

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM YORK COUNTY
Edgar W. Dickson, Circuit Court Judge

Case No. 2011-CP-46-1841

CHRISTOPHER ROBINSON, #265006,

PETITIONER,

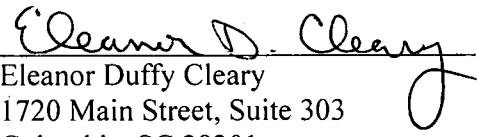
STATE OF SOUTH CAROLINA,

RESPONDENT.

NOTICE OF APPEAL

Christopher Robinson, by and through his counsel, hereby appeals the Honorable Edgar W. Dickson's Order Denying Applicant's Motion to Alter or Amend dated December 30, 2013, filed on January 13, 2014, and received by counsel on January 14, 2014.

January 16, 2014


Eleanor Duffy Cleary
1720 Main Street, Suite 303
Columbia, SC 29201

Attorney for Petitioner

Other Counsel of Record:

J. Rutledge Johnson
Assistant Attorney General
PO Box 11549
Columbia, SC 29211
Attorney for Respondent

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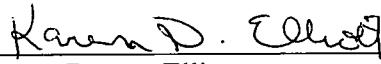
PETITIONER,

STATE OF SOUTH CAROLINA,

RESPONDENT.

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 January 16, 2014 addressed to opposing counsel, J. Rutledge Johnson, Assistant Attorney General, PO Box 11549, Columbia, SC 29211 and The Honorable David Hamilton, York County Clerk of Court, PO Box 649, York, SC 29745.



Karen Dumas Elliott
Paralegal to Eleanor Duffy Cleary

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

IN THE COURT OF COMMON PLEAS)
SIXTEENTH JUDICIAL CIRCUIT)

Christopher Robiason, #265006,)

2011-CP-46-1841)

Applicant,)

v.)

**ORDER DENYING APPLICANT'S)
MOTION TO ALTER OR AMEND)**

State of South Carolina,)

Respondent.)

FILED-RECEIVED
2014 JAN 13 AM 9:12
DAVID HAMILTON
C.C.P. & GS
YORK COUNTY, SC

This post-conviction relief matter came before the Court for an evidentiary hearing at the Moss Justice Center on October 12, 2012. The Applicant was present and represented by Eleanor Cleary, Esquire. The State was represented by J. Rutledge Johnson, Assistant Attorney General. After taking the matter under advisement, this Court issued a Final Order of Dismissal dated February 14, 2013. The Applicant was served with the Final Order on March 8, 2013, and he submitted, through counsel, a timely Motion for Rehearing and/or Motion to Alter or Amend the Judgment on March 18, 2013.

The Applicant raises the following issues in his Rule 59 Motion:

1. The Applicant met his burden of proving trial counsel was ineffective for failing to move to suppress the evidence of the crack cocaine before trial and that Applicant was prejudiced by that ineffectiveness.

Having carefully reviewed the entire record in this matter, this Court finds that no basis for altering or amending is prior ruling.¹ Therefore, this Court hereby denies the Applicant's Rule 59 Motion in its entirety, and affirms the previous Order of Dismissal.

¹ The Court, in its discretion, has considered this matter based upon the motions submitted by the parties and the post

This Court advises that if the Applicant desires to secure appellate review of this Order and the Order of Dismissal, a notice of appeal must be filed and served **within thirty (30) days** of the service of this Rule 59 Order. Applicant and counsel are directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of appeal has been timely filed.

AND IT IS SO ORDERED this 30th day of Dec., 2013.



Edgar W. Dickson
Presiding Judge
Sixteenth Judicial Circuit

Orangeburg, South Carolina

conviction relief file, since oral argument will not aid the Court in reaching its decision. See Rule 59(f), SCRPC.



LAW OFFICE OF

ELEANOR DUFFY CLEARY

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January 16, 2014

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
PO Box 11330
Columbia, SC 29211

RECEIVED

JAN 21 2014

Re: Christopher Robinson v. The State of South Carolina **S.C. Supreme Court**
2011-CP-46-1841

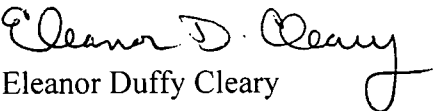
Dear Mr. Shearouse:

Enclosed is the original and copy of the Notice of Appeal in the above captioned case. Please send a clocked in copy back to me in the enclosed self-addressed stamped envelope.

I was appointed for trial but I have not been appointed to represent petitioner on appeal.

Please let me know if you have any questions.

Sincerely,


Eleanor Duffy Cleary

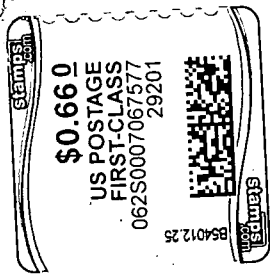
EDC/kde

Enclosure

cc: J. Rutledge Johnson, Esquire
The Honorable David Hamilton

Eleanor Duffy Cleary
Cleary Law LLC
1720 Main Street, Suite 303
Columbia, SC 29201

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
PO Box 11330
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