

STATE OF SOUTH CAROLINA)
COUNTY OF CLARENDON)

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Willie M. Anderson, #170797,)

2010-CP-14-0672

Applicant,

CERTIFIED TRUE COPY
OF ORIGINAL FILED IN THIS OFFICE

v.

DATE 1/19/2012 FINAL ORDER

State of South Carolina,

Beverly J. Roberts
CLERK OF COURT
CLARENDON COUNTY, SC

Respondent.
_____)

BEVERLY J. ROBERTS
CLERK OF COURT
CLARENDON COUNTY, SC

This matter comes before the Court pursuant to an application for post-conviction relief filed December 1, 2010. The State made its Return and Motion to Dismiss on July 6, 2011, requesting that the application be denied and summarily dismissed.

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 dated July 13, 2011, and filed July 20, 2011, provisionally denying and dismissing this action. This Court gave 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 August 19, 2011, serving the above-mentioned Conditional Order of Dismissal on the Applicant.

Applicant responded to the Conditional Order by way of two (2) *pro se* documents. The first, dated July 17, 2011, and received by Respondent on July 19, 2011, is entitled "Conditional Order of Dismissal". In it, Applicant objects to the Conditional Order of Dismissal on the following grounds:

- “[T]he reason why my application should not be dismissed: (1) I never pick out a mine up; (2) there was no fingerprints are know footprints to lead me to the crime scene; (3) my lawyer fail to get my DNA withheld request evidence that could have helped my case, my lawyer fail to call my witness off my job that could place me on my job when the crime was being commit.”

The second document dated August 23, 2011, and received by Respondent on August 26, 2011, is also entitled “Conditional Order of Dismissal”. In it Applicant sets forth the following additional objections to the Conditional Order of Dismissal:

- “Applicant is asking the Court for relief due to his actual innocence of all charges..”
- Applicant’s letter then goes on to recite several pages from what he sets forth as the transcript from his preliminary hearing.
- “Lawyer asks investigate Joe Bradham do you have any fingerprint he said he found one that was take off the content of the purse that has been submitted but it did not have enough mark or did not have enough identifiable characteristics to identify it with anyone. If this what the investigate Joe Bradham saying is true then there should be a record of this on file in the police lab on what he is saying and that is by law...this case should have been thrown out and never went know (sic) further (1) they never had no evidence to place me at the crime scene in the first place which should been object by my lawyer; (2) I was never picked out of a line up should been object by my lawyer; (3) they didn’t have no fingerprint; (4) they never took pictures of the crime scene area should had been objected by my lawyer which he failed to do a full investigation his self; (5) I was on my job 3 mile away at work getting to get off from work at 11:00 clock that night ; (6)

the Applicant I never was picked out of a lineup or a picture line up; (7) my lawyer said I can't see this woman the victim came into the office and hand law enforcement a picture saying this is the man who stab me; (8) my lawyer should had object to it all because someone convinced her it was me out of conflict and she fall for it; (9) I discover on page 35 of my transcript in General Carolina Frierson was ask by Cothran and she ask you do you had any picture of him? she said yes she asked me how does he look; (10) my attorney should object to that cause Mildred Billups was lead her on by another party and their convinced it was me but how did this woman no to go to Carolina Freirson in the first place?"

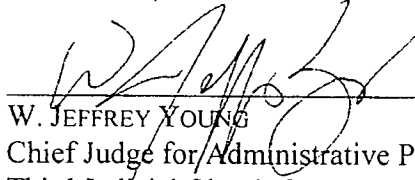
After a thorough review of the record and Applicant's responses to the Conditional Order fo Dismissal, I find that Applicant has failed to set forth any sufficient reason why the Conditional Order should not become final. Applicant has failed to demonstrate any reason why these issues could not have been raised in his previous applications for PCR or within the one-year statute of limitations time frame. Therefore, this application is successive and untimely in nature as set forth in the Conditional Order. Further, the allegations set forth in Applicant's responses all amount to contentions of insufficiency of evidence, which is not a cognizable ground for relief on collateral attack through PCR. *See* S.C. Code Ann. § 17-27-20(a) ("Provided, however, that this section shall not be construed to permit collateral attack on the ground that the evidence was insufficient to support a conviction.")

This Court has reviewed Applicant's response to the State's Motion to Dismiss in its entirety, in conjunction with the original pleadings, and finds that no sufficient reason has 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 PCR is hereby denied and dismissed with prejudice.

This Court hereby advises Applicant that he must file and serve a Notice of Appeal within thirty (30) days of the service of this Order to secure appellate review. 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 10 day of Nov, 2011.



W. JEFFREY YOUNG
Chief Judge for Administrative Purposes
Third Judicial Circuit Court

Sumter, South Carolina.