

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM Horry COUNTY
Court of Common Pleas

Honorable Larry B. Hyman, Jr., Circuit Court Judge

Case No.: 2012-CP-26-3250

RECEIVED

MAY 28 2013

S.C. SUPREME COURT

Curtis D. Richardson, #269166, Petitioner,

v.

State of South Carolina, Respondent.

NOTICE OF APPEAL

The Petitioner appeals the Honorable Larry B. Hyman, Jr.'s April 23, 2013, order, wherein Petitioner withdrew his petition for post-conviction relief. Undersigned counsel received notice of entry of the order on May 15, 2013. A copy of the order on appeal is attached to this notice.

Respectfully submitted,



Daniel A. Selwa, II
1053 London Street, Suite A
Myrtle Beach, SC 29577
Attorney for the Applicant

May 22, 2013.

Other counsel of record:

Alan Wilson
Attorney General
Tyson Andrew Johnson, Sr.
Assistant Attorney General
Post Office Box 11549
Columbia, SC 29211-1549

Robert M. Dudek
Chief Appellate Defender
1330 Lady Street, Suite 401
Columbia, SC 29201

Curtis Dale Richardson #269166
c/o Kershaw Correctional Institution
4848 Goldmine Hwy.
Kershaw, SC 29067

Daniel E. Shearouse
Clerk of Court – SC Supreme Court
Supreme Court
P.O. Box 11330
Columbia, SC 29211

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Honorable Larry B. Hyman, Jr., Circuit Court Judge

Case No.: 2012-CP-26-3250

Curtis D. Richardson, #269166, Petitioner,

v.

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PROOF OF SERVICE

I, Stella Barnett, certify that I have today served the within notice of appeal upon the Respondent by depositing a copy of it in the United States Mail, postage prepaid, addressed to his attorney of record, Alan Wilson, Attorney General, Post Office Box 11549, Columbia, SC 29211-1549. I further certify that all parties required by Rule to be served have been served this 22nd day of May 2013.



Stella Barnett
1053 London Street, Suite A
Myrtle Beach, SC 29577
Attorney for the Applicant

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

IN THE COURT OF COMMON PLEAS

2012-CP-26-3250

Curtis D. Richardson, 269166)
)
Applicant,)
)
v.)
)
State of South Carolina,)
)
Respondent.)
_____)

ORDER OF DISMISSAL

FILED
HORRY COUNTY
2013 MAY -9 PM 2:38
MELANIE HUGGINS-WARD
CLERK OF COURT

This matter comes before the Court by way of an application for post-conviction relief. A hearing was convened at the Horry County Courthouse on April 23, 2013, at which time the Applicant was represented by Daniel Selwa, Esquire. Respondent was represented by Tyson Andrew Johnson, Sr., of the South Carolina Attorney General's Office. At the hearing, Applicant informed this Court that he wished to withdraw the application for post-conviction relief with prejudice.

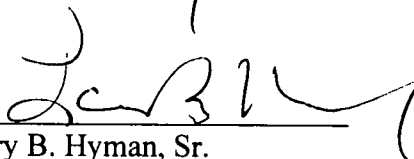
Applicant advised he no longer wished to pursue his action. Applicant was questioned by the Court about the withdrawal request, to ensure that the withdrawal of the application was free and voluntary and that the Applicant had not been promised anything or threatened, coerced, or induced into withdrawing the application.

Based upon Applicant's testimony before the Court, this Court finds that the dismissal of this application for post-conviction relief is voluntary and that the Applicant has knowingly and intelligently elected to have the Application dismissed with prejudice.

IT IS THEREFORE ORDERED:

1. That the application for post conviction relief be dismissed with prejudice.
2. That Applicant is remanded to the custody of Respondent.

AND IT IS SO ORDERED this 5 day of May, 2013.



Larry B. Hyman, Sr.
Presiding Judge
15th Judicial Circuit

Cowley, South Carolina.

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)
)
)
)
CURTIS D. RICHARDSON, #269166)
)
)
Applicant,)
)
vs)
)
STATE OF SOUTH CAROLINA,)
)
)
Respondent.)
_____)

IN THE COURT OF COMMON PLEAS


2012-CP-26-3250

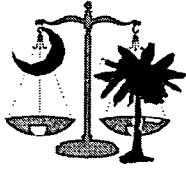
AFFIDAVIT OF SERVICE BY MAIL

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 filed copy of the Order of Dismissal in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Daniel A. Selwa, II, Esquire
1053 London St., Suite A
Myrtle Beach, SC 29577

DATED this 14TH day of May, 2013.


Norma Bigbee, Legal Assistant
For Respondent



DANIEL A. SELWA, II
ATTORNEY AT LAW, L.L.C.

LITIGATION OFFICE:
1053 LONDON STREET
MYRTLE BEACH, S.C. 29577
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SELWA@SCLAWYERS.NET

RECEIVED

MAY 28 2013

S.C. SUPREME COURT

REAL ESTATE OFFICE:
905 SEA MOUNTAIN HWY, STE 3
N. MYRTLE BEACH, S.C. 29582
OFFICE: (843) 281-2156
FAX: (843) 281-2159
LUANNE@SCLAWYERS.NET
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May 22, 2013

Daniel E. Shearouse
Clerk of Court – SC Supreme Court
Supreme Court
P.O. Box 11330
Columbia, SC 29211

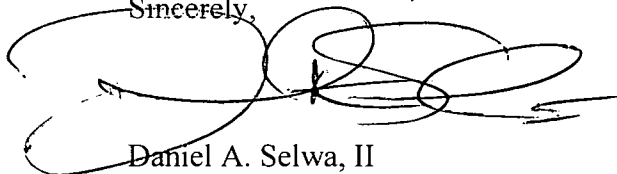
Re: Curtis D. Richardson, #269166 v. State of South Carolina
Case No.: 2012-CP-26-3250

Dear Mr. Shearouse:

Enclosed please find the original Notice of Appeal in the above-entitled action and one copy. Please file and return the copy to me in the self addressed stamped envelope enclosed.

If you should have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Daniel A. Selwa, II



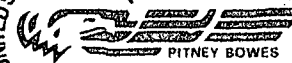


DANIEL A. SELWA, II
ATTORNEY AT LAW, L.L.C.

1053 London Street
Myrtle Beach, SC 29577



UNITED STATES POSTAGE



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Daniel E. Shearouse
Clerk of Court
SC Supreme Court
PO Box 11330
Columbia, SC 29211

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