

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas, Non Jury

Deadra L. Jefferson, Circuit Court Judge

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DEC 17 2013

S.C. Supreme Court

Case Number: 2011-CP-07-4997

Ramon Atienzo-Perez, #344636Appellant

v.

The State,.....Respondent

NOTICE OF APPEAL

The appellant, Ramon Atienzo-Perez appeals the judgment of the Circuit Court, the Honorable Deadra L. Jefferson presiding, denying his Application for Post Conviction Relief. This Order was signed on November 7, 2013, filed on November 14, 2013 and received by counsel for the appellant on November 19, 2013.

December 10, 2013



Carol A. Miller
Attorney for Appellant
P.O. Box 1306
Beaufort, South Carolina 29901
(843) 838-9025

Opposing Attorney of Record:

Ashleigh R. Wilson , Office of the Attorney General
PO Box 11549
Columbia, SC 29211-11549

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SC Court of Appeals

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PROOF OF SERVICE

I certify that I have served the Notice of Appeal by depositing a copy of it in the United States Mail, postage prepaid, on December 10, 2013 addressed to Ashleigh R. Wilson, Asst. AG, Office of the Attorney General of S.C., P.O. Box 11549, Columbia, S.C. 29211-11549.

December 10, 2013



Carol A. Miller
Attorney for Appellant
P.O. Box 1306
Beaufort, South Carolina 29901
(843) 838-9025

Opposing Attorney of Record:

Ashleigh R. Wilson, Office of the Attorney General of S.C.
PO Box 11549
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**CAROL A. MILLER
197 SEA PINES DRIVE E.
ST. HELENA, SOUTH CAROLINA
MAILING ADDRESS:
P.O. BOX 1306
BEAUFORT, SOUTH CAROLINA 29901**

CAROL A. MILLER

PHONE: 843 838-9025

Fax: (843) 838-7954

December 10, 2013

Clerk of Court
Court of Appeals
1015 Sumter Street
PO Box 11629
Columbia, South Carolina 29211

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DEC 17 2013

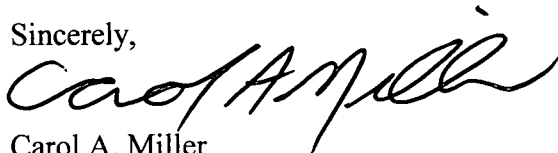
S.C. Supreme Court

RE: Ramon Atienzo-Perez v State of South Carolina; 2011-CP-07-4997

Dear Clerk:

Under cover of this letter, please find enclosed for filing in your court a Notice of Appeal and Proof of Service in the above-referenced matter. Kindly file the original and return the copy marked filed to me in the self addressed stamped envelope enclosed for this purpose. Thank you and please contact me with any questions or concerns.

Sincerely,



Carol A. Miller

cc: Clerk of Court, Beaufort County Courthouse, w/encl.
Ashleigh R. Wilson, SC Assistant Attorney General, w/encl.
Office of Indigent Defense
Ramon Atienzo- Perez

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FORM 4

STATE OF SOUTH CAROLINA
 COUNTY OF BEAUFORT
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2011CP0704997

Ramon Atienzo Perez

South Carolina State Of

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: Plaintiff Defendant
 Self-Represented Litigant

DISPOSITION TYPE (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. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRCP; Rule 41(a), SCRCP (Vol. Nonsuit);
 Rule 43(k), SCRCP (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRCP; 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.

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SC Court of Appeals

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

STATE OF SOUTH CAROLINA

COURT OF COMMON PLEAS

COUNTY OF BEAUFORT

Case # 2011-CP-07-4997

Ramon Atienzo-Perez, #344636

Applicant / Petitioner

vs.

State of South Carolina,

Respondent.

2013 NOV 14 PM 3:01
JERRI ANN RUSSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

ORDER

This post-conviction relief case came before the court for a hearing. Having now heard this matter, the court orders as indicated herein.

1. The application for post-conviction relief is hereby: denied granted under advisement; a formal order will be filed (see below - No.6)

2. Motion(s) was/were heard in this case and the court orders:
 The motion to dismiss and/or for summary judgment is hereby granted denied under advisement based upon the statute of limitations and/or the successive nature of the application or other reason as follows:

3. A conditional order of dismissal was previously filed in this case. Upon review of the matter, the court finds:

Good cause as to why the case should not be dismissed has been shown in response to the order of dismissal; therefore, a hearing on the merits of the application shall be scheduled.

The court has considered the response to the conditional order of dismissal and finds that good cause has not been shown or no response has been filed to the conditional order of dismissal; therefore, the application is hereby dismissed.

4. The application was freely, voluntarily, and intelligently withdrawn as indicated on the record; therefore, this case is dismissed with prejudice without prejudice.

5. Other: *The issuance of this Order was delayed to give the Court Reporter the opportunity to locate the original plea transcript. The transcript was located*
 6. The court further orders: *on Oct 14, 2013.*

The Attorney General Applicant's counsel is directed to submit to the court a proposed order and to serve the order on opposing counsel within 15 days.

Both sides are directed to submit proposed orders to the court and to serve the orders on each other within days.

The court does not request proposed orders.

IT IS SO ORDERED.

DL Jefferson
Deadra L. Jefferson
Resident Judge, 9th Judicial Circuit

Date: November 7, 2013

Charleston, s.c. at chambers

Court Reporter: Mia Perron

s/ D. L. Jefferson

2128

11/14/2013

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on **14th day of November, 2013**, and a copy mailed first class or placed in the appropriate attorney's box on **18th day of November, 2013**, to attorneys of record or to parties (when appearing pro se) as follows:

Ramon Atienzo Perez
344636 Lieber Corr Inst Cooper A7
Post Office Box 205 Ridgeville, SC 29472
Carol Ann Miller
PO Box 1306
Beaufort, SC 29901

Ashleigh Rayanna Wilson, Esq.
PO Box 11549
Columbia, SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Trena Patterson/staff

Court Reporter

Jerri Ann Roseneau - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

Applicant / Petitioner

vs.

State of South Carolina,

Respondent.

2013 AUG 28 AM 9:10

JEROME ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

ORDER

This post-conviction relief case came before the court for a hearing. Having now heard this matter, the court orders as indicated herein.

1. The application for post-conviction relief is hereby: denied granted under advisement; a formal order will be filed (see below - No.6)

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The court has considered the response to the conditional order of dismissal and finds that good cause has not been shown or no response has been filed to the conditional order of dismissal; therefore, the application is hereby dismissed.

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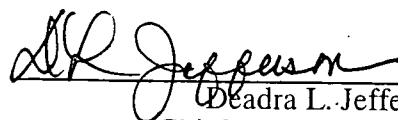
5. Other The matter is under advisement to determine if the plea record needs to be recreated and time for that process to be completed if necessary.

6. The court further orders: The court further orders: be completed if necessary.
 The Attorney General Applicant's counsel is directed to submit to the court a proposed order and to serve the order on opposing counsel within days.

Both sides are directed to submit proposed orders to the court and to serve the orders on each other within days.

The court does not request proposed orders.

IT IS SO ORDERED.


Deadra L. Jefferson
Chief Administrative Judge

Date: August 26, 2013

Ridgeland, S.C.

Court Reporter: Mia Perron

Miller
PO Box 1306
Beaufort SC
29901

Clerk of Court
Court of Appeals
1015 Sumter Street
PO Box 11629
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