

Timothy J. McKinney, 2872844  
Me. Cormick Corr. Inst.  
F-1-B, 117  
386 Redemption Way  
Me. Cormick, South Carolina  
29899

Feb. 3 2014

Attn: Hon. Daniel E. Shearouse,  
Clerk, South Carolina  
Supreme Court  
Post Office Box 11330  
Columbia, South Carolina  
29211

RECEIVED

FEB 28 2014

S.C. Supreme Court

Re: Notice of Intent to Appeal,  
OCA No: 13-CP-23-2886

Dear Hon. Shearouse,

Please, upon receipt of such, find enclosed  
a Notice of Intent to Appeal, with both Final Order,  
and Order of Motion to Alter or Amend, with motion to  
proceed In Forma Pauperis upon leave of Court, and a  
Certificate of Service to be filed in your office.

Thanks in advance for your assistance in this matter.

With kindest regards:

Timothy McKinney

Timothy J. McKinney, 2872844

State Of South Carolina  
In The Supreme Court  
No: 13-CP-23-2886  
Appeal From Greenville County  
D. Garrison Hill, Circuit Court Judge

Timothy J. McKinney . . . . . Appellant

-Vs.-

The State Of South Carolina . . . . . Respondent

Motion for leave to proceed in Forma Pauperis,  
pro-se affidavit in support of same.

I, Timothy J. McKinney hereby certify under the  
penalty of perjury that I am the Appellant in the  
above entitled matter and further state that:

In support of motion to proceed without being  
required to prepay the fees or cost, I do hereby  
state that because of my incarceration and indigency,  
I am unable to pay the cost of said legal action and/  
or proceedings, and that I am entitled to an order  
granting the motion to proceed in forma pauperis.

Has sworn to and subscribed  
before me this <sup>03</sup> day of Feb. 2014  
Franklin  
Notary

Timothy McKinney  
Timothy J. McKinney; 287849

Exp: 12-16-2019

State Of South Carolina  
In The Supreme Court  
No: 13-CP-23-2886

Appeal From Greenville County  
D. Garrison Hill, Circuit Court Judge

Timothy J. McKinney . . . . . Appellant

-vs-

The State Of South Carolina . . . . . Respondent

Certificate Of Service

I, Timothy J. McKinney; Certify under the penalty of perjury that: I have on this 03 day of Feb, 2014; Served upon the following address below, a Notice of intent to appeal from Mc. Cormick Corr. - Inst. Mail Office.

Sworn to and subscribed before me this 03 day of Feb, 2014.

J. Franklin  
Notary

Exp: 12-16-2019

Timothy McKinney

Timothy J. McKinney; 287844  
S.C. Dept. of Corr.  
F-1-B, 117

386 Redemption Way  
Mc. Cormick, South Carolina  
29899

Orig: Hon. Daniel E. Shearouse,  
Clerk, South Carolina  
Supreme Court  
Post Office Box 11330  
Columbia, South Carolina  
29211

cc: Attorney General's Office  
Of South Carolina  
P.O. Box 11549  
Columbia, South Carolina  
29211-1549

4 of 4

State of South Carolina  
In The Supreme Court

No: 13-CP-23-2886

Appeal From Greenville County  
D. Garrison Hill, Circuit Court Judge

Timothy J. McKinney . . . . . Appellant

-Vs.-

The State of South Carolina, . . . . . Respondent

Notice Of Intent to Appeal

Pursuant to the Final Order of the Greenville County Court of Common Pleas, Served on Appellant on Dec. 15, 2013; and Motion to Alter or Amend Judgement, Submitted and Filed on December 31, 2013, Denied on January 17, 2014, by the Hon. D. Garrison Hill. I Timothy J. McKinney, seek redress, by way of an appeal of the Order(s), affirming my Conviction and sentence.

on this 02 day Feb. 2014

prose Timothy McKinney  
Timothy J. McKinney, #287844  
S.C. Dept. of Corr.  
F-1-B; 117  
386 Redemption Way  
Me. Cormick, South Carolina  
29899

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )  
 )  
Timothy Joseph McKinney, )  
S.C.D.C. No. 287844, )  
 )  
Applicant, )  
 )  
v. )  
 )  
State of South Carolina, )  
 )  
Respondent. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
C.A. No. 2013-CP-23-2886

**RETURN TO MOTION TO ALTER OR  
AMEND THE ORDER OF DISMISSAL**

Respondent, by and through undersigned counsel, making Return to Applicant's "Notice, and Motion to Alter or Amend Judgement" filed December 31, 2013, would respectfully show unto this Court:

1. The matter is before the Court by way of a post-conviction relief (PCR) application that was filed on May 22, 2013.
2. Respondent submitted a return on September 19, 2013, requesting the application be summarily dismissed based upon the expiration of the statute of limitations and the presumption against successive PCR applications.
3. Respondent also submitted a conditional order of dismissal for review by the Chief Administrative Judge for the Thirteenth Circuit.
4. The conditional order of dismissal was thereafter signed by the Honorable D. Garrison Hill and filed September 26, 2013. The conditional order of dismissal was personally served upon Applicant on October 17, 2013.
5. After Applicant filed a document captioned "Motion of Opposition against the defendant's conditional order of dismissal," Respondent submitted a proposed final order to this

Court. This final order was signed by this Court on December 3, 2013 and filed on December 9, 2013.

