

State of South Carolina Supreme Court  
Curtis L. Kimer ) Writ of Certiorari

Petitioner

Explanation

**RECEIVED**

SEP 09 2013

S.C. SUPREME COURT

State of South Carolina

Respondent

1. Courts we are unwilling to assume that there now exists a general lack of appropriate sensitivity to constitutional rights in the state courts of several states, State Court bar as to successive or untimely is improper summary affirmance, a short opinion, or a written opinion that fails to discuss any meaningful fairness to conform evidence as due process mandate.

V.S v Scarborough 777 F.2d 175, 182 (4th Cir 1985)

Banshee v State 418 SE 2d 313 (S.C. 1992)

2. There is no state procedural bar petitioners prejudice appointed counsel

William v Peyton

Ford - U.S et al , 111 S.Ct at 857 (1991)

General

Moreover the least likely to be unpopular and thus to distort state decision-making process are ones based on the inadequacy of the evidence,

Review state civil commitment proceedings in which (if) a criminal judgment is ever to be final competences to determine legality.

But, it may be asked, why should we seek a point at which such a judgement becomes final?

Conceding that no process can assume truth, will not repetition of inquiry stand a better chance of approximating it?

In view of the awesomeness of the consequences of conviction, shouldn't we allow redetermination of merits in an attempt to make sure that no error has occurred?

Surely the answer runs, in the place in terms of conservation of resources. And I mean not only simple economic resources, but all of the intellectual, moral and political resources involved in the legal system. The presumption must be it seems to me that if a job can be well done once, it should not be done twice. If one set of institutions is capable of performing the task at hand as another, we should not ask both to do it. The challenge really runs the other way:

if a proceeding fitted to the task in a manner not inferior to those which would be used in a second proceeding, so that one cannot demonstrate that re-litigation would not merely consist of repetition and second guessing.

Why should not the first proceeding count?

Why should we duplicate effort?

After all, it is the very purpose of the first go-around to decide the case. Neither it nor any subsequent go-around can assure ultimate truth, if then the previous determination is to be ignored, we must have some reasoned institutional justification why this should be so.

Mere iteration of process can do other kinds of damage, I could imagine nothing more subversive of a judge's sense of responsibility, of the inner subjective conscientiousness which is so essential a part of the difficult and subtle (ART) of judging well, than an indiscriminate acceptance of the notion that all the shots will always be called by someone else. Of course this does not mean that we should not have appeals.

As we shall see important functional and ethical purposes are served by allowing recourse to Supreme Court in a unitary system, and to another

Supreme Court in another system. The acute question is the effect it will have on a trial judge if we then allow further recourse where these purposes may no longer be relevant.

Jackson v Virginia 99 S.Ct 2787 (1979)

Certificate of Service  
Notice of Appeal

South Carolina Supreme Court Writ Certiorari

I, Curtis KING petitioner an Inmate in South Carolina Dept. of Corr. served a copy of the foregoing NOTICE OF APPEAL and EXPLANATION on all parties to this proceedings by delivering to institutional mail carrier 9/3/13

~~Karen Christine Felgett~~ Also attach is (petition)

( South Carolina Supreme Court Daniel E. Shearouse Clerk of Court )

P.O. Box 11330

Columbia, S.C. 29211

Curtis KING  
Re. Curtis Lamar KING  
TCJ  
P.O. Box 252  
Turbeville, S.C. 29162

## Statement of Case

Petitioner challenge his indictment 00-CR-23-6736 Arm Robbery; 01-CR-23-1171 attempted arm robbery as having been dominated by a hostile mob, the Court recognized that twenty-five years sentence that resulted from mob dominated proceedings, such that the jury is intimidated and the trial judge yields, would violate petitioner's due process rights if the supplied no corrective process, because a factual finding of state was not supported by the evidence, is less than full and fair, as a whole

Trial court allowing exclusionary rule must incorporate sixth and fourteenth amend, including the exclusion of evidence that typically retrievable on guilt or innocence of petitioner, acquittal years after the fact would be minimal at best,

