

**RECEIVED**

DEC 31 2013

**S.C. Supreme Court**

S.C. Supreme Court  
Daniel Shearouse, Clerk  
P O BOX 11330  
Columbia, S.C. 29211

RE: Steven Collins, #141257 v. State of South Carolina  
C/A NO: 2013-CP-23-2300

Dear Clerk:

Enclosed please find one original and one copy of the Intent To Appeal with explanation pursuant to rule 243 (c) SCACR, please filing the original and return time stamp copy to me.

Yours truly,

  
Steven Collins

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DEC 31 2013

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal From Chief Administrative Judge C. Supreme Court  
13 Judicial Circuit, D. Garrison Hill  
Case NO: 2013-CP-23-2300

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STEVEN COLLINS.....Petitioner,

v,

STATE OF SOUTH CAROLINA.....Respondent

NOTICE OF INTENT TO APPEAL

The undersigned hereby certify that he mail the foregoing Notice of Intent To Appeal from the Final Order of Dismissal that was signed the 3rd day of December 2013 and received by me on the 13th day of December 2013. See attachment.

  
\_\_\_\_\_  
Steven Collins

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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DEC 31 2013

APPEAL From Chief Administrative Judge  
13 th Judicial Circuit, D. Garrison S.C. Supreme Court  
Case no: 2013-CP-23-2300

STEVEN COLLINS.....PETITIONER

v.

• STATE OF SOUTH CAROLINA.....Respondent

PROOF OF SERVICE

The undersigned certify that he mail the Notice of Intent to Appeal to Paul B. Wickensimer, Clerk of Court, Greenville, S.C. 29601, Karen C. Ratigan, Senior Assistant Deputy Attorney General, Columbia, S.C. 29211 and Daniel Shearouse, Clerk of Court, South Carolina Supreme Court, P O BOX 11330, Columbia, S.C. 29211 this \_\_\_ day of December 2013.

Sworn To And Subscribed Before me  
this 27<sup>th</sup> day of December, 2013

Tenny G. Minton  
Notary Public for South Carolina

My Commission Expires Feb 18, 2018

Steven Collins  
Steven Collins

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF GREENVILLE )  
 )  
 Steven Collins, )  
 S.C.D.C. No. 141257, )  
 )  
 Applicant, )  
 )  
 v. )  
 )  
 State of South Carolina, )  
 )  
 Respondent. )

IN THE COURT OF COMMON PLEAS  
 2013-CP-23-2300

FILED-CLERK OF COURT  
 GREENVILLE CO. S.C.  
 PAUL B. WICKENSIMMER  
 2013 DEC 9 PM 2 44

**FINAL ORDER OF DISMISSAL**

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed April 24, 2013. The Respondent made its return on August 5, 2013, requesting the application be summarily dismissed based upon the expiration of the statute of limitations and the presumption against successive PCR applications.

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 filed August 21, 2013, provisionally denying and dismissing this action, while giving the Applicant twenty (20) days from the date of service of said Order in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated September 13, 2013, serving the above-mentioned Conditional Order of Dismissal on the Applicant.

In a document captioned "Objection to the Conditional Order of Dismissal" and filed September 23, 2013, the Applicant argues his PCR application is not untimely or successive because he did not learn of Lafler v. Cooper, 132 S. Ct 1376 until November 2012.

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 JH

This Court has reviewed the Applicant's response to the Conditional Order of Dismissal in its entirety, in conjunction with the original pleadings, and finds a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final.

This Court notes the Applicant was convicted and sentenced on September 13, 2006 and the South Carolina Court of Appeals dismissed the appeal on October 14, 2009. As this action was filed on April 24, 2013, it was clearly filed outside the expiration of the statute of limitations. See S.C. Code Ann. § 17-27-45(a) (Supp. 2003). This is the Applicant's second application for post-conviction relief. This Court notes successive PCR applications are disfavored. See Land v. State, 274 S.C. 243, 246, 262 S.E.2d 735, 737 (1980). This Court finds the Applicant had the opportunity to litigate all issues related to his case at the evidentiary hearing for his first PCR application on May 12, 2011. See Odom v. State, 337 S.C. 256, 261, 523 S.E.2d 753, 755 (1999) (“[A]n applicant is entitled to a full adjudication on the merits of the original petition, or ‘one bite at the apple.’”).

