

STATE OF SOUTH CAROLINA)
 COUNTY OF GEORGETOWN)
)
 Ronald W. Langston, SCDC #390195,)
)
 Applicant,)
 v.)
 State of South Carolina,)
)
 Respondent.)
 _____)

IN THE COURT OF COMMON PLEAS
 FOR THE FIFTEENTH JUDICIAL CIRCUIT

Case No. 2024-CP-22-00104

**CONDITIONAL ORDER
 OF DISMISSAL**

FILED
 GEORGETOWN COUNTY, S.C.
 2024 APR 10 AM 11:16
 ALMA Y. WHITE
 CLERK OF COURT

This matter is before the Court pursuant to an application for post-conviction relief (“PCR”) filed by Ronald W. Langston (“Applicant”) on February 9, 2024. Respondent filed its Return and moved to summarily dismiss Applicant’s PCR. This Court GRANTS Respondent’s motion provisionally, and this application shall be dismissed with prejudice unless Applicant provides sufficient reasons, factual or legal, why this application should not be dismissed. Applicant shall file and serve a response within twenty (20) days of the date of service of this Order upon him.

PROCEDURAL HISTORY

Applicant is presently confined to the South Carolina Department of Corrections (“SCDC”), serving an indefinite sentence not to exceed three (3) year sentence under the Youthful Offender Act (“YOA”). On October 25, 2022, Applicant waived presentment to the grand jury and pled guilty to assault and battery third degree (2022-GS-22-00959) before the Honorable Jennifer McCoy. Assistant Solicitor Kate E. Smith prosecuted the case. Ralph J. Wilson, Sr., represented Applicant. Judge McCoy sentenced Applicant to a YOA sentence not to exceed three (3) years, suspended to a probation of eighteen (18) months with probation to terminate upon nine (9) months if Applicant completes substance abuse and anger management counseling with random drug and alcohol testing. Applicant did not file a notice of appeal for this conviction.

On February 7, 2023, Applicant waived presentment to the grand jury and pled guilty to possession of methamphetamine (2023-GS-22-00113) before the Honorable Benjamin H. Culbertson. Assistant Solicitor Kate E. Smith prosecuted the case. Richard D. Todd, Esq., represented Applicant. Applicant admitted to willfully violating the terms of his probation. Judge Culbertson revoked Applicant's probation in full and committed him to the YOA division for an indefinite period of time not to exceed three (3) years and sentenced Applicant to a time served sentence of one hundred four (104) days for possession of methamphetamine. Applicant did not file a notice of appeal for this conviction.

FACTUAL HISTORY

Assault and Battery Third Degree (2022-GS-22-00959)

On or about May 13, 2022, Applicant went to his stepfather's house and began beating up his stepfather (victim) while victim was sitting in his car. (Tr. 5-6, Oct. 25, 2022) Several people witnessed the beating. (Tr. 6, Oct. 25, 2022). Afterwards, Applicant fled the scene. (Tr. 6, Oct. 25, 2022).

Possession of Methamphetamine (2023-GS-22-00113)

On or about October 26, 2022, law enforcement responded to a shoplifting call. (Tr. 9, Feb. 7, 2023). Search incident to arrest, officers found a gum-wrapper containing methamphetamine. (Tr. 10, Feb. 7, 2023). Post-Miranda, Applicant admitted to calling it "snake venom," understood to mean "meth." (Tr. 10, Feb. 7, 2023).

CURRENT APPLICATION

On September 25, 2023, Applicant filed a PCR application¹ (2023-CP-22-00746), alleging he is being held unlawfully based on the following (verbatim): "Earth's grounds[,] Satan did it."

¹ Applicant's September 25, 2023, PCR application was not notarized.

On February 9, 2024, Applicant filed a second PCR application (2024-CP-22-00104) to collaterally attack his conviction for possession of methamphetamine, alleging he is being held unlawfully based on the following (verbatim):

“I did not commit crimes, however, methamphetamine committed the crimes.”
“Methamphetamine addiction committed possession, and I didn’t shoplift...”

Applicant requests relief as follows: “3 years youthful offender act disposal/possession, probation violation, and shoplifting expunged.”²

On March 4, 2024, the Honorable William H. Seals, Jr., issued an Order of Merger, ordering Applicant’s application (2023-CP-22-00746) filed on September 25, 2023, be merged into the PCR action (2024-CP-22-00104) filed on February 9, 2024. Judge Seals Ordered the 2024-CP-22-00104 action to be the surviving action, and the 2023-CP-22-00746 action be disposed of and treated as amendments of the surviving action.

Before this Court are the records of the Georgetown County Clerk of Court for the subject convictions, plea transcripts, Applicant’s records from SCDC, and records from his current PCR application.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court finds Applicant’s PCR application should be summarily dismissed for failure to state a cognizable claim. Summary dismissal without a hearing is appropriate if (1) it is apparent on the face of the application that there is no need for a hearing to develop facts, and (2) the applicant is not entitled to post-conviction relief. *Id.* § 17-27-70(b)-(c); *Leamon v. State*, 363 S.C. 432, 434, 611 S.E.2d 494, 495 (2005). When considering the State’s motion for summary dismissal, the court must assume the facts presented in the application are true and view those facts

² The remedy to be granted on PCR is a new trial on the original indictments. *Gilstrap v. State*, 252 S.C. 625, 628, 168 S.E.2d 88, 89 (1969) (stating the relief to be granted is remand for a new trial); *Smith v. State*, 413 S.C. 194, 195, 775 S.E.2d 696, 696 (2015) (“We now clarify the proper remedy is a new trial”).

in the light most favorable to the Applicant. *Leamon*, 363 S.C. at 434, 611 S.E.2d at 495.

Cognizable PCR claims are enumerated in the Uniform Post-Conviction Relief Act, as follows:

- (1) That the Conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
- (2) That the court was without jurisdiction to impose sentence;
- (3) That the sentence exceeds the maximum authorized by law;
- (4) That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
- (5) That his sentence has expired, his probation, parole or conditional release unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint;
- (6) Conviction or sentence is subject to collateral attack upon any ground of alleged error available under common law, statute, writ, motion, petition, proceeding, or remedy...

S.C. Code Ann § 17-27-20(A) (2014).

This Court finds Applicant failed to raise a cognizable PCR claim, and the law does not provide relief for any of Applicant's allegations. Thus, this Court will summarily dismiss Applicant's PCR, pursuant to S.C. Code § 17-27-70(b) (2014) and Rule 12(b)(6), SCRPC, because there is no genuine issue of material fact which would necessitate an evidentiary hearing on this issue, and this action should be dismissed as a matter of law.

[Space left blank intentionally. Conclusion follows on next page.]

CONCLUSION


This Court intends to dismiss Applicant's PCR application in its entirety unless Applicant provides sufficient reasons, factual or legal, why the application should not be dismissed pursuant to S.C. Code Ann. § 17-27-70 (b) (2014).

THEREFORE, IT IS ORDERED: Applicant is granted twenty (20) days from the date of service of this Order upon him to show why this Order should not become final. Applicant shall file any reasons he may have with the Georgetown Clerk of Court and shall serve opposing counsel at the following address:

Bryan T. Hall
Assistant Attorney General
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

AND IT IS SO ORDERED ON THIS 6 day of April, 2024.

Marion, South Carolina


WILLIAM H. SEALS, JR.
Chief Administrative Judge
Common Pleas
Fifteenth Judicial Circuit