## Extra ordinary Argument

Section (i)

The question in this case is what standard is to be applied when prejudice appointed trial counsel plead violation of sixth amend. is made that a person has been convicted in state court upon insufficient evidence holds him in custody in violation of the constitution, laws or treaties of the United States

(Tr. ps. 313-314, 316-320)

White v Maryland 83 S.Ct 1050 (1963)

This another case expressly consider the question whether due process standard constitutionality protect petitioner against conviction except upon evidence sufficient fairly to support excluded identification testimony which deprive the petitioner at the scene of the crime

(Tr. pg 61, 209-210)

It is axiomatic that a conviction upon charge contradict purpose

identification demonstrated diagram testimony at trial, by their very own objection or upon a charge contradict proven essential identification constitute denial petitioner due process

(Tr. pg 61, 209-210)

These standards no more then reflect a broader premise that rarely been doubted in our constitutional system:

That a person cannot incur the loss of liberty for state deprive identification essential purpose demonstration on diagram by testimony to place petitioner at the scene of the crime that state contradict by excluded from jury deliberation without notice prior to demonstration for meaningful opportunity to defend

(Tr. pg 80, 130-131)

A meaningful opportunity to defend of placement of crime scene, (Tr. pg 80, 130-131) contradict exclusion, is not the right to a trial itself, presumes as well that a total want of evidence, suggestive or in-court identification a charge will conclude thus case in favor of the accused (Tr. pg 61, 209-210)

Accordingly, a conviction based upon a record exclusively lacking identification burden of the state objection contradict very prosecuted diagram essential purpose testimony at trial or link suggestive or in-court identification relevancy evidence of a crucial element of offense charged is constitutionality infirm

(Tr. pg. 190, 192)

The 'no evidence' secures to a petitioner the most elemental of due process rights:

Freedom from a completely determine by chance deprivation of liberty

(Tr. pg 190, 192, 313, 314)

Courts only entertain properly preserve challenges to evidentiary sufficiency  
S.C. Civ.P. rule 29(b) the fact finder's role as weight of the evidence, is preserved  
through a legal conclusion that upon judicial review all the evidence is to be  
considered in the light most favorable of the state,

{ Tr. pg 61, 209-210 }

Thus there is no independent and adequate state ground stands as a bar  
Williams v Peyton, 414 F.2d 776 CA.4

Furthermore, most meritorious challenges to constitutional sufficiency of the evid.  
undoubtedly always will be recognized in the state court, and if the state courts  
have fully written record considered the issue of sufficiency, the task of another  
court should not be difficult, { Tr. pg 190, 192 }

Second: federal constitutional rights is implicated is state criminal trial full  
and fair opportunity meaning in this instance state review sufficiency of the evidence  
'finality' deprivation of liberty through criminal sanction is simply not be achieved  
at the expense of a constitutional right { Tr. pg 61, 209-210 }

Jackson v Virginia 99 S.Ct 2781 (1979)

Is not one that can be so lightly giving up . . . .

The constitutional issues presented in this case question whether petitioner has  
been convicted upon inadequate evidence is central to the basic question of guilt or  
innocent { Tr. pg 80 }

Under our system of criminal justice petitioner has to be guilty of  
treason to be convicted of arm robbery, where petitioner is entitled to complain  
that he has been unconstitutionally convicted and imprisoned as a arm robbery;  
deprive solely on the evidence adduced at trial and not on the basis of suspicions  
that may arise from other matters not introduced as evidence at trial assumed

by chance (Tr. pg 80-130-131)

Coyle v McDonald 2013 WL 3816008 (No. 3:11-cv-0016-MCE-CKD)

This rule has prevailed in our courts at least from our early years as a Nation, according to the court, the Constitution now prohibits the criminal conviction of any person,

including, apparently, a person against whom the facts have already been found beyond a reasonable doubt by a jury, a trial judge, and one or more levels of state appeal judges (Tr. pg 190-192)

