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S.C. SUPREME COURT

In The Supreme Court of South Carolina

Michael Alonzo Rufus

v

Case no. _____

State of South Carolina

Lee County Court
of Common Pleas Case no: 2017-CP-31-00311

Notice of Appeal

Appellant, Michael Alonzo Rufus, an individual and non-otherwise "person" as defined SC Code § 2-7-30 hereby files his Notice of Appeal of the 26 September, 2022 order of The Court of Common Pleas for the Third Judicial Circuit in Lee County, Case no.: 2017-CP-31-00311, issued by Judge Karsti F. Curtis.


Appellant received a copy of the abovementioned order on 03 October, 2022.

Appellant's address for receipt of correspondence in this matter, being a pro se litigant is Michael Alonzo Rufus [99284-07] Federal Correctional Institution P.O. Box 100 Petersburg, VA 23804.

Respondent's designated attorney in this matter is Megan Harrigan Tompson, Senior Assistant Deputy Attorney General, Rembert C. Dennis Building P.O. Box 11549 Columbia, SC 29211-1549.

Appellant prosecutes this matter without access to legal research materials for South Carolina and to the best of his ability and good faith.

18 Oct, 2022


Michael Alonzo Rufus - Appellant

Certified as a True Copy

Janez A. Brown

Clerk, Court of Common Pleas
and General Sessions, Lee
County, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF LEE)
)
Michael Alonza Rufus,)
Applicant,)
)
v.)
)
State of South Carolina,)
Respondent.)
_____)

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Case No.: 2017-CP-31-00311

FINAL ORDER OF DISMISSAL



This matter is before this Court based on an untimely and successive application for post-conviction relief filed by Applicant Michael Alonza Rufus more than two decades after his guilty pleas in 1997. In response, Respondent the State of South Carolina made its return and moved to summarily dismiss the action as procedurally barred 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 as untimely and provisionally dismissed the action by way of a Conditional Order of Dismissal filed on January 31, 2020, 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 a Certificate of Service dated June 16, 2022, serving the above-mentioned Conditional Order of Dismissal on Applicant.

Applicant responded to the Conditional Order of Dismissal with multiple documents. First, Applicant served and filed a document captioned "Objection to Respondent's Return" filed on January 10, 2020. Applicant first asserts that because the State failed to respond to his application within thirty days, the motion to dismiss should be denied. He next asserts that claims related to subject matter or personal jurisdiction can be raised at any time, and, accordingly, this application should not be dismissed as untimely or successive. He further asserts that the plea court was

without jurisdiction to entertain his plea based on the writ of coram nobis, which he asserts is applicable to his case. Applicant also asserts that he must be brought to South Carolina to properly prosecute this action, noting that he is currently detained in the State of Georgia. Applicant also asserts that Respondent and this Court are fraudulently acting without jurisdiction in its handling of this matter, citing numerous federal codes and statutes related to corporate law. However, Applicant failed to present sufficient reasons why this application, filed more than two decades following his guilty plea, should be considered timely or why he could not have raised these claims in his initial post-conviction relief application.

Applicant then filed another "Objection to Conditional Order of Dismissal" on July 5, 2022. Applicant again asserts that he is being denied the right to properly prosecute this action because he is incarcerated outside of the state and requests that this Court order he be transported back to South Carolina. Applicant asserts that he has filed several motions, including a motion for appointment of counsel and to be produced within the state, which are both necessary for him to respond to the conditional order of dismissal. Initially, this Court notes these motions are without merit. First, this Court notes that Applicant is not entitled to the appointment of counsel as he has failed to make a showing of a prima facie case that he is entitled to relief. See Welch v. MacDougall, 246 S.C. 258, 260, 143 S.E.2d 455, 456 (1965) (requiring a PCR applicant to make a prima facie showing she is entitled to relief before the court will hold an evidentiary hearing). Because there is no question of law or fact to necessitate a hearing, this Court declines Applicant's request to appoint counsel in this matter. Re: Appointment of Counsel in Post-Conviction Relief Cases before the Circuit Court. S.C. Sup. Ct. Order filed October 6, 2008; Rule 71.1(d), SCRCF (providing for appointment of counsel only where there is a question of law or fact which necessitates a hearing). Applicant also asserts that claims related to subject matter or personal

