

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE THIRD JUDICIAL CIRCUIT
COUNTY OF CLARENDON	)	
	)	
Eugene D. Green,	)	Case No.: 2020-CP-14-00075
S.C.D.C. No. 275500,	)	
	)	
Applicant,	)	
	)	<b>FINAL ORDER OF DISMISSAL</b>
v.	)	
	)	
State of South Carolina	)	
	)	
Respondent.	)	
	)	

This matter comes before the Court by way of an application for post-conviction relief filed on February 13, 2020. Respondent made its return on or about February 26, 2024, requesting the application be summarily dismissed as untimely, successive, and for failing to establish a *prima facie* case of newly discovered evidence.

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 February 29, 2024, and filed March 4, 2024, provisionally denying and dismissing this action, while giving the Applicant 20 days from the date of service of said Order in which to show why the dismissal should not become final. A Final Order of Dismissal was issued by this Court on May 29, 2024. Applicant filed a Motion to Reconsider on June 25, 2024. On May 7, 2025, this Court granted Applicant's motion, the Final Order of Dismissal was vacated, and Applicant was granted additional time in which to file his response to the Conditional Order of Dismissal.

On June 10, 2025, Applicant responded by filing a document entitled "Memorandum in Support of Applicant's Opposition to Respondent's Return and Motion to Dismiss." In this document, Applicant reasserts the same argument that his co-defendant recanted his trial testimony

that Applicant was the “triggerman.” As explained in the Conditional Order of Dismissal, this statement is clearly hearsay and inadmissible. Regardless, Courts have consistently held that recantation testimony is unreliable and must be viewed with great suspicion. Recantation evidence is notoriously unreliable. *See, e.g., State v. Porter*, 269 S.C. 618, 621, 239 S.E.2d 641, 643 (1997) (“Recantation of testimony ordinarily is unreliable and should be subjected to the closest scrutiny when offered as ground for a new trial.”); *U.S. v. Johnson*, 487 F.2d 1278, 1279 (4th Cir. 1973) (“Where a motion for a new trial is based upon recantation of testimony given at the trial, such recantation is ‘looked upon with the utmost suspicion.’”); *State v. Parker*, 249 S.C. 139, 141–42, 153 S.E.2d 183, 184 (1967) (“We have also held that recantation of testimony ordinarily is unreliable . . . . To hold such affidavits sufficient to require the granting of a new trial would be to open the door to fraud and perjury, as well as to invite interminable delays in the disposition of causes.”). *See also Dobbert v. Wainwright*, 468 U.S. 1231, 1233–34 (1984) (Brennan, J., dissenting) (“Recantation testimony is properly viewed with great suspicion. It upsets society’s interest in the finality of convictions, is very often unreliable and given for suspect motives, and most often serves merely to impeach cumulative evidence rather than to undermine confidence in the accuracy of the conviction.”). Furthermore, the State’s theory of the case was accomplice liability, and the prosecutor argued in closing that the jury does not have to decide who pulled the trigger. (ROA p. 338). Thus, a jury still could have found Applicant guilty even if they believed the co-defendant’s statement Applicant did not pull the trigger.

Additionally, Applicant argues he was merely present; however, the trial court ruled he was not entitled to a jury instruction on mere presence based on Applicant’s own testimony at trial and statements made to law enforcement as to his involvement in the crime. This issue was raised in his direct appeal and his conviction was affirmed by the Court of Appeals.

Therefore, this Court finds a sufficient reason has not been shown 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 post-conviction relief is hereby **DENIED AND DISMISSED WITH PREJUDICE.**

AND IT IS SO ORDERED this 19<sup>th</sup> day of September 2025.

Spartan, South Carolina.

  
THE HONORABLE R. KIRK GRIFFIN  
Chief Judge for Common Pleas  
Third Judicial Circuit



ALAN WILSON  
ATTORNEY GENERAL

October 3, 2025

The Honorable Shanita Brangman  
Clarendon County Clerk of Court  
PO Box 136  
Manning, SC 29102

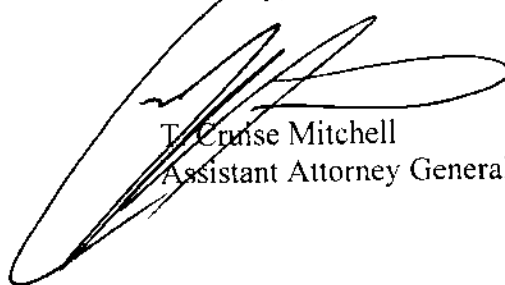
**Re: Eugene D. Green, # 275500 v. State of South Carolina**  
**Case No. 2020-CP-14-00075**

Dear Ms. Brangman,

Enclosed please find the original Final Order of Dismissal signed by the Honorable R. Kirk Griffin, in the above-captioned case, for filing in your office. In addition, please forward proof of service and a time stamped copy back to our office for our file.

If you have any questions regarding this matter, please let me know.

Sincerely,



T. Cruise Mitchell  
Assistant Attorney General

2025 OCT 03 PM 2:02  
Shanita Brangman, Clerk of Court, Clarendon SC

TCM/lis  
Enclosure

cc: Eugene D. Green, # 275500