Except upon sufficient evidence to prove intent evaluating credibility of state contradict evidence exclude to possess to find guilty "no evidence" test must continue (Tr. pg 61, 130-131, 209-210)

Reviewing the court believes that the evidence unreliable, presumption that court reject that trial judge review and allow juries honestly of procedural error and the record contain, (Tr. pg. 190-192)

Substantially the standard must state reviewing courts are already applied  
Estelle v Williams 425 U.S. 501, 96 S.Ct. 1691 (1976)

Forrester v Smith, Steel Builders Inc. (1988 App) 295 S.C. 504, 369 S.E. 2d 156

Sullivan v Hawker Beechcraft Corp. 723 S.E. 2d 835 (S.C. App 2012)

Section (2)

The evidence for the state established that there is belongings belong excluded aximatic, absent any testimony to establish belongings belong that was rob for at the time of arm robbery, there is absent aximatic to establish belongs (Tr. pg. 61)

In Interest of Washington 272 S.E. 2d 54 (S.C. 1980) on this basis it would be unnecessary to remand the case for resentencing,

Careful examination of the evidence was insufficient to take the case to the jury and that a judgment of acquittal should have been entered.

When a circumstantial evidence case conclude to draw from the evidence must not only be consistent with guilt but inconsistent with every reasonable hypothesis of innocence,

Thus circumstantial evidence effort to show possession by the defendant of belongings belong was insufficient to justify any conclusion that this proof of belongings had been rob for during arm robbery, exclude such a conclusion there is no evidence to support a conviction arm robbery indictment,

The issue as to the sufficiency of the evidence was not preserve at any appeal, However if a careful examination of the transcript of the testimony such a clear lack of evidence to support the conviction that may force the court to the conclusion that the failure to grant vacation of acquittal was plain error "affecting substantial rights"

U.S. v Roberts (CA 6 ~~1972~~ Ohio) 1972 415 F.2d 1575 - Tinder v U.S 345 U.S 565, 73 S.Ct 911 (1953) U.S. v Morpes 198 F.2d 186 (3rd Cir 1952) - U.S. v Scarlato, 214 F.2d 807 (3rd Cir 1954)

### Conclusion

The court may be require to do, i.e. examine all of the testimony and search for the appropriate authorities relating to the issues. This is more than any trial judge should be required during the course of a trial, and certainly state and pro-judge appointed representation or opposing petitioner in criminal case should accept the obligation of assisting the trial court, by citing proper authorities, and should accept the obligation of assisting proper authorities to appealing court by preparing a proper appendix and submitting a brief which make conclusion to the appropriate cases and rules for judgment acquittal

Curtis King  
Curtis Lomar King

State of South Carolina Supreme Court  
Curtis L. KING )  
Petitioner )  
v )  
State of South Carolina )  
Respondent )  
Writ of Certiorari  
Petition

Question of

Statement of Issues on Appeal

1. Was petitioner unable to set forth any reasonable basis for asserting that the trial court's finding regarding post-conviction relief application was improper where he had not been entitled to submit a pro se explanation as to why the determination was improper?

Dennis v State (S.C. 2006) 371 S.C. 221, 639 S.E. 2d 35

2. Was petitioner abandon an appeal in post-conviction relief proceedings of any of prejudice appointed trial counsel who abandon direct appeal of any authority cited pertain to conviction?

Bennett v State (S.C. 2006) 371 S.C. 198, 638 S.E. 2d 673

Clerk v State (S.C. App 2011) 396 S.C. 104, 719 S.E. 2d 708

3. Was petitioner entitled to have evidence conform that was merit enough to cause conviction on his application for post-conviction relief despite the dismissal of application for the same relief?

