

STATE OF SOUTH CAROLINA)
 COUNTY OF BEAUFORT)
 Charles W. McCormick, #320467, S.C.)
 Applicant)
 v.)
 State of South Carolina,)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT

Case No.: 2022-CP-07-00474

**FINAL ORDER
 OF DISMISSAL**

2024 FEB 27 PM 12:47
 JERAL ANN ROSENEAU
 BEAUFORT COUNTY, S.C.
 CLERK OF COURT

This matter is before the Court by way of an application for post-conviction relief (PCR) filed by Charles W. McCormick (Applicant) on March 17, 2022. Respondent filed a return and motion to summarily dismiss the application as untimely, successive, and barred by res judicata. Respondent further asserted Applicant did not set forth a newly recognized constitutional right.¹ After review of the record and pleadings, this Court agreed this application should be summarily dismissed and provisionally dismissed the action by way of a Conditional Order of Dismissal filed January 5, 2024, giving Applicant twenty days from the date of service of said Order to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is a Certificate of Service indicating Applicant was served the Conditional Order of Dismissal on January 19, 2024.

On January 16, 2024, Applicant filed a Motion and Response to Conditional Order to Dismiss, wherein he contends (1) Weldon v. State, 436 S.C. 69, 870 S.E.2d 183 (2021), constituted new caselaw; (2) counsel should have called certain witnesses at his criminal trial; (3) the State

¹ See S.C. Code Ann. § 17-27-45(B) (“When a court whose decisions are binding upon the Supreme Court of this State or this State holds that the Constitution of the United States or the Constitution of South Carolina, or both, impose upon state criminal proceedings a substantive standard not previously recognized or a right not in existence at the time of the state court trial, and if the standard or right is intended to be applied retroactively, an application under this chapter may be filed not later than one year after the date on which the standard or right was determined to exist.”); (Teague v. Lane, 489 U.S. 288, 301 (1989) (“[A] case announces a new rule if the result was not dictated by precedent existing at the time the defendant’s conviction became final.”)).

did not present overwhelming evidence of his guilt, and the SLED agents gave false and misleading testimony; (4) he lived in the home and thus his touch DNA would be everywhere;² and (5) the State did not submit paperwork on the chain of custody. As set forth in the Conditional Order of Dismissal, Weldon did not create a new constitutional right. Further, this Court finds Applicant has not set forth a reason this application should not be barred by the statute of limitations, the doctrine against successiveness, and res judicata. Applicant likewise has not set forth a valid basis for an evidentiary hearing.

IT IS THEREFORE ORDERED that for the reasons set forth in the Court's Conditional Order of Dismissal, this application for PCR is hereby **DENIED AND DISMISSED WITH PREJUDICE**. Should Applicant wish to procure appellate review, he must file and serve a notice of appeal within thirty days of this Order. 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 15 day of Feb, 2024.



ROBERT J. BONDS
Chief Administrative Judge
Fourteenth Judicial Circuit

Walterboro, South Carolina

² Petitioner states he raised this issue to Judge Mullen at a virtual hearing on December 16, 2020.

FORM 4

**STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
IN THE COURT OF COMMON PLEAS**

**JUDGMENT IN A CIVIL CASE
CASE NUMBER 2022CP0700474**

Charles McCormick		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: Final Order of Dismissal**
- 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

FINAL ORDER OF DISMISSAL

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.

s/ R. J. Bonds

2770

2/13/2024

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on **February 27, 2024**, and a copy mailed first class or placed in the appropriate attorney's box on **February 27, 2024**, to attorneys of record or to parties (when appearing pro se) as follows:

Charles McCormick #326467 Allendale Corr. Inst. BBB-14
1057 Revolutionary Trail Fairfax, SC 29827

Danielle Dixon PO Box 11549 Columbia, SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

mk

Court Reporter

Jerri Ann Roseneau - 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.

