

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

The Honorable J. Mark Hayes, II

Case No.: 2012-CP-42-1523

The StateRespondent,

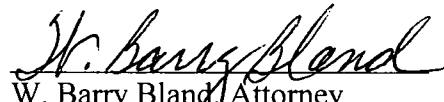
vs.

Horacio Rodriquez Appellant.

NOTICE OF INTENT TO APPEAL

Horacio Rodriquez hereby notices the appeal of the denial of his application for post-conviction relief for the above case number as dismissed with prejudice by the Honorable J. Mark Hayes, II on July 24, 2013.

Dated: August 21, 2013


W. Barry Bland, Attorney
SC Bar No. 729
P.O. Box 6432
Spartanburg, SC 29304-6432
(864) 582-9192; Fax: (864) 582-9193
Attorney for Appellant

Other Counsel of Record:
Suzanne H. White, Assistant Attorney General
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211-1549
(803) 734-3970
Attorney for Respondent

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AUG 26 2013

S.C. Supreme Court

THE STATE OF SOUTH CAROLINA
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APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

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The Honorable J. Mark Hayes, II

S.C. Supreme Court

Case No.: 2012-CP-42-1523

The StateRespondent,

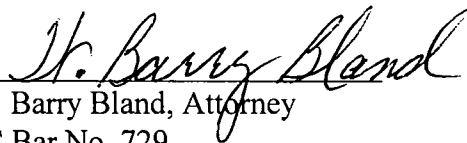
vs.

Horacio Rodriguez Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Intent to Appeal on The State of South Carolina by depositing same in the U.S. First Class Mail, proper postage affixed thereto, on August 21, 2013, addressed to its attorney of record: Suzanne H. White, Assistant Attorney General, Office of the Attorney General, P.O. Box 11549, Columbia, SC 29211-1549

Dated: August 21, 2013


W. Barry Bland, Attorney
SC Bar No. 729
PO Box 6432
Spartanburg, SC 29304-6432
(864) 582-9192; Fax: (864) 582-9193
Attorney for Appellant

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

Horacio Rodriquez, #348551

Plaintiff(s),

-vs-

State,

Defendant(s).

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5/11/12

IN THE COURT OF COMMON PLEAS
7th JUDICIAL CIRCUIT
CASE NO.: 2012CP4201523
APPOINTMENT OF COUNSEL OR GAL
(Select one.)

ORDER
 AMENDED ORDER

TYPE OF CASE/PROCEEDING: (Check one.)

- Post-Conviction Relief (PCR)/habeas case
- SVP case
- Minor Name Change
- Adoption
- Custody and/or Visitation
- Other: Post Convict Rel 500
- Juvenile
- Abuse and Neglect

It appears Horacio Rodriquez, who is a litigant in this case, is entitled to court-appointed counsel or a guardian ad litem.

It further appears that: (Select only one.)

- counsel/guardian ad litem has not yet been appointed by the court; therefore, an appointment for counsel/guardian ad litem is necessary.
- counsel or a guardian ad litem was previously appointed by the court but has indicated either a possible conflict of interest, an entitlement to exemption, or other good cause warranting the appointment of new counsel or guardian ad litem based on:
- counsel was previously appointed by the court but has not indicated that the litigant has retained private counsel and is no longer entitled to appointed counsel.
- court appointed counsel has obtained , Esquire as substitute counsel pursuant to Rule 608(h)(2); provided, however, only the member who originally received the appointment and who sought substitute counsel shall receive credit.
- Other: .

Therefore, it is ordered that **W. Barry Bland**, hereby is appointed as (Select one.)

counsel lead counsel (if capital PCR case) guardian ad litem
for the above-named person. Any counsel or GAL previously appointed is/are hereby relieved

(If Death Penalty PCR Case) It is further ordered that Esquire, is hereby appointed as second counsel in this capital PCR case.

The clerk of court is directed to forward a copy of this order to all persons entitled to notice.

IT IS SO ORDERED
May 11, 2012

M. Hope Blackley
 Circuit Judge Clerk of Court

Plaintiff Attorney:

W. Barry Bland	
Attorney at Law	
P O Box 6432	
Spartanburg, S. C. 29304 (864) 582-9192	

Defendant Attorney:

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2012 MAY 14 AM 10:58
M. HOPE BLACKLEY

NOTICE: SC Supreme Court Order of September 29, 2006, requires appointed counsel entitled to payment from the Office of Indigent Defense (OID) to register the case online with OID within fifteen (15) days of this appointment at www.sccid.sc.gov, and further directs that reimbursement vouchers be submitted directly to SCCID and not to the trial judge or clerk of court. See SCCID website for further details.