Case v State (1982) 277 S.C. 474, 289 SE 2d 413

STATE OF SOUTH CAROLINA )

IN THE COURT OF COMMON PLEAS

COUNTY OF Greenville )

re  
Curtis L. King

CIVIL ACTION COVERSHEET

Plaintiff(s) )

2013-CP - -

vs. )

State of South Carolina

Defendant(s) )

Submitted By: Curtis L. King  
Address: FCE  
P.O. Box 252  
Turberville, S.C. 29162

SC Bar #:  
Telephone #:  
Fax #:  
Other:  
E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

\*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint.  NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- |   |  |   |  |
|---|--|---|--|
| <p><b>Contracts</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Constructions (100)</li> <li><input type="checkbox"/> Debt Collection (110)</li> <li><input type="checkbox"/> Employment (120)</li> <li><input type="checkbox"/> General (130)</li> <li><input type="checkbox"/> Breach of Contract (140)</li> <li><input type="checkbox"/> Other (199)</li> </ul>  | <p><b>Torts - Professional Malpractice</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Dental Malpractice (200)</li> <li><input type="checkbox"/> Legal Malpractice (210)</li> <li><input type="checkbox"/> Medical Malpractice (220)</li> <li>Previous Notice of Intent Case #<br/>20__-CP-____-____</li> <li><input type="checkbox"/> Notice/ File Med Mal (230)</li> <li><input type="checkbox"/> Other (299)</li> </ul>  | <p><b>Torts - Personal Injury</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Assault/Slander/Libel (300)</li> <li><input type="checkbox"/> Conversion (310)</li> <li><input type="checkbox"/> Motor Vehicle Accident (320)</li> <li><input type="checkbox"/> Premises Liability (330)</li> <li><input type="checkbox"/> Products Liability (340)</li> <li><input type="checkbox"/> Personal Injury (350)</li> <li><input type="checkbox"/> Wrongful Death (360)</li> <li><input type="checkbox"/> Other (399)</li> </ul>   | <p><b>Real Property</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Claim &amp; Delivery (400)</li> <li><input type="checkbox"/> Condemnation (410)</li> <li><input type="checkbox"/> Foreclosure (420)</li> <li><input type="checkbox"/> Mechanic's Lien (430)</li> <li><input type="checkbox"/> Partition (440)</li> <li><input type="checkbox"/> Possession (450)</li> <li><input type="checkbox"/> Building Code Violation (460)</li> <li><input type="checkbox"/> Other (499)</li> </ul>  |
| <p><b>Inmate Petitions</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> PCR (500)</li> <li><input checked="" type="checkbox"/> Mandamus (520)</li> <li><input checked="" type="checkbox"/> Habeas Corpus (530)</li> <li><input type="checkbox"/> Other (599)</li> </ul>  | <p><b>Administrative Law/Relief</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Reinstate Drv. License (800)</li> <li><input type="checkbox"/> Judicial Review (810)</li> <li><input type="checkbox"/> Relief (820)</li> <li><input type="checkbox"/> Permanent Injunction (830)</li> <li><input type="checkbox"/> Forfeiture-Petition (840)</li> <li><input type="checkbox"/> Forfeiture—Consent Order (850)</li> <li><input type="checkbox"/> Other (899)</li> </ul> | <p><b>Judgments/Settlements</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Death Settlement (700)</li> <li><input type="checkbox"/> Foreign Judgment (710)</li> <li><input type="checkbox"/> Magistrate's Judgment (720)</li> <li><input type="checkbox"/> Minor Settlement (730)</li> <li><input type="checkbox"/> Transcript Judgment (740)</li> <li><input type="checkbox"/> Lis Pendens (750)</li> <li><input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)</li> <li><input type="checkbox"/> Confession of Judgment (770)</li> <li><input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780)</li> <li><input type="checkbox"/> Other (799)</li> </ul> | <p><b>Appeals</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Arbitration (900)</li> <li><input type="checkbox"/> Magistrate-Civil (910)</li> <li><input type="checkbox"/> Magistrate-Criminal (920)</li> <li><input type="checkbox"/> Municipal (930)</li> <li><input type="checkbox"/> Probate Court (940)</li> <li><input type="checkbox"/> SCDOT (950)</li> <li><input type="checkbox"/> Worker's Comp (960)</li> <li><input type="checkbox"/> Zoning Board (970)</li> <li><input type="checkbox"/> Public Service Comm. (990)</li> <li><input type="checkbox"/> Employment Security Comm (991)</li> <li><input type="checkbox"/> Other (999)</li> </ul> |
| <p><b>Special/Complex /Other</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Environmental (600)</li> <li><input type="checkbox"/> Automobile Arb. (610)</li> <li><input type="checkbox"/> Medical (620)</li> <li><input type="checkbox"/> Other (699)</li> <li><input type="checkbox"/> Pharmaceuticals (630)</li> <li><input type="checkbox"/> Unfair Trade Practices (640)</li> <li><input type="checkbox"/> Out-of State Depositions (650)</li> <li><input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660)</li> <li><input type="checkbox"/> Sexual Predator (510)</li> </ul> |  |   |  |

