

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

per

APPEAL FROM Horry COUNTY
COURT OF COMMON PLEAS

LARRY B. HYMAN, JR., CIRCUIT COURT JUDGE

CASE NO. 2013-CP-26-324

RECEIVED

OCT 15 2013

S.C. SUPREME COURT

ALAN C. DEBNAM #177313,

APPELLANT,

v.

THE STATE OF SOUTH CAROLINA,

RESPONDENT.

NOTICE OF APPEAL

Alan C. Debnam #177313, hereby give notice to appeal the "Final Order Of Dismissal" of the Honorable Larry B. Hyman, Jr., dated 8th, August, 2013. The Appellant received written notice of entry of this Order on 10th, September, 2013.

October, 10th, 2013.

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 9 DAY OF OCTOBER 2013.

Eugene Keat
NOTARY OF SOUTH CAROLINA
My Commission Expires 10/1/2018
MY COMMISSION EXPIRES

s/ Alan C. Debnam
Alan C. Debnam #177313
Monticello Unit #144
B.R.C.I.
4460 Broad River Rd
Columbia, SC 29210

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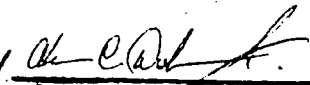
THE STATE OF SOUTH CAROLINA,

RESPONDENT.

PROOF OF SERVICE

I, certify that I have filed a "Notice Of Appeal" with the Honorable Daniel E. Shearouse, Supreme Court Of South Carolina Clerk of Court, depositing a copy of it in the U.S. Postal mail. on 10TH, October, 2013 requesting an enclosed duplicate copy to be clock-stamped and returned to Appellant. The Appellant also verifies that a copy of the "Notice Of Intent To Appeal" has been sent to the Horry County Clerk of Court, and to Joshua L. Thomas at the Office of the Attorney General, on this date also.

THE S.C. SUPREME COURT
c/o THE HONORABLE DANIELE SHEAROUSE
CLERK OF COURT
P.O. BOX 11330
COLUMBIA, S.C. 29211

S/ 
Alan C. Debnam #177313
Monticello Unit #144
B.R.C.I.
4460 Broad River Rd
Columbia, SC 29210

CC: OFFICE OF THE ATTORNEY GENERAL
OF SOUTH CAROLINA
c/o MR. JOSHUA L. THOMAS
P.O. BOX 11549
COLUMBIA, S.C. 29211-1549

CC: THE HONORABLE MELANIE HUGGINS-WARD
CLERK OF COURT OF Horry COUNTY
P.O. BOX 677
CONWAY, S.C. 29528-0677

v. Cooper, ___ U.S. ___, 132 S.Ct. 1376, 182 L.Ed. 2d 398 (2012), creates a new substantive right to effective assistance of plea counsel. However, South Carolina has long recognized the right to effective assistance of plea counsel. See Davie v. State, 381 S.C. 601, 607, 675 S.E.2d 416, 419 (2009) (citing Judge v. State, 321 S.C. 554, 471 S.E.2d 146 (1996)). Thus, Laffler does not create new substantive standard that would excuse Applicant's untimely and successive filing.

Applicant also alleges that his action should not be dismissed because the State made factually inaccurate statements in its Return and Motion to Dismiss. In essence, Applicant contends that the State failed to discuss a May 4, 2000 rehearing regarding Applicant's first PCR application. However, this oversight on the State's part does not amount to a "material fallacy" such that the motion to dismiss should not be granted. If anything, the existence of this rehearing on the first PCR reinforces that position

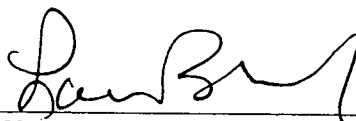
The Court has reviewed the original pleadings and Applicant's filings. The Court finds that Applicant has not shown a sufficient factual or legal reason why the Application was not untimely and successive or why the Conditional Order of Dismissal should not become final.

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

This Court notes that Applicant must file and serve a notice of intent to appeal within thirty (30) days from receipt of this Order to secure the appropriate appellate review. See Rule 203, SCACR. Rule 71.1(g), SCRCP, and Bray v. State, 336 S.C. 137, 620 S.E.2d 743 (2005), for the obligation of Applicant's counsel to file and serve notice of appeal. The Applicant's

attention is also directed to Rule 243, SCACR, for appropriate procedures after notice has been timely filed.

IT IS SO ORDERED.



THE HONORABLE LARRY B. HYMAN, JR.
Circuit Court Judge

8-2-, 2013

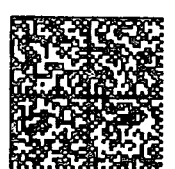
Coway, South Carolina.

ALAN C. DEBNAM #177313
B.R.C.E. / MONTICELLO #144
4460 BRDAB RIVER RD.
COLUMBIA, S.C. 29210

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c/o THE HONORABLE DANIEL E. SHEAROUSE
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