

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)
Shelly T. Faulling, #197178,)
Applicant,)
vs.)
State of South Carolina,)
Respondent.)

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL CIRCUIT

Case No. 2018-CP-38-01551

ORDER OF CONTINUANCE
AND CONSOLIDATION WITH
CASE NO. 2018-CP-09-00163

FILED FOR RECORD
WINNIEFA B. CLARK
2023 FEB - 7 PM 12:47
CLERK OF COURT
ORANGEBURG SC

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed by Applicant Shelly Faulling on December 10, 2018, challenging a conviction from Orangeburg County. That same day, Applicant filed a separate PCR application challenging his Calhoun County convictions (Case No. 2018-CP-09-00163) on identical grounds. On December 20, 2021, Respondent filed returns to both applications requesting Applicant provide a more definite statement of his allegations. An evidentiary hearing into each matter was scheduled for January 26th, 2023, at the Orangeburg County Courthouse.

Applicant has stated he intends to file an amended PCR application in response to the State's motion for a more definite statement. He avers that his convictions from Calhoun County and his conviction from Orangeburg County are sufficiently factually related that consolidating both PCR actions would serve the interest of judicial economy. Respondent does not oppose the request to consolidate the two cases.

Applicant alleges ineffective assistance of counsel, Deborah Butcher, who represented him at his trial on the Orangeburg County charge. In addition, Applicant and Respondent anticipate that Ashley Cornwell, who prosecuted Applicant in both of the underlying criminal proceedings, will be needed to give testimony at the evidentiary hearing. Both witnesses have informed

Respondent that they have scheduling conflicts the week of January 23rd, 2023. Accordingly, the parties jointly request a continuance until the next term of PCR court for the First Judicial Circuit.

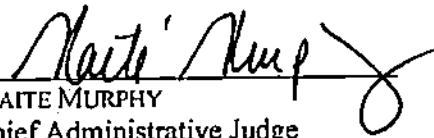
This Court finds that consolidating Case No. 2018-CP-09-00163 with Case No. 2018-CP-38-01551 would serve the interest of judicial economy. Therefore, the Court directs that both matters henceforth proceed under Case No. 2018-CP-38-01551. The Court also finds that Applicant shall have 60 days from the date of this order in which to submit an amended application clearly setting forth the specific allegations on which he plans to seek relief at the evidentiary hearing. The Court finds that this matter should be continued until the next regularly scheduled term of court for PCR matters in the First Judicial Circuit.


[Conclusion and Signature on Following Page]

IT IS THEREFORE ORDERED:


1. That Case No. 2018-CP-09-00163 be consolidated with Case No. 2018-CP-38-01551 and henceforth proceed as Case No. 2018-CP-38-01551;
2. That Applicant shall, within 60 days of the date of this order, file an amended application setting forth specific allegations for relief;
3. That this post-conviction relief matter shall be continued and rescheduled for the next regularly scheduled term of court for post-conviction relief for the First Judicial Circuit; and
4. That the Applicant shall be remanded to the custody of the State.

AND IT IS SO ORDERED this 20 day of Jan, 2023.

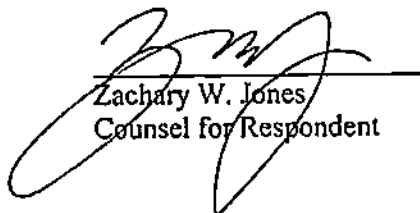

MAITE MURPHY
Chief Administrative Judge
First Judicial Circuit

 South Carolina

I SO MOVE:


David B. Tarr
Counsel for Applicant

I SO MOVE:


Zachary W. Jones
Counsel for Respondent