Submitting Party Signature: C. L. KING

Date: 9/1/13

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

TER FIVE DAYS RETURN TO

JL B. WICKENSIMMER  
EENVILLE COUNTY CLERK OF COURT  
EAST NORTH STREET  
EENVILLE, SOUTH CAROLINA 29601

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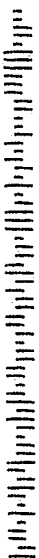
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PRINCE BOWERS

Curtis Lamar King 273504  
Turbeville Correctional Institution  
P O Box 252  
Turbeville, SC 29162

ASU 121

36 FRDUKWP 29162



07/24/13

STATE OF SOUTH CAROLINA

JUDGMENT IN A CIVIL CASE

COUNTY OF GREENVILLE

CASE NO: 2013CP2300785

IN THE COURT OF COMMON PLEAS

FILED-CLERK OF COURT  
GREENVILLE CO S  
PAUL B. WICKENSIMER  
2013 AUG 21 PM 3:07

**Curtis Lamar King vs. South Carolina State Of**

**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.
- 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: \_\_\_\_\_
- 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;  Statement of Judgment by the Court:

Dated at Greenville, South Carolina, this 21st day of August, 2013.

Court Reporter:

**PRESIDING JUDGE - D Garrison Hill**

This judgment was entered on the 21st day of August, 2013, and a copy mailed first class this 21st day of August, 2013, to attorneys of record or to parties (when appearing pro se) as follows:

Curtis Lamar King 273504 Turbeville Correctional  
Institution P O Box 252 Turbeville, SC 29162

Karen Christine Ratigan PO Box 11549 Columbia,  
SC 29211

**ATTORNEY(S) FOR THE PLAINTIFF(S)**

**ATTORNEY(S) FOR THE DEFENDANT(S)**

Paul B. Wickensimer Greenville County Clerk Of Court  
- Clerk of Court

STATE OF SOUTH CAROLINA )

COUNTY OF GREENVILLE )

Curtis Lamar King, 273504 )

Plaintiff )

v. )

State Of South Carolina )

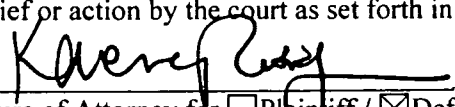
Defendant. )

IN THE COURT OF COMMON PLEAS

CASE NO.

2013-CP-23-0785

MOTION AND ORDER INFORMATION  
FORM AND COVER SHEET

Plaintiff's Attorney: Curtis Lamar King, 273504, Bar No. Address: Turbeville CI PO Box 252 Turbeville SC 29162 phone: fax: e-mail: other:	Defendant's Attorney: Karen C. Ratigan, Bar No. 68331 Address: Post Office Box 11549 Columbia SC 29211-1549 phone: (803) 734-3737 fax: (803) 734-4113 e-mail: other:
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input checked="" type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
<b>SECTION I: Hearing Information</b>	
Nature of Motion: Estimated Time Needed: Court Reporter Needed: <input type="checkbox"/> YES / <input type="checkbox"/> NO	
<b>SECTION II: Motion/Order Type</b>	
<input type="checkbox"/> Written motion attached <input checked="" type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
 Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant	August 16, 2013 Date submitted
<b>SECTION III: Motion Fee</b>	
<input type="checkbox"/> PAID - AMOUNT: <input checked="" type="checkbox"/> EXEMPT: <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support (check reason) <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input checked="" type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: <input type="checkbox"/> Other:	
<b>JUDGE'S SECTION</b> <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other:	_____ JUDGE CODE: _____ Date: _____
<b>CLERK'S VERIFICATION</b>	
Date Filed: _____ Collected by: _____ <input type="checkbox"/> MOTION FEE COLLECTED: _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: _____	

