

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

JUDGMENT IN A CIVIL CASE
CASE NO. 2017CP4007110

RECEIVED

Jun 21 2024

DUDLEY B. MACK (SCDC #366326)

STATE OF SOUTH CAROLINA
S.C. SUPREME COURT

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: NEWMAN, J.	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <input type="checkbox"/> Self-Represented Litigant
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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 Rule 41(b), SCRPC
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- 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:

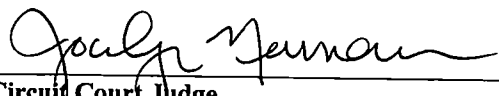
Applicant's Motion for Reconsideration (filed on 6/4/24) is DENIED.

RICHLAND COUNTY
 FILED
 2024 JUN -5 PM 4:06
 ERIKETTE W. MCBRIDE
 CLERK OF COURT

ORDER INFORMATION

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

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.


Circuit Court Judge

2757
Judge Code

June 5, 2024
Date

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
5TH JUDICIAL CIRCUIT

Dudley B. Mack # 366326
Applicant,

CASE NO. 2017-CP-40-710

vs.

NOTICE AND MOTION TO AMEND
APPLICATION FOR POST-CONVICTION
RELIEF

The state of south Carolina
Respondent(s).

RICHLAND COUNTY
FILED
2024 MAR 14 PM 2:06
JEANETTE W. McBRIDE
C.P., G.S., & F.C.

Now come the above named Applicant who moves this Honorable Court in the above entitled matter Per SC Code 17-27-90 and S.C.R.C.P. Rule 15 (b), hereby amends his Application For Post-Conviction Relief. This amended Complaint adopts and includes all grounds in the Original Application filed on November 22, 2017 by the Applicant.

Applicant further alleges as additional grounds regarding his claim. A violation of due Process and Equal Protection of the Constitution(s) and law(s) of the U.S. and state of South Carolina, as guaranteed by both and 14th amendment(s).

1) The state argument is misplaced because this invalid conviction still persist. The State used this invalid magistrate conviction to enhance sentence upon a General sessions case. SEE! Applicant Exhibit A, Tr. 31, at 20 and 21, and Exhibit B, Tr. 33, at 7 to 10. SEE! Jackson v. State, 331 S.C. 486 (1991),

March 12, 2024
Dated:

Respectfully Submitted,

Dudley B. Mack
Dudley B. Mack
502 Beckman Dr.
Columbia, SC. 29203

cc. Honorable Jocelyn Newman
D. Russell Barlow, II
Asst. Atty. General

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STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

~~COURT OF GENERAL SESSIONS~~

2013-GS-40-2025

2018-GS-40-8386

State of South Carolina,
Plaintiff,

vs.

Dudley Mack,

Defendant.

TRANSCRIPT OF RECORD

June 18, 2018

Columbia, South Carolina

B E F O R E:

THE HONORABLE DEANDREA G. BENJAMIN, JUDGE.

A P P E A R A N C E S:

JEREMIAH J. SHELLENBERG, II, ASSISTANT SOLICITOR
Attorney for the Plaintiff

ROBERT W. MILLS, ESQ.
Attorney for the Defendant

~~DEBORAH M. MCCURDY, RPR~~
~~Official Court Reporter~~

1 split sentence of probation, any kind of suspended
2 sentence to probation. I think he is a good
3 candidate for that. This is an unusual case. It
4 is unusual. Mr. Mack is a very accomplished man to
5 be standing here before you on this case, Your
6 Honor. We would just ask for that.

7 Mr. Mack, anything you would like to say?

8 THE DEFENDANT: Your Honor, I plead with the
9 Court to be merciful with me and allow me to go
10 home, and I promise I won't let you down. You
11 won't see me here no more.

12 THE COURT: Thank you.

13 MR. SHELLENBERG: Judge, briefly?

14 ~~THE COURT: Yes, sir. And can you give me his~~
15 ~~prior record again?~~

16 ~~MR. SHELLENBERG: I can.~~ It is a 1983,
17 assault and battery. 1995, failure to stop for
18 blue light and criminal domestic violence. 2005,
19 two assault with intent to kills. 2009 breaking
20 and entering out of North Carolina. ~~And in 2014~~ ✓
21 ~~assault and battery third.~~ ✓

22 MR. MILLS: It is my understanding that the
23 criminal domestic violence may have been dismissed.
24 I'm not sure what the sentence on that is.

25 It is not showing on the rap sheet, Your

1 of Corrections for 17 years.

2 On Indictment 2018-GS-40-8386, sir, you will
3 be sentenced to the State Department of Corrections
4 for five years.

5 All sentences will run concurrent. You will
6 be given credit for 1,258 days of service.

7 ~~If this was the first time and he didn't have~~
8 ~~all those assaults on his record and other violent~~
9 ~~crimes on his record, I may have considered~~
10 ~~something less~~, but there is obviously an issue
11 with him and relationships and guns. And I'm sure
12 he had the same conversation with the judge the
13 last time back in 2004, he wouldn't be back here
14 again, and that he needed treatment. He got the
15 treatment and still didn't -- we are still back
16 here.