jurisdiction can be raised at any time, and, accordingly, this application should not be dismissed as untimely or successive. He cites to authority from numerous other jurisdictions in support of his position. However, Applicant has again failed to present sufficient reasons why this application, filed more than two decades following his guilty plea, should be considered timely or why he could not have raised these claims in his initial post-conviction relief application.

In conclusion, Applicant has failed to provide sufficient reasons 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 21st day of September, 2022.

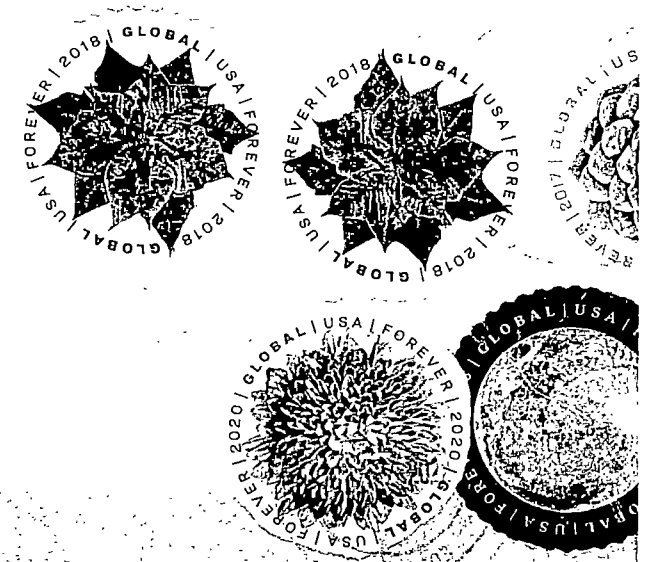
Sumli, South Carolina

Kristi Curtis
KRISTI F. CURTIS
Presiding Judge
Third Judicial Circuit

Michael Rufus 99284-011
Federal Correctional Complex
P.O. Box 1000
Petersburg, VA 23804



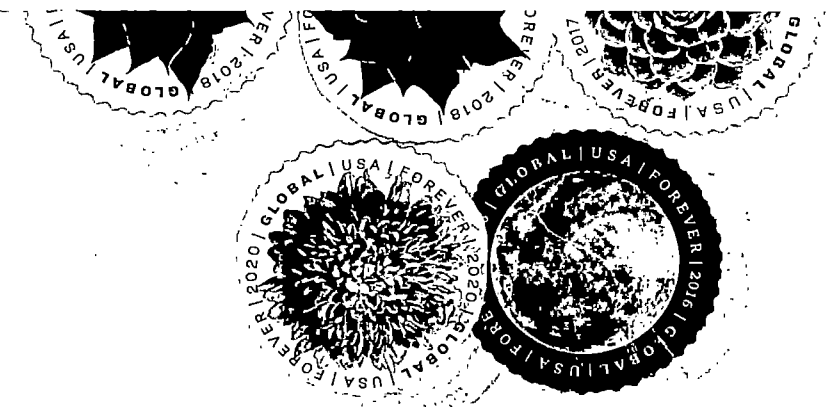
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Columbia, SC 29201

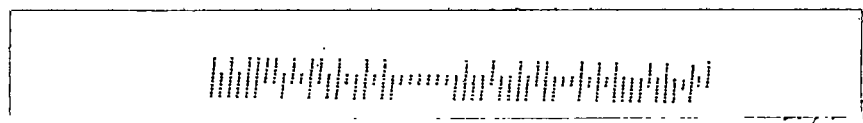
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