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STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Appeal From Jennifer B. McCoy
Chief Administrative judge
Case No. 2021-CP-10-0646

David Chapman, # 185661.....Appellant

vs,

State of South Carolina.....Respondent

NOTICE OF APPEAL

I David Chapman, #185661 hereby certify that he mail notice of appeal of the Final Order of Dismissal that was Ordered 11 day of December 2025 and received by me January 10, 2026. Order attached.

David M. Chapman
David Chapman, # 185661
Ridgeland Corr. Inst.
P.O. Box 2039
Ridgeland, SC 29936

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STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

David M. Chapman, #185661,)
Applicant,)

v.)

State of South Carolina,)
Respondent.)

IN THE COURT OF COMMON PLEAS)
IN THE NINTH JUDICIAL CIRCUIT)

CASE No. 2021-CP-10-00646)

FINAL ORDER OF DISMISSAL FILED

DEC 29 2025

JULIE J. ARMSTRONG
CLERK, C.P. & G.S.

This matter is before the Court by way of an application for post-conviction relief (PCR) filed by David M. Chapman (Applicant) on February 11, 2021. Respondent filed a return and moved to summarily dismiss the application as untimely and successive. After reviewing the records and pleadings, this Court agreed and provisionally dismissed the action by way of a Conditional Order of Dismissal filed August 15, 2025, giving Applicant twenty days from the date of service to show why the dismissal should not become final. Attached to this Final Order and incorporated herein is a Certificate of Service showing Applicant was served the Conditional Order of Dismissal on October 17, 2025.

On August 11, 2025, Applicant filed "Objections to Conditional Order of Dismissal" asserting the State's delay in filing its return prejudiced him. In support, he cited Love v. State, 428 S.C. 231, 242, 834 S.E.2d 196, 201 (2019), where the South Carolina Supreme Court found the PCR court abused its discretion in not allowing late amendments to a PCR application when (1) the amendments "were hardly complex and would have required little regrouping on the part of the State to defend against it," and (2) the State failed to articulate any prejudice from allowing the late amendments. Love is distinguishable from this case because it addressed whether the Court abused its discretion in not allowing late amendments at a PCR hearing—not whether the State's return should be accepted outside of the statutory timeframes. In Guinard v. State, 260 S.C. 220,

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195 S.E.2d 392 (1973), the South Carolina Supreme Court held the statutory timeframes for filing a return to a PCR application are not mandatory, and the circuit court can exercise its discretion in extending the timeframe. This Court has exercised its discretion in extending the timeframe and declines to reconsider its ruling.

Next, Applicant reiterates his claim of newly-discovered evidence related to the victim's medical records, which this Court has already considered. Specifically, Applicant alleges a question of fact remains as to whether he "should have entered a plea while the cause of death was still pending or whether the death was caused by the deceased not wanting to be revived." Viewed in the light most favorable to Applicant (which assumes the victim signed a Do Not Resuscitated (DNR) form), a DNR form signed by the victim would NOT create a defense to murder, strong-arm robbery, or first-degree burglary. Thus, the records are not "of such a weight and quality that, under the facts and circumstances of [this] case, the 'interest of justice' requires the applicant's guilty plea be vacated." Jamison v. State, 410 S.C. 456, 470, 765 S.E.2d 123, 130 (2014). Further, as this Court previously found, these records could have been (an in fact were¹) discovered with due diligence. Based on the foregoing, this information does not meet the threshold of newly-discovered evidence or set forth a basis for tolling the statute of limitations or allowing a successive hearing. Applicant is thus not entitled to a hearing on this claim.

On September 12, 2025, Applicant filed "Objections to Respondent's Conditional Order of Dismissal," where he asserted—for the first time—that he was incompetent when he entered his negotiated plea due to an addiction to crack cocaine and a head injury. That same day, he filed a

¹ Applicant attached to his amended PCR application a November 25, 2003, letter addressed to plea counsel from a registered nurse that indicated the victim had signed a DNR form. This letter was dated nine months before Applicant's August 30, 2004, guilty plea.

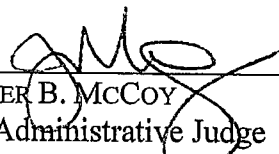
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motion to amend his PCR application to allege counsel was ineffective for not ordering a competency evaluation, counsel was ineffective for consenting to Applicant pleading guilty, and “Applicant contends that he was incompetent when he plead guilty.” However, Applicant did not set forth (in either filing) any reason why the statute of limitations would not apply to these claims, nor did he set forth any reason why these claims should not be barred by the prohibition on successive PCR applications.² He is thus not entitled to a hearing on this claim.

On November 5, 2025, Applicant filed an “Objection to the Conditional Order of Dismissal,” alleging his arrest was unlawful because he was arrested without a warrant. However, he did not set forth any reason why the statute of limitations would not apply, nor did he set forth any reason why this claim should not be barred by the prohibition on successive PCR applications. Applicant is thus not entitled to a hearing on this allegation. Based on this Court’s review, Applicant has not set forth a basis for a hearing in any of his filings.

IT IS THEREFORE ORDERED that for the reasons set forth in the Court’s Conditional Order of Dismissal, this application for PCR is hereby **DENIED AND DISMISSED WITH PREJUDICE**. Should Applicant wish to procure appellate review, he must file and serve a notice of appeal within thirty days of this Order. See Rule 203, SCACR. Applicant’s attention is directed to Rule 243, SCACR, for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this 11 day of December, 2025.



JENNIFER B. MCCOY
Chief Administrative Judge
First Judicial Circuit

Charleston _____, South Carolina

² Applicant was represented by counsel and had a hearing in his 2008 PCR application.

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