17 So that will be the sentence of the Court. He
18 will be given credit for the time that he has
19 served.

20 Thank you.

21 MR. SHELLBERG: Thank you, Your Honor.

22 (WHEREUPON, the hearing adjourned at
23 4:11 p.m.)

24

25

(END OF TRANSCRIPT)

CERTIFICATE OF REPORTER

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2
3
4 STATE OF SOUTH CAROLINA)
5 COUNTY OF RICHLAND)

6
7
8 I, Deborah M. McCurdy, Official Court Reporter for
9 the Fifth Judicial Circuit of the State of South
10 Carolina, do hereby certify that the foregoing is a
11 true, accurate and complete Transcript of Record of the
12 proceedings had and evidence introduced in the trial of
13 the captioned case, relative to appeal, in the Court of
14 General Sessions for Richland County, South Carolina, on
15 ~~the 18th day of June, 2018.~~

16 I do further certify that I am neither of kin,
17 counsel nor interest to any party hereto.

18
19 MARCH 22, 2021
20 June 20, 2019

21
22 ~~s/ Deborah M. McCurdy, RPR~~

23 Deborah M. McCurdy, RPR
24 Fifth Circuit Court Reporter
25

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FOR THE 5TH JUDICIAL CIRCUIT

Dudley B. Mack # 366326
Applicant,

CASE NO. 2017-CP-40-7110

v.

Motion For Reconsideration
For Conditional Order of
Dismissal.

The State of South Carolina
Respondent.

RICHLAND COUNTY
FILED
2024 JUN -4 AM 9:17
JEANNETTE W. MARRIOTT
C.C.P., G.S. 8-1-10

Now Come The above named Applicant Respectfully, moves
This Honorable Court in the above entitled matter for a
reconsideration of an Conditional Order of dismissal Filed on
May 22, 2024 and received by Manning's Correctional Inst. May 28,
2024. This order was signed by The Honorable Jocelyn Newman
on May 20, 2024.

This matter comes before this Honorable Court for a reconsideration
based on these Facts and laws). The Applicant Filed an application for
Post-Conviction relief (PCR) on November 22, 2017. Respondent, the State,
made its Return and Motion to Dismiss on May 4, 2018. Applicant made
his Return and Motion to Grant Relief on May 25, 2018. Respondent
made its Amended Return and Motion to Dismiss on January 26, 2024.
The Court grant Respondent's motion without making a ruling on the
Amended application Filed on March 14, 2024. Pursuant to S.C. Code
91-35-640 (A) in Part, An initial determination may For good cause be
reconsidered. In the applicant's Notice and motion to Amend
Application For Post Conviction relief, the Applicant contends that
this invalid magistrate conviction is still Persist due to state used
to enhance sentence. see: McDuffie v. State, 276 S.C. 229 (1981).
The applicant never had an evidentiary hearing.

The Applicant request a evidentiary hearing.

May 30, 2024
Date:

cc. The Honorable Jocelyn Newman
Asst. Atty. General
D. Russell Barlow, II

Respectfully Submitted.
Dudley B. Mack
502 Beckman dr.
Columbia, SC 29203

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FOR THE 5TH JUDICIAL CIRCUIT

Dudley B. Mack # 366326
Applicant,

CASE NO: 2017-CP-40-7110

v.

Amend Motion For Reconsideration
For Conditional Order of Dismissal

The State of South Carolina
Respondent,

RICHLAND COUNTY
FILED
2024 JUN 10 AM 9:11
JEANETTE W. MERRID
C.C.P., G.S., M.P.

NOW Comes The above named Applicant, Respectfully, moves This Honorable Court in the above entitled matter with an Amend motion For reconsideration For conditional order of Dismissal. This amend- Complaint adopts and includes all grounds in the Original motion For reconsideration For conditional Order of Dismissal.

The Applicant Further alleges as additional grounds regarding his motion For reconsideration, the statutory requirement was not Complied with in retaining testimony in the trial, SC code 18-3-40, S.E. Code 22-3-790. Pursuant to SC Code of Laws 22-3-790,

In the trial OF any case before a Magistrate the testimony of all witnesses must be taken down in writing and signed by the witnesses.

SEE! Conditional Order of Dismissal, Page 5, Line 10. It states: the record is not available because the Proceedings were not recorded. SEE! State v. Johnson, 396 SC 182 (2011).

The Applicant request a evidentiary hearing.

Date: June 3, 2024

Respectfully submitted:
Dudley B. Mack
Manning Ct W147
502 Beckman Dr.
Columbia SC 29203