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STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

Horacio Rodriquez, #348551,)
)
Applicant,)
)
v.)
)
State of South Carolina,)
)
Respondent.)
_____)

IN THE COURT OF COMMON PLEAS
SEVENTH JUDICIAL CIRCUIT

2012-CP-42-1523

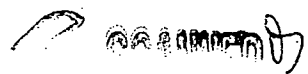
ORDER OF DISMISSAL

This matter comes before the Court by way of an application for post-conviction relief filed March 28, 2012, and amended May 8, 2012. A hearing was convened at the Spartanburg County Courthouse on April 3, 2013, at which time Applicant was present in court and represented by W. Barry Bland, Esquire. Suzanne H. White of the South Carolina Attorney General's Office represented Respondent. At the hearing, following testimony by the Applicant and the Court's explanation of post-conviction remedies, Applicant and his attorney informed this Court that Applicant wished to withdraw his application for post-conviction relief with prejudice.

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CLERK OF COURT
SPARTANBURG COUNTY
2013 JUL 26 AM 8:50
M. HOPE BLACKLEY

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Correction pursuant to orders of commitment of the Spartanburg County Clerk of Court. The Applicant was indicted at the November 2010 term of the Spartanburg County Grand Jury for trafficking in cocaine more than 400 grams (11-GS-42-6263). He was represented by Tanya Jones, Esquire. On November 7, 2011, the Applicant pled guilty to the lesser-included offense of trafficking in cocaine 28-100 grams, 1st offense. The Honorable Roger L. Couch sentenced the Applicant, pursuant to a negotiated sentence, to confinement for a period of twelve years. The Applicant did not appeal his



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guilty plea or sentence.

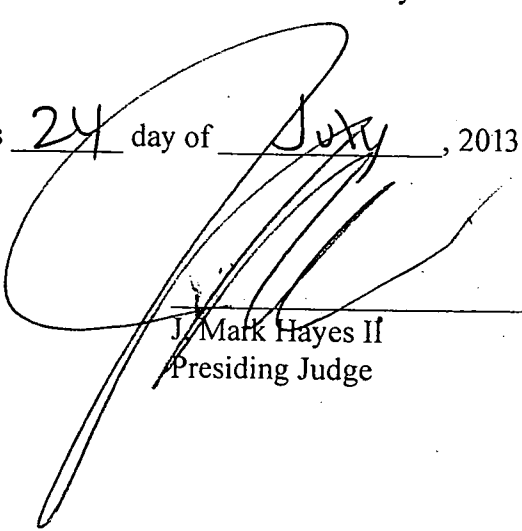
Following his initial testimony and the Court's explanation of post-conviction relief remedies, Applicant was sworn and questioned by the Court about his withdrawal request, to ensure that the withdrawal of the application was free and voluntary and that Applicant had not been promised anything or threatened, coerced, or induced into withdrawing the application; and that Applicant was fully satisfied with the services of his appointed attorney in this matter.

Based upon Applicant's testimony, this Court finds that the dismissal of this application for post-conviction relief is voluntary and that Applicant has knowingly and intelligently elected to have his application dismissed with prejudice.

IT IS THEREFORE ORDERED:

1. That the application for post conviction relief be dismissed with prejudice.
2. That Applicant be remanded to the custody of Respondent.

AND IT IS SO ORDERED this 24 day of July, 2013.


J. Mark Hayes II
Presiding Judge

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2013 JUL 26 AM 8:50
M. HOPE BLACKLEY

**W. BARRY BLAND
ATTORNEY AT LAW, LLC
213 MAGNOLIA STREET
SPARTANBURG, SC**

PHONE (864) 582-9192
FAX (864) 582-9193

MAILING ADDRESS
POST OFFICE BOX 6432
SPARTANBURG, SC 29304

August 21, 2013

THE HONORABLE DANIEL E. SHEAROUSE
CLERK OF COURT
SOUTH CAROLINA SUPREME COURT
P.O. BOX 11330
COLUMBIA, SC 29211

RECEIVED

AUG 26 2013

S.C. Supreme Court

Dear Mr. Shearouse:

**RE: The State vs. Horacio Rodriquez
Case #2012-CP-42-1523**

Enclosed for filing is an original of NOTICE OF INTENT TO APPEAL and PROOF OF SERVICE on opposing counsel for the above-referenced case to which I had been appointed. (A copy of the ORDER OF APPOINTMENT and ORDER OF DISMISSAL is also enclosed.)

Should you have any questions or need anything further, please do not hesitate to contact my office.

Very truly yours,


W. Barry Bland

WBB/ncc

Enclosures 4

cc Suzanne H. White, Assistant Attorney General (w/enclosures)
Lorraine French, Office of Indigent/Appellate Defense (w/enclosures)
Horacio Rodriquez (w/enclosures)