

Dear Mr. Shearouse

6-14-13

Here are the rest of the papers from the order of dismissal I will appreciate that you will contact me back as soon you get my letter regarding to my appeal the reason I'm appealing because my case was not properly heard by the lower court anyway I'm thanking you in advance for helping me with this matter Thank you and May God Bless you.

Sincerely Corey Peterson

JUN 20 2013

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

RECORDED IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT
S.C. SUPREME COURT
2013 APR 17 PM 1:51

Corey Peterson, #347788,

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

Case No. 2011-CP-43-2125

Applicant,

v.

ORDER OF DISMISSAL

State of South Carolina,

Respondent.

CERTIFIED TRUE COPY
OF ORIGINAL FILED

[Signature]
DEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

This matter comes before the Court by way of an application for post-conviction relief filed November 20, 2011. The Respondent made its Return on January 18, 2012. An evidentiary hearing into the matter was convened on March 19, 2013, at the Sumter County Courthouse. The Applicant was present at the hearing and was represented by Richard W. Strobel, Esquire. The Respondent was represented by Assistant Attorney General Megan E. Harrigan of the South Carolina Attorney General's Office.

I.

The records before this Court indicate that the Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Sumter County Clerk of Court. Applicant was indicted during the October 2010 term of the Sumter County Grand Jury under a multiple count indictment for: (1) Possession with Intent to Distribute Marijuana – First Offense; (2) Possession with Intent to Distribute Marijuana within ½ Mile of a School or Park; (3) Possession with Intent to Distribute Cocaine – Second Offense; and (4) Possession with Intent to Distribute Cocaine within ½ Mile of a School or Park (2010-GS-43-1305). Applicant was represented by David F. Sullivan, Esquire (herein "Counsel"). On September 15, 2011, during jury deliberations following a trial on all four counts, Applicant pled

guilty before the Honorable R. Ferrell Cothran, Jr. Judge Cothran sentenced to six years imprisonment for Possession with Intent to Distribute Cocaine – Second offense; to five years imprisonment for Possession with Intent to Distribute Cocaine within ½ mile of a school or park; to four years imprisonment for Possession with intent to distribute Marijuana - First Offense; and to five years imprisonment for Possession with Intent to Distribute Marijuana within ½ mile of a school or park. All sentences were to be served concurrently. Applicant did not appeal his guilty pleas or sentences.

II.

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

1. “Ineffective assistance of counsel / Conflict Interest.”
 - a. “Counsel failed to investigate and prepare for trial.”
2. “Prosecutor misconduct.”
 - a. “Prosecutor disclosed criminal background prematurely [sic] in front of jury before I took the stand.”
3. “Newly discovered evidence / SLED report.”

In its Return, Respondent interpreted Applicant’s allegations to be ineffective assistance of counsel; Applicant did not amend his allegation prior to the evidentiary hearing.

III.

At the evidentiary hearing, Applicant was called to the witness stand to present testimony in support of his application. Applicant moved to amend his Application to include allegations that the plea court lacked subject matter jurisdiction to accept his guilty pleas. Respondent objected to this amendment, citing a lack of notice. This Court denied Applicant’s motion to amend his application. Applicant then became extremely uncooperative with both his attorney and this Court. The Applicant refused to answer questions or follow directions and was verbally

combative. Though the Applicant was given several warnings to reform his conduct, he refused to either do so or state any grounds upon which he wished to proceed.

After the Applicant left the witness stand, counsel for the Respondent moved for directed verdict or, in the alternative, summary judgment because no evidence had been presented in support of the PCR application. The motion for directed verdict is granted because the Applicant failed to set forth any evidence or testimony to corroborate the issues raised in his post-conviction relief application. See Rule 50, SCRPC. This Court notes one is given a single opportunity to raise all meritorious post-conviction relief issues but finds the Applicant waived his chance to litigate these issues through his own conduct. See Odom v. State, 337 S.C. 256, 261, 523 S.E.2d 753, 755 (1999) (“[A]n applicant is entitled to a full adjudication on the merits of the original petition, or ‘one bite at the apple.’”); see also Rule 41(b), SCRPC; Don Shevey & Spires, Inc. v. American Motors Realty Corp., 279 S.C. 58, 60, 301 S.E.2d 757, 758 (1983) (holding the plaintiff has the burden of prosecuting his action, and the trial court may properly dismiss an action for plaintiff’s neglect in proceeding with his cause).

IV.

Based upon the Applicant’s conduct at his post-conviction relief hearing, this Court finds the Respondent’s motion for directed verdict was well-taken and the matter is dismissed with prejudice. This Court notes that that Applicant must file and serve a notice of appeal within thirty days from the receipt by counsel 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 (1991), an Applicant has a right to an appellate counsel’s assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRPC, provides that if the applicant wishes to seek appellate review, post-conviction relief counsel must serve and file a Notice of Appeal on



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.**

	2156	4/18/2013
Circuit Court Judge	Judge Code	Date

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF SUMTER

RECORDED

Corey Peterson, 347788,
 Plaintiff

2013 APR 17 PM 1:51

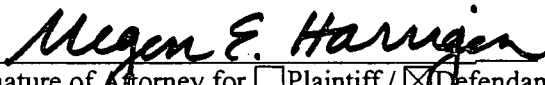
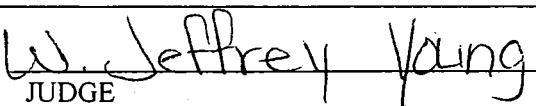
CASE NO.
2011-CP-43-2125

v.

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

MOTION AND ORDER INFORMATION
FORM AND COVER SHEET

State Of South Carolina
 Defendant.

Plaintiff's Attorney: Richard W. Strobel, Bar No. Address: Post Office Box 349 Florence, SC 29503 phone: (843) 665-5012 fax: e-mail: other:	Defendant's Attorney: Megan E. Harrigan, Bar No. Address: Post Office Box 11549 Columbia SC 29211-1549 phone: (803) 734-3737 fax: (803) 734-4113 e-mail: other:
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input 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 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.	
<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">  Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant </div> <div style="text-align: center;"> April 5, 2013 Date submitted </div> </div>	
SECTION III: Motion Fee	
<input type="checkbox"/> PAID - AMOUNT: <input checked="" type="checkbox"/> EXEMPT: <ul style="list-style-type: none"> <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support (check reason) <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:	<div style="text-align: center;">  JUDGE </div> CODE: 2156 Date: 4-11-13
CLERK'S VERIFICATION	
Collected by: _____ Date Filed: _____	
<input type="checkbox"/> MOTION FEE COLLECTED: _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: _____	

For Clerk of Court Office Use Only

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

**Corey L #347788 Peterson W R C I Po Box 189 Rembert,
SC 29128**

ATTORNEY(S) FOR THE PLAINTIFF(S)

Michael W. Self PO Box 2197 Sumter, SC 291512197

ATTORNEY(S) FOR THE DEFENDANT(S)

James C. Campbell

James C. Campbell - Clerk of Court

Court Reporter

