

Notice of Appeal in a Civil Case

The State of South Carolina

In the Supreme Court

Appeal From Greenville County

Court of Common Pleas

Clifton Newman, Circuit Court Judge

Case No. 2019-CP-06-0318

State of South Carolina

Respondent

v.

Willie Frazier, 219272

Applicant

Notice of Appeal

Willie Frazier appeals the order judgement of the Honorable Clifton Newman, dated July 7, 2022. Appellant received written notice of entry of this order judgement on ~~August~~ July 19, 2022.

other counsel of record
Magan Harrison Jameson
S.C. Attorney General office
PO Box 11549

Columbia, SC
29211

Willie Frazier 219272
4460 Broad River Rd
Columbia, SC
29210

LEGAL MAIL

RECEIVED

AUG 17 2022

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA)
COUNTY OF BARNWELL)

Willie Frazier, SCDC No. 219272,)
Applicant,)

v.)

State of South Carolina,)
Respondent.)

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

Case No.: 2019-CP-06-0318)

FINAL ORDER OF DISMISSAL)

FILED FOR RECORD
JUL 29 AM 9:48
HONORABLE JUDGE
D. McELVEEN
CLERK OF COURT
BARNWELL COUNTY, S.C.

This matter is before the Court based on a successive application for post-conviction relief filed by Applicant Willie Frazier. In response, Respondent the State of South Carolina made its return and moved to summarily dismiss the action as procedurally barred on numerous grounds pursuant to the Uniform Post-Conviction Procedures Act, S.C. Code Ann. § 17-27-10 et seq. (2014).

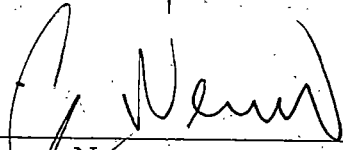
After a review of the record and pleadings, this Court agreed this application should be summarily dismissed and provisionally dismissed the action by way of a Conditional Order of Dismissal filed on December 21, 2021, giving the Applicant twenty days from the date of service of said Order in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated January 21, 2022, serving the above-mentioned Conditional Order of Dismissal on Applicant.

Applicant responded to the Conditional Order of Dismissal by way of document captioned "Objection to Conditional Order," filed on December 21, 2021. In this document, Applicant asserts that he is entitled to a hearing on his claims of ineffective assistance of counsel and subject matter jurisdiction as a matter of due process. He fails to address why this claim is not barred as successive, untimely, or *res judicata*. This Court finds Applicant has not provided sufficient reason to overcome the procedural bars as set forth in the Conditional Order of Dismissal.

IT IS THEREFORE ORDERED that for the reasons set forth in the Court's Conditional Order of Dismissal, this application for post-conviction relief 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 7th day of July, 2022.



CLIFTON NEWMAN
Presiding Judge
Second Judicial Circuit

Columbia, South Carolina

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AUG 17 2022
S.C. SUPREME COURT

FORM 4

STATE OF SOUTH CAROLINA
 COUNTY OF BARNWELL
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2019CP0600318

Willie Frazier		South Carolina State of	
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PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> 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: _____
- 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:

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.

<i>S/ Clifton Newman</i>	2127	7/29/2022
Circuit Court Judge	Judge Code	Date

For Clerk of Court Office Use Only

This judgment was entered on **July 7, 2022**, and a copy mailed first class or placed in the appropriate attorney's box on **July 29, 2022**, to attorneys of record or to parties (when appearing pro se) as follows:

Willie Frazier, #219272
Broad River Correctional Institution
Wateree 171A
4460 Broad River Road
Columbia, SC 29210

Megan Harrigan Jameson
PO Box 11549
Columbia, SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Constance B. Carter

Court Reporter

Constance B. Carter - Deputy 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.

RECEIVED

AUG 17 2022

S.C. SUPREME COURT

Willie Frazier 219272

Appellant

v.

State of South Carolina

In the Court of Common Pleas
For the Second Judicial Circuit

Case No 2019-CP-06-0318

Supplement motion

objection

FILED FOR RECORD
2022 MAY 10 PM 12:53
RHONDA D. HCELVEEN
CLERK OF COURT
BARNWELL COUNTY, S.C.

