

IN THE SUPREME COURT OF SOUTH CAROLINA

~~THEBBON~~ Richardson, #197173,
Petitioner,

VS.

The Honorable Clifton Newman,
Judge of the South Carolina Court
of Common Pleas, and the State
of South Carolina,
Respondents.

RECEIVED

MAY 26 2026

S.C. SUPREME COURT

PETITION FOR WRIT OF MANDAMAS

Petitioner, ~~THEBBON~~ Richardson, proceeding pro se, respectfully petitions this Court for a writ of mandamus compelling entry of a final written order in Petitioner's pending post-conviction relief ("PCR") action, Case No. 2023-CP-10-2282, currently pending in the Charleston County Court of Common Pleas.

In support thereof, Petitioner states as follows:

I. JURISDICTION

This court possessess original jurisdiction to issue

extraordinary writs, including writs of mandamus, pursuant to Article V, section 5 of the South Carolina Constitution and Rule 245, SCACR. See *Ex parte Littlefield*, 343 S.C. 212, 215, 540 S.E. 2d 81, 82 (2000) ("The Supreme Court has original jurisdiction to issue writs of mandamus.")

II. PARTIES

1. Petitioner, ~~Theron~~ Theron Richardson, is an inmate currently confined within the South Carolina Department of Corrections (SCDC).
2. Respondent Judge is the Honorable Clifton Newman, who presided over Petitioner's PCR proceedings in Charleston County Court of Common Pleas.
3. Respondent state of South Carolina appeared through the office of the Attorney General in PCR proceedings below.

III. FACTUAL AND PROCEDURAL BACKGROUND

4. Petitioner filed an application for PCR pursuant to S.C. Code Ann. 17-27-10 through 17-27-160.

5. A PCR hearing was conducted on May 29, 2025, before the Honorable Clifton Newman in Charleston County Court of Common Pleas.
6. At the conclusion of the hearing, the PCR court denied relief.
7. On May 29, 2025, the PCR court entered a written disposition directing the Attorney General to submit a proposed final order within sixty (60) days.
8. A copy of that order is attached hereto as Exhibit A.
9. Despite expiration of the court-imposed deadline, no proposed final order was submitted and no final written PCR order has been entered.
10. Because no final order exists, Petitioner cannot pursue appellate review.
11. On March 10, 2026, Petitioner filed a motion to compel submission of Proposed Order and Entry of Final PCR order in the Charleston County Court of Common Pleas.
12. Despite the filing, no final order has been entered.

13. The continued absence of a final PCR order has effectively prevented Petitioner from exercising his right to appellate review.

IV. LEGAL STANDARD FOR MANDAMUS

14. A writ of mandamus is appropriate to compel the performance of an official duty where: (1) the petitioner has a clear legal right to the relief sought; (2) the respondent has a corresponding legal duty to perform the act requested; and (3) there exists no other adequate remedy at law. See *Redmond v. Lexington County School District No. Four*, 314 S.C. 431, 434, 445 S.E. 2d 441, 443 (1994).
15. Although mandamus cannot direct how discretion is exercised, it may compel a public official or court to act where there has been an unlawful refusal or failure to perform a required duty. See *State ex rel. McCleod v. Civil and Criminal Court of Horry County*, 265 S.C. 114, 117, 217 S.E. 2d 23, 24 (1975).
16. South Carolina appellate courts have recognized that PCR courts are required to issue written orders containing findings of fact and conclusions of law sufficient for appellate review. See *Marlar v. State*, 375 S.C. 407,

409, 653 S.E. 2d 266, 267 (2007) ("The PCR court is required to make specific findings of fact and conclusions of law on each issue presented."). See also, *Pruitt v. State*, 310 S.C. 254, 255, 423 S.E. 2d 127, 128 (1992).

17. Where a PCR order lacks adequate findings, appellate courts routinely remand for entry of a proper order because meaningful appellate review cannot occur otherwise. See *McCullough v. State*, 320 S.C. 270, 272, 464 S.E. 2d 340, 341 (1995).

18. Rule 71.1(d), SCRCP, further requires that a court "shall" file an order within a reasonable time after a matter is heard.

V. ARGUMENT

A. Petitioner Has a Clear Right to Entry of a Final PCR order

19. South Carolina law plainly requires PCR courts to enter written final orders containing findings of fact and conclusions of law.

