

# The Supreme Court of South Carolina

Randall Edwin Latimer, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2013-000824

Lower Court Case Nos. 1986-GS-23-001138, 2009-CP-23-00328, and 2011-CP-23-06934

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## ORDER

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By order dated April 23, 2013, this matter was dismissed. Since that time, petitioner has continued to file various documents with this Court. Some of the documents indicate that he is trying to appeal from his 1986 conviction in 1986-GS-23-01138. Other documents indicate that he may be seeking appellate review in the habeas corpus action in 2009-CP-23-00328) or post-conviction relief (PCR) action in 2011-CP-23-06934, both of which are the 1986 conviction.

For the reasons given below, this matter is dismissed, and the remittitur will be sent as provided by Rule 221 of the South Carolina Appellate Court Rules (SCACR).<sup>1</sup>

To the extent that petitioner is trying to take a direct appeal from his 1986 conviction, petitioner has already had an appeal from that conviction. *State v. Latimer*, Op. No. 87-MO-331 (S.C. Sup. Ct. filed August 3, 1987). Since there is no authority which allows a second direct appeal to be taken, the appeal from the 1986 conviction is dismissed.

To the extent that petitioner has attempted to file a notice of appeal from the habeas corpus action in 2009-CP-23-00328, the time to serve the notice of appeal from the final order in that matter has long since expired. Further, even if the

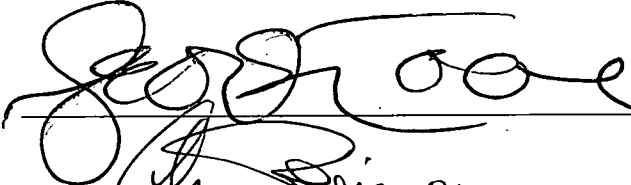


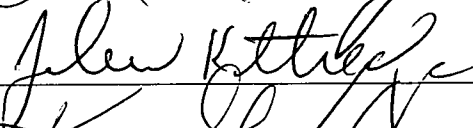

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<sup>1</sup> This order takes the place of the order of dismissal dated April 23, 2013.

appeal was timely, petitioner has failed to file an adequate explanation under Rule 203(d)(1)(B)(vi), SCACR. Accordingly, the notice of appeal from the 2009 case is dismissed.

Finally, to the extent petitioner may be attempting to appeal from 2011-CP-23-06934, the final order in that matter, which is dated June 6, 2012, indicates that petitioner did not file a response to the conditional order of dismissal. Therefore, petitioner may not appeal from that order. *Edith v. State*, 369 S.C. 408, 632 S.E.2d 844 (2006). Additionally, even if petitioner had the right to appeal this order, he has failed to establish the timeliness of this appeal as required by Rule 203(e)(1)(C), SCACR, and has failed to provide an adequate explanation under Rule 243(c), SCACR. Accordingly, the notice of appeal in the 2011 case is dismissed.

According to the orders issued in the 2011 PCR case, petitioner has filed three PCR actions, a federal habeas corpus action and a state habeas corpus action challenging the 1986 conviction. This Court hereby prohibits petitioner from filing any further PCR applications, habeas corpus petitions or other actions collaterally challenging the 1986 conviction in the circuit court without first obtaining the permission of this Court to make such a filing.

  
C.J.  
  
J.  
  
J.  
  
J.  
  
J.

Columbia, South Carolina  
June 20, 2013

cc: Karen Christine Ratigan, Esquire  
Mr. Randall Edwin Latimer, 135007  
**The Honorable Paul B. Wickensimer**