211 Phone: _____ Fax _____ E-mail: _____ Other: _____
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input checked="" type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input checked="" type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information	
Nature of Motion: _____ Estimated Time Needed: _____ Court Reporter Needed: <input type="checkbox"/> YES / <input checked="" type="checkbox"/> NO	
SECTION II: Motion/Order Type	
<input type="checkbox"/> Written motion attached <input checked="" type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
 Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant	June 17, 2019 Date submitted
SECTION III: Motion Fee	
<input type="checkbox"/> PAID - AMOUNT: \$ _____ <input checked="" type="checkbox"/> EXEMPT: (check reason) <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input checked="" type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ <input type="checkbox"/> Other: _____	
JUDGE'S SECTION	
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____
CLERK'S VERIFICATION	
Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____	

STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

JUL 10 2019

S.C. SUPREME COURT

APPEAL FROM GREENWOOD COUNTY
Court of Common Pleas

The Honorable Thomas A. Russo, Circuit Court Judge

Case No. 2018-CP-24-00563

Travis Sentell Williams, #249923, Petitioner,

v.

State of South Carolina, Respondent.

NOTICE OF APPEAL

Applicant, Travis Sentell Williams, appeals the order of the Honorable Thomas A. Russo, dated June 19, 2019, and filed June 24, 2019.

July 6th, 2019

Ashley A. McMahan

ASHLEY A. MCMAHAN, ESQUIRE

MCMAHAN & TAYLOR, ATTORNEYS, LLC

PO Box 5501

West Columbia, SC 29171

803-219-1110

ashley@mcmahantaylor.com

SC Bar No. 71676

ATTORNEY FOR APPLICANT

Opposing Counsel:

Janell H. Gregory, Asst, Attorney General

S.C. Attorney General's Office

PO Box 11549

Columbia, SC 29211-1549

STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

JUL 10 2019

S.C. SUPREME COURT

APPEAL FROM GREENWOOD COUNTY
Court of Common Pleas

The Honorable Thomas A. Russo, Circuit Court Judge

Case No. 2018-CP-24-00563

Travis Sentell Williams, #249923, Petitioner,

v.

State of South Carolina, Respondent.

PROOF OF SERVICE

I, Ashley A. McMahan, certify that I have served the within Notice of Appeal on Respondent by depositing a copy of the same in the United States mail, postage prepaid, addressed to:

Janell H. Gregory, Asst. Attorney General
S.C. Attorney General's Office
PO Box 11549
Columbia, SC 29211-1549

I further certify that all parties required by Rule to be served have been served.

July 10th, 2019

Ashley A. McMahan

ASHLEY A. MCMAHAN, ESQUIRE

MCMAHAN & TAYLOR, ATTORNEYS, LLC

PO Box 5501
West Columbia, SC 29171
803-219-1110

WITNESSES

Sharon Middleton
Greenwood County Sheriff's Department

WARRANT NUMBER

2016A2410201000

TRUE BILL

Crystal D Proctor
Foreman of the Grand Jury

Date: 11-3-17

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

November Term, 2017

Indictment #2017GS24-1969

THE STATE

vs.

TRAVIS SENTELL WILLIAMS

INDICTMENT FOR

Domestic Violence of a High and Aggravated Nature

SC Code: 16-25-0065

(DR: 2014

I hereby waive presentment to the Grand Jury.

Defendant

ATTEST A TRUE COPY
Chastity Copeland
CHASTITY COPELAND
COP AND GS
GREENWOOD COUNTY

Witness

S. O.

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

INDICTMENT FOR

Domestic Violence of a High and
Aggravated Nature
§16-25-0065

At a Court of General Sessions, convened on the 3rd day of November, 2017, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Travis Sentell Williams, on or about August 17, 2016 in Greenwood County, South Carolina, did cause physical harm or injury to Somekia Cheryl Key-Williams, a household member, or did offer or attempt to cause physical harm or injury to said household member with apparent present ability under circumstances reasonably creating fear of imminent peril. In addition, the defendant violated a protection order while committing domestic violence in the first degree and/or the offense was committed under circumstances manifesting extreme indifference to the value of human life and great bodily injury to the victim resulted and/or the offense was committed, with or without an accompanying battery, under circumstances manifesting extreme indifference to the value of human life, which would reasonably cause a person to fear imminent great bodily injury or death. All in violation of 16-25-0065, Code of Laws of South Carolina (1976, as amended).

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



Carson B. Penney
Assistant Solicitor