20. Without a final written order, petitioner cannot invoke

appellate jurisdiction or file a notice of appeal under Rule 203(b)(1), SCACR.

21. The absence of a final order therefore completely obstructs petitioner's statutory right to appellate review.

B. Respondents Have Failed to Perform a Clear Legal Duty

22. The PCR court expressly directed the Attorney General to submit a proposed order within sixty (60) days.

23. That deadline expired many months ago.

24. Despite the court's directive and petitioner's subsequent motion to compel, no final order has been entered.

25. The delay is unreasonable and has effectively left the PCR action unresolved despite that hearing having concluded long ago.

26. Courts possess inherent authority to enforce compliance with their orders and ensure the orderly administrative of justice. See *State v. Gaines*, 380

S.C. 23, 29, 667 S.E. 2d 728, 731 (2008).

C. Petitioner Has No Adequate Remedy at Law

27. Petitioner lacks any adequate alternative remedy because appellate review cannot commence until entry of a final written order.
28. Petitioner cannot file a notice of appeal without an appealable final order.
29. Thus, absent intervention by this court, Petitioner remains indefinitely unable to pursue appellate review of his PCR claims.

VI. REQUEST FOR RELIEF

WHEREFORE, petitioner respectfully requests that this court:

1. Issue a writ of Mandamus compelling Respondents to ensure prompt entry of a final written PCR order in case No. 2023-CP-10-2282;
2. Direct the PCR court to enter a final written order containing findings of fact and conclusions of law

sufficient for appellate review;

3. Grant expedited consideration due to the prolonged delay and continuing denial of appellate review; and
4. Grant such other relief as this court deems just and proper.

Respectfully submitted

15/ ~~_____~~

THEOPHON Richardson #197173

Kirkland Correctional Institution

4344 Broad River Road

Columbia, SC 29210

May 18, 2026

EXHIBIT-A

(Order of the Court dated May 29, 2025 directing the Attorney General to submit a proposed order within sixty (60) days)

STATE OF SOUTH CAROLINA

County of Charleston Berkeley

Therron Richardson #191713

Applicant / Petitioner

vs.

State of South Carolina,

Respondent.

COURT OF COMMON PLEAS

Case No. 2023-CP-10-2282

ORDER

2023 MAY 30 PM 12:30
CLERK OF COURT
BY

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: _____

6. The court further orders:
 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 60 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.

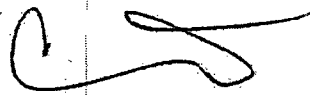
IT IS SO ORDERED.

Date: 5/29/23
Charleston, S.C.

Court Reporter: Melissa Singletary

Attorney for State: Danielle Dixon

Attorney for Applicant: Denise Swope



Presiding Judge

VERIFICATION

I, ~~THEBON~~ Richardson, being duly sworn, depose and state that I am the Petitioner in the above-captioned matter; that I have read the foregoing Petition for writ of Mandamus; and that the factual allegations contained therein are true and correct to the best of my knowledge and belief.

151 ~~THEBON~~
~~THEBON~~ Richardson

May 18, 2026

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MAY 23 2026

CERTIFICATE OF SERVICE

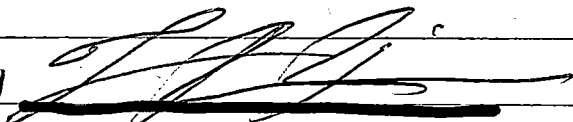
S.C. SUPREME COURT

I certify that a copy of the foregoing Petition
for a writ of Mandamus was served by United
States Mail upon:

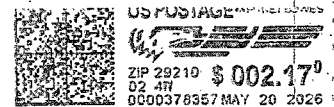
Office of the Attorney General
Appellate PCR Division
P.O. Box 11549
Columbia, SC 29211

and upon:

clerk of court
Charleston County Court of Common Pleas
100 Broad Street, suite 106
Charleston, SC 29401

151 
Theron Richardson

Therron Richardson #191713
Kirkland Correctional Institution
4344 Broad River Road
Columbia, SC 29210



South Carolina Supreme Court
Attn: clerk of court
1231 Gervais Street
Columbia, SC 29201

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MAY 20 2026

Kirkland R&E Center
Mailroom

* LEGAL MAIL *