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF GREENVILLE )  
 )  
 Curtis Lamar King, )  
 S.C.D.C. No. 273504, )  
 )  
 Applicant, )  
 )  
 v. )  
 )  
 State of South Carolina, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
 2013-CP-23-0785

**FINAL ORDER OF DISMISSAL**

2013 AUG 21 PM 3:07  
 FILED-CLERK OF COURT  
 GREENVILLE S.C.  
 PAUL B. WICKENS

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed February 11, 2013. The Respondent made its return on June 21, 2013, requesting the application be summarily dismissed based upon the expiration of the statute of limitations and the presumption against successive PCR applications.

Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal signed July 1, 2013 and filed July 8, 2013, provisionally denying and dismissing this action, while giving the Applicant twenty (20) days from the date of service of said Order in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated July 17, 2013, serving the above-mentioned Conditional Order of Dismissal on the Applicant.

In a document captioned "Alter and void to conform evid." and filed July 31, 2013, the Applicant argues the State's case rested on circumstantial evidence and "[d]ue process is

convicted [sic] that the record is without ‘any’ evidence to support applicant conviction.”<sup>1</sup>

This Court has reviewed the Applicant’s response to the Conditional Order of Dismissal in its entirety, in conjunction with the original pleadings, and finds a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final.

This Court notes the Applicant was convicted and sentenced on March 14, 2001 and his appeal was dismissed on January 22, 2003. As this action was filed on February 11, 2013, it was clearly filed outside the expiration of the statute of limitations. See S.C. Code Ann. § 17-27-45(a) (Supp. 2003). This is the Applicant’s third application for post-conviction relief. This Court notes successive PCR applications are disfavored. See Land v. State, 274 S.C. 243, 246, 262 S.E.2d 735, 737 (1980). This Court finds the Applicant had the opportunity to litigate all issues related to his case at the evidentiary hearing for his first PCR application on December 3, 2003. See Odom v. State, 337 S.C. 256, 261, 523 S.E.2d 753, 755 (1999) (“[A]n applicant is entitled to a full adjudication on the merits of the original petition, or ‘one bite at the apple.’”).

**IT IS THEREFORE ORDERED** that, for the reasons set forth in this Court’s Conditional Order of Dismissal, the PCR application is hereby denied and dismissed with prejudice.

This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order if he wants to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules

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<sup>1</sup> The Applicant has also submitted a document captioned “State of South Carolina Writ of Habeas Corpus 28 U.S.C. § 2254” and dated August 7, 2013. It appears the Applicant is attempting to file a federal petition for a writ of habeas corpus in state court, which is improper.

for the appropriate procedures to follow after notice of intent to appeal has been timely filed.

AND IT IS SO ORDERED this 19 day of August, 2013.

*D. Garrison Hill*

---

D. Garrison Hill  
Chief Administrative Judge  
Thirteenth Judicial Circuit

Greenville, South Carolina.

Curtis L. King # 273504 / A50 / 121

Turbeville Corr. Inst,

P.O Box 252

Turbeville, S.C 29162

**RECEIVED**

SEP 05 2013

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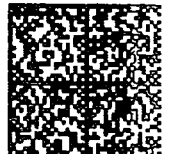
Sarah Caroline Suprmt Cmt

Daniel E. Shearouse

Clerk of Cmt

P.O Box 11350

Columbia, S.C 29221



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