

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF BEAUFORT) FOURTEENTH JUDICIAL CIRCUIT

Saul Williams, #235861,) 2019-CP-07-1049
JUDITH ANN ROSENEAU)
BEAUFORT COUNTY, S.C.)
CLERK OF COURT)

Applicant,)
)
v.) **FINAL ORDER OF DISMISSAL**
)
)

State of South Carolina,)
)
Respondent.)
_____)

This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed May 16, 2019. Respondent made its Return and Motion to Dismiss on October 14, 2020, requesting that the application be summarily dismissed. Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal filed October 26, 2020, provisionally denying and dismissing this action, while giving Applicant twenty days from the date of service of said Order in which to show why the dismissal should not become final.

In a document captioned "Amended Return," filed November 20, 2020, Applicant argues his first PCR application was not dismissed with prejudice and was not an adjudication on the merits. However, this Court has reviewed the Order of Dismissal from Applicant's first PCR action and finds that application was clearly adjudicated on the merits, as it contains detailed findings of facts and conclusions of law as required by Rule 52(a), SCRPC. Moreover, Rule 41(b), SCRPC, defines when an involuntary dismissal constitutes an adjudication on the merits:

Unless the court in its order for dismissal otherwise specifies, a dismissal under this subdivision and any dismissal not provided for in this rule, other than a dismissal for lack of jurisdiction or for improper venue or for failure to join a party under Rule 19, operates as an adjudication upon the merits.

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Accordingly, the dismissal of Applicant's first PCR action was a dismissal with prejudice and a ruling on the merits of his claims. Applicant further argues he was "mentally incompetent at the time of trial and at the time of said crime." However, as is clear from Applicant's own filing and this Court's review of the previous Order of Dismissal, this claim was raised and argued on the merits in his first PCR action. Thus, neither of these allegations constitutes a sufficient reason to warrant an evidentiary hearing.

Also on November 20, 2020, Applicant filed a document entitled "Objection to Conditional Order of Dismissal," in which argues (1) his plea was involuntary because he was not made aware of the mandatory minimum sentence; (2) the State breached the plea agreement because Applicant was advised by counsel he would receive a sentence with a parole date; and (3) he did not knowingly and voluntarily waive his right to a direct appeal. All of these claims are successive to the Applicant's multiple previous collateral actions. Successive post-conviction relief applications are forbidden unless an applicant can point to a "sufficient reason" why new grounds for relief were not raised or were not properly raised in previous applications. Aice v. State, 305 S.C. 448, 409 S.E.2d 392 (1991). Any new ground raised in a subsequent application is limited to those grounds that "could not have been raised . . . in the previous application." Id. at 450, 409 S.E.2d at 394. Applicant could have raised all of these allegations in his previous PCR applications, and therefore, Applicant may not raise these grounds now. Id.; see also Graham v. State, 378 S.C. 1, 3-4, 661 S.E.2d 337, 337 (2008) (finding Petitioner was barred from raising claim he was denied a direct appeal in successive application because he could have raised it in first application).

This Court has reviewed Applicant's responses to Respondent's motion to dismiss in its entirety, in conjunction with the original pleadings, and finds that a sufficient reason has not been

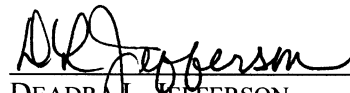
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shown why the Conditional Order of Dismissal should not become final. All of the issues Applicant now raises were or could have been raised in his previous applications.

IT IS THEREFORE ORDERED that, for the reasons set forth in the Court's Conditional Order of Dismissal and above, the application for PCR is hereby denied and dismissed with prejudice.

This Court hereby advises Applicant he must file and serve a notice of appeal within thirty days of the service of this Order to secure appellate review. See Rule 203, SCACR. Applicant's attention is directed to Rule 243, SCACR., for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this 5th day of March, 2020.



DEADRA L. JEFFERSON
Chief Administrative Judge - Common Pleas
Fourteenth Judicial Circuit

Charleston, South Carolina
at Chambers

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FORM 4

**STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
IN THE COURT OF COMMON PLEAS**

**JUDGMENT IN A CIVIL CASE
CASE NUMBER 2019CP0701049**

Saul Williams		South Carolina State Of	
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PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	Attorney for: ☐ Plaintiff ☐ Defendant ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☒ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit);
☐ Rule 43(k), SCRPC (Settled); ☒ Other: **Final Order of Dismissal**
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____
- ☐ **STAYED DUE TO BANKRUPTCY**
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order; (formal order to follow) ☐ Statement of Judgment by the Court:

Final Order of Dismissal

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

s/ D. L. Jefferson

2128

3/5/2021

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on **March 12, 2021**, and a copy mailed first class or placed in the appropriate attorney's box on **March 12, 2021**, to attorneys of record or to parties (when appearing pro se) as follows:

Saul Williams #235861 Kirkland Corr. Inst. Unit F2 B 263
4344 Broad River Rd Columbia, SC 29210

Benjamin H Limbaugh 1000 Assembly Street Columbia, SC
29201

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

MK

Court Reporter

Jerri Ann Roseneau - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.