This Court finds the Applicant has not met his burden of proving he is entitled to a merits hearing on his allegations. While the Applicant contends he has a meritorious argument that Lafler applies in this case and – in support of this – has attached several pages of his PCR hearing transcript to his “Objection to the Conditional Order of Dismissal.” This Court has examined those pages and does not believe Lafler mandates an evidentiary hearing in this case.

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

This Court advises the Applicant that he must file a notice of intent to appeal within thirty

(30) days from the receipt of this Order if he wants to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely filed.

AND IT IS SO ORDERED this 3<sup>RD</sup> day of Dec., 2013.



\_\_\_\_\_  
D. Garrison Hill  
Chief Administrative Judge  
Thirteenth Judicial Circuit

\_\_\_\_\_, South Carolina.

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

STEVEN COLLINS, #141257

vs.

STATE OF SOUTH CAROLINA

Plaintiff.  
Defendant.

IN THE COURT OF COMMON PLEAS  
JUDICIAL CIRCUIT

CASE NO. 2013CP- 23. 2300

**MOTION AND ORDER INFORMATION  
FORM AND COVERSHEET**

Plaintiff's Attorney: Steven Collins  
# 141257

Address: 386 Redemption Way  
McCormick, S.C. 29899

Defendant's Attorney:

Karen C. Ratigen, Bar NO. 68331  
Post Office Box 11549  
Columbia, S.C. 29211

- MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and II)
- FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
- PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

**SECTION I: Hearing Information**

Nature of Motion: Objection to Summary Dismissal

Estimated Time Needed: \_\_\_\_\_

Court Reporter Needed:  YES  NO

**SECTION II: Motion/Order Type**

- Written motion attached
- Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

*Steven Collins*  
Signature of Attorney for  Plaintiff /  Defendant

9-9-13  
Date submitted

**SECTION III: Motion Fee**

- PAID - AMOUNT: \$ \_\_\_\_\_
- EXEMPT.

(check reason)

- Rule to Show Cause in Child or Spousal Support
- Domestic Abuse or Abuse and Neglect
- Indigent Status:  State Agency v. Indigent Party
- Sexually Violent Predator Act  Post-Conviction Relief
- Motion for Stay in Bankruptcy
- Motion for Publication  Motion for Execution (Rule 69, SCRPC)
- Proposed order submitted at request of the court; or,  
reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter: \_\_\_\_\_

Other: \_\_\_\_\_

**JUDGE'S SECTION**

- Motion Fee to be paid upon filing of the attached order:
- Other: \_\_\_\_\_

JUDGE CODE \_\_\_\_\_

Date: \_\_\_\_\_

**CLERK'S VERIFICATION**

Collected by: \_\_\_\_\_ Date Filed: \_\_\_\_\_

MOTION FEE COLLECTED: \$ \_\_\_\_\_

CONTESTED - AMOUNT DUE: \$ \_\_\_\_\_

Office of the Attorney General  
Karen C. Ratigan  
PO BOX 11549  
Columbia, S.C. 29211

RE: Steven Collins, #141257 v State of South Carolina  
C/A NO: 2013-CP-230-2300

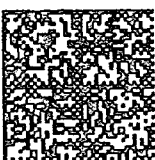
Dear Counsel,

Enclosed would you please find Objection to summary of  
dismissal that is served upon you.

Yours truly,

Steven Collins

Blum Collins 14125 7P-3-14-257  
Millerville Conestoga Institution  
384 Redemption Way  
Medanville S. C. 29829



UNITED STATES POSTAGE  
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South Carolina Supreme Court

Mr. Daniel Shearouse, Clerk

P. O. Box 11330

Columbia, South Carolina

29211