Now comes the Applicant who files this motion ^{objection}
to the signing of the final order in this matter
based on the facts that the original form 4
issued in this matter does not state that a
subsequent order will follow. Therefore the original
order signed by Judge Newman on 12/21/2021
was the final order determining not to end the
case, therefore the state should not have requested
the signing of the final because the final
was signed on 12-21-2021. See Attached
form 4 order Exhibit 1 Cheap-o's Truck stop
Zinc v. Floyd 356 S.C. 596. The state is
attempting to deny applicant due process, based
on procedure that has already been resolved

LEGAL MAIL
MAIL ROOM

by this court, FACIALLY, PRACTICALLY AND LEGALLY
the Form Writ issued by Judge Newman
is a final order, ABSOLUTELY NOTHING remained
to be done by the Circuit Judge after
the signing of the Cheap-o's Truck stop
Inc v. Cloyd 350 S.C. 596

Therefore Applicant motion for a writ
was consistent with the LAWS of
procedural due process

Wille Frazier
4-4-22

RECEIVED

AUG 17 2022

S.C. SUPREME COURT

LEGAL MAIL ROOM

Certificate of Service

one copy sent to Attorney General Counsel
at the below address, with attach
exhibit 1

S.C. Attorney General office

PO Box 115419

Columbia, SC

29211

FILED FOR RECORD
2022 MAY 10 PM 12:53
RHONDA D. McELVEEN
CLERK OF COURT
DARROWELL COUNTY, S.C.

RECEIVED

AUG 17 2022

S.C. SUPREME COURT

LEGAL MAIL
MAIL ROOM

Exhibit 2

STATE OF SOUTH CAROLINA
COUNTY OF BARNWELL
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2019CP0600318

Willie Frazier		South Carolina State of	
----------------	--	-------------------------	--

PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> 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: _____
- 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: _____

FILED FOR RECORD
 2021 DEC 21 AM 11:28
 CLERK OF COURT
 BARNWELL COUNTY, S.C.

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:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk: Conditional Order of Dismissal.

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)

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

5/1 Clifton Newman
Circuit Court Judge

2127
Judge Code

12/21/2021
Date

For Clerk of Court Office Use Only

This judgment was entered on **December 7, 2021**, and a copy mailed first class or placed in the appropriate attorney's box on **December 21, 2021**, to attorneys of record or to parties (when appearing pro se) as follows:

Willie Frazier #219272
Rhu Room 895
MCT
386 Redemption way

Megan Harrigan Jameson PO Box 11549 Columbia, SC
29211

ATTORNEY(S) FOR THE PLAINTIFF(S)
McCormick, SC 29899

ATTORNEY(S) FOR THE DEFENDANT(S)

Constance B. Carter

Court Reporter

Constance B. Carter - Deputy 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), SCRPC.

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.

State of South Carolina
County of Barnwell

In the Court of Common Pleas
For the second Judicial Circuit

FILED FOR RECORD

CASE No 2019-CP-06-0318

EX 1

Willie Frazier, 219272 2022 MAY 13 PM 2:21

RHONDA D. McELVEEN
CLERK OF COURT
BARNWELL COUNTY, S.C.

v

State of South Carolina

objection to conditional
order

FILED FOR RECORD
2021 DEC 21 AM 11:51
RHONDA D. McELVEEN
CLERK OF COURT
BARNWELL COUNTY, S.C.

Now, comes the Applicant who can show that there

is a genuine issue of material fact that would
warrant a hearing in the lower court based on

- (1) Ineffective assistance of counsel
- (2) Lack of Jurisdiction to impose YOJ Sentence
- (3) S.C. Code 17-27-20-(5) Expired Sentence

The respondent has filed a conditional order of dismissal
that was signed by Hon Clifton Newman Dec 7, 2021
Given the Applicant 20 dys to show why his pending PCR
should not be dismissed, based on the above 3 sections
outlined for this Courts review

The Applicant has alleged Ineffective assistance of counsel within current Application as a ground for relief, effective assistance of counsel is a necessary requisite of due process of Law U.S.C.A Const Amends 6, 14. The Supreme court held that when a Applicant for post conviction relief alleges specific instances of Ineffective assistance of counsel, which allegations are not conclusively refuted by record before lower court, question of fact is raised which can only be resolved by a hearing in the lower. The Respondents have not refuted the the record based on the lack of Jurisdiction motion filed in this case, nor has the State refuted the Ineffective assistance of counsel claim alleged within current Application filed with this court, to deny Applicant the right to a hearing without resolving issue's relating to subject-matter Jurisdiction, Ineffective assistance of counsel would result in a due process violation, Delaney v. State 238 S.E.2d 679 Robertson v. State 795 S.E.2d 29, McCoy v. State 737 S.E.2d 26 See attached motions, PCK App

Willie FRATICE
Dec 18, 2021

Certificate of Service

one copy of objection to conditional order
of dismissal has been forwarded to the
Attorney General PCW Division - Megan Harrington
Jameson, PO, Box 115477 Columbia SC, 29211
by WAG McCormick Correctional Inst

Willie Frazier

12-18-21

FILED FOR RECORD
2021 DEC 21 AM 11:54
CLERK OF COURT
DANIELLE COUNTY, S.C.