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APR 30 2024

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Hon. Paul Burch, Circuit Court Judge

Case No. 2020-CP-18-00801

Daniel J. Lawrence,

Petitioner,

v.

State of South Carolina,

Respondent.

NOTICE OF APPEAL

Daniel Lawrence, Petitioner, appeals the attached Order issued by the Honorable Paul Burch on April 10, 2024. Petitioner, through counsel, received notice of the entry of the Order on April 15, 2024.

Date: April 25, 2024



Christopher R. Geel
Geel & Gentry, LLC
PO Box 21771
Charleston SC 29413
843-277-5080

State of South Carolina Dorchester County	2024 APR 10 AM 11:09 CHEYLL GRAMAM CLERK OF COURT DORCHESTER COUNTY	In the Court of Common Pleas For the First Judicial Circuit Case No.: 2020-CP-18-00801
Daniel J. Lawrence		ORDER DISMISSING APPLICATION FOR POST-CONVICTION RELIEF, BUT GRANTING BELATED APPELLATE REVIEW PURSUANT TO <i>WHITE v. STATE</i>
v. State of South Carolina		

This matter comes before the Court on Daniel J. Lawrence's Application for Post-Conviction Relief. Applicant is presently confined to the South Carolina Department of Corrections. Applicant was convicted by a jury in Dorchester County of one count of burglary in the first degree and one count of unlawful carry of a handgun. Applicant was sentenced to forty years imprisonment for burglary, and one year for unlawful carry of a handgun, to be served concurrently. Applicant filed an application for post-conviction relief on May 18, 2020. The matter was convened for a hearing on February 8, 2024. In his Application for Post-Conviction Relief, the Applicant alleged the following grounds for relief:

1. Counsel failed to timely file and perfect an appeal on Applicant's behalf pursuant to White v. State, 208 S.E.2d. 35 (1974).
2. Counsel failed to request a competency evaluation and hearing pursuant to State v. Blair, 273 S.E.2d 536 (1981).
3. Counsel failed to subpoena Ptl. Ruch of the North Charleston Police Department at Applicant's trial.
4. Counsel failed to move for suppression of evidence obtained pursuant to a motor vehicle search.
5. Counsel failed to put the State's evidence through a meaningful adversarial process, in violation of United States v. Chronic, 466 U.S. 648 (1984).

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When the Court convened a hearing on these matters, the parties informed the Court that Applicant intended to waive the above-stated issues (and all other cognizable PCR claims) with prejudice, with the exception of his belated appeal claim. The parties informed the Court that they were in agreement that Applicant was entitled to a belated appeal pursuant to White v. State, 208 S.E.2d 35 (1974) due to trial counsel's failure to timely file a notice of appeal on Applicant's behalf. The record before the Court shows that Applicant was convicted on November 13, 2019, and that Applicant filed a *pro se* notice of appeal on December 4, 2019. Trial counsel did not file a notice of appeal within the ten-day window under Rule 203, SCACR. Applicant's direct appeal was ultimately dismissed based on the failure to timely file a notice of appeal. In support of Applicant's belated appeal issue, the parties presented the Court with a letter dated April 23, 2020, written by Applicant's trial attorney. In the letter, trial counsel acknowledged that Applicant never intended to waive his direct appeal, and that trial counsel's failure to timely file a notice of appeal on Applicant's behalf was due to a "break down in communication" in trial counsel's office.

Applicant was present at the hearing and confirmed his desire to move forward on his request for relief pursuant to White v. State. Regarding Applicant's remaining claims for relief, Applicant informed the Court that it was his wish to withdraw and waive all of the remaining grounds for relief in his Post-Conviction Relief application, as well as any other cognizable PCR claims. Applicant informed the Court that he understood the consequences of such a waiver, and that he wished to proceed on that basis.

Based on the foregoing, the Court hereby finds that Applicant is entitled to belated appellate review pursuant to White v. State, and that the failure to timely file a notice of appeal after trial was due to a breakdown in communication in trial counsel's office, and not due to any waiver of appellate review by Applicant. Applicant's request for relief on ground one is therefore **GRANTED**, and Applicant shall be entitled to belated appellate review. Applicant's PCR counsel shall be required to file and serve a notice of appeal

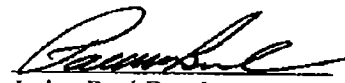
within thirty days from PCR counsel's receipt of written notice of the entry of judgment to secure the appropriate appellate review pursuant to Rule 203, SCACR.

Additionally, the Court hereby finds that Applicant expressed his desire to withdraw and waive the remaining grounds for relief claimed in his PCR application, and further that he wished to waive any other cognizable PCR claims with prejudice. The Court hereby finds that Applicant has knowingly, intelligently, and voluntarily waived all such claims, and that Applicant did so with the assistance and advice of competent counsel. Therefore, Applicant's remaining request for relief are hereby voluntarily **DISMISSED WITH PREJUDICE**, and that any other cognizable PCR claims not raised by Applicant are hereby waived with prejudice.

IT IS THEREFORE ORDERED:

1. Applicant is granted belated appellate review of direct appeal issues pursuant to White v. State;
2. All other allegations in Applicant's post-conviction relief application are hereby dismissed with prejudice;
3. All other cognizable claims under S.C. Code §17-27-10 *et seq* are knowingly, intelligently, and voluntarily waived by Applicant.
4. Applicant shall be remanded to the custody of the State.

SO ORDERED, this 8th day of February, 2024.


Judge Paul Burch
Presiding Judge
First Judicial Circuit

FORM 4

STATE OF SOUTH CAROLINA
 COUNTY OF DORCHESTER
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2020CP1800801

Daniel J Lawrence	2024 APR 10 AM 11:09	South Carolina State Of	
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PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other: _____
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.
 Additional Information for the Clerk: _____

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.
E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Paul Burch	2048	4/10/2024
Circuit Court Judge	Judge Code	Date

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S.C. SUPREME COURT

For Clerk of Court Office Use Only

This judgment was entered on 04/10/2024, and a copy mailed first class or placed in the appropriate attorney's box on 04/10/2024, to attorneys of record or to parties (when appearing pro se) as follows:

Daniel J Lawrence
Broad River Corr., Inst., # 302187
4460 Broad River Rd.
Columbia, SC 29210

Bryan TyJarris Hall
PO Box 11549
Columbia, SC 29211

Christopher Reginald Geel
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Charleston, SC 29413

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Cheryl Graham

Court Reporter

Cheryl Graham - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