6. Applicant argues the final order “was totally erroneous, and did not properly reflect, the conclusion of law and the proper reasonings for those findings.”

7. Applicant moves this Court to alter or amend the final order of dismissal, stating he is entitled to an evidentiary hearing because his PCR counsel did not submit a proposed order and his appellate counsel failed “to petition the lower court for a remand for a proposed order.”

8. Respondent submits the application was untimely because the statute of limitations begins from the date of conviction.

9. Respondent also submits this is Applicant’s third PCR application and it is clearly successive to the previous two applications.

10. Respondent submits the final order incorporated all of the specific findings set forth in the conditional order of dismissal.

11. Respondent submits this Court fully reviewed and properly ruled upon all issues and that the Motion to Alter or Amend should be denied.

Respectfully submitted,

ALAN WILSON  
Attorney General

JOHN W. McINTOSH  
Chief Deputy Attorney General

KAREN C. RATIGAN  
Senior Assistant Deputy Attorney General

P.O. Box 11549  
Columbia, S.C. 29211

January 7, 2014

By: Karen R. Smith  
Attorneys for Respondent

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )  
 )  
 )  
TIMOTHY JOSEPH MCKINNEY, 287844 )  
 )  
Applicant, )  
 )  
vs )  
 )  
STATE OF SOUTH CAROLINA, )  
 )  
Respondent. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS

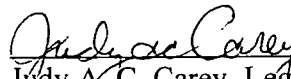
2013-CP-23-2886

AFFIDAVIT OF SERVICE BY MAIL

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return to Motion to Alter or Amend the Order of Dismissal** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

**Timothy Joseph McKinney, 287844  
McCormick Correctional Institution  
386 Redemption Way  
McCormick SC 29899**

DATED this 7th day of January, 2014.

  
\_\_\_\_\_  
Judy A.C. Carey, Legal Assistant  
For Respondent

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

JUDGMENT IN A CIVIL CASE  
CASE NO: 2013CP2302886

FILED-CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKENSIMER  
2014 JAN 17 AM 9 17

Timothy J Mckinney vs. South Carolina State Of

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.
- ACTION DISMISSED (CHECK REASON):**
  - Rule 12(b), SCRPC;
  - Rule 41(a), SCRPC (Vol. Nonsuit);
  - Rule 43(k), SCRPC (Settled);
  - Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**
  - Rule 40(j) SCRPC;
  - 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.

IT IS ORDERED AND ADJUDGED:  See attached order;  Statement of Judgment by the Court:  
The Applicants Motion To Alter or Amend is Respectfully Denied.

Dated at Greenville, South Carolina, this 17<sup>th</sup>, Day of January 2014

Court Reporter:

*[Handwritten Signature]*

PRESIDING JUDGE - D. Garrison Hill

This judgment was entered on the 1-17-14 and a copy mailed first class this 1-17-14, to attorneys of record or to parties (when appearing pro se) as follows:

Timothy J Mckinney McCormick Correctional Institute 386 Redemption Way McCormick, SC 29899

Karen Christine Ratigan PO Box 11549 Columbia, SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

*Paul B. Wickensimer*

Paul B. Wickensimer Greenville County Clerk Of Court - Clerk of Court

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )  
 )  
Timothy Joseph McKinney, )  
S.C.D.C. No. 287844, )  
 )  
Applicant, )  
 )  
v. )  
 )  
State of South Carolina, )  
 )  
Respondent. )

IN THE COURT OF COMMON PLEAS  
C.A. No. 2013-CP-23-2886

**FINAL ORDER OF DISMISSAL**

**ENTERED COMPUTER**

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

*gw*

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed May 22, 2013. The Respondent made its return on September 19, 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 September 26, 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 October 17, 2013, serving the above-mentioned Conditional Order of Dismissal on the Applicant.

In a document captioned "Motion of Opposition against the defendant's conditional order of dismissal" and filed November 7, 2013, the Applicant argues the State's return and motion to dismiss was not timely. The Applicant argues the attorney for his first PCR case failed to submit

a proposed order and that his PCR appellate counsel failed to petition to remand the matter to the circuit court for said proposed order. The Applicant argues this PCR application is not successive and that he is entitled to a hearing.

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 pled guilty on December 3, 2007. As this action was filed on May 22, 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 August 12, 2009. 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.’”).

**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*

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

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

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
Post Office Box 21787 - Columbia, South Carolina 29221

Pursuant to Rule 4(d)(2) of the South Carolina Rules of Civil Procedure, the Director of the South Carolina Department of Corrections has designated L. T. McCurry (Server) as his duly authorized agent for the purpose of making service of the process on the below named individual.

STATE OF SOUTH CAROLINA )

COUNTY OF McCormick

AFFIDAVIT OF PERSONAL SERVICE

On this 17<sup>th</sup> day of October 2013, I served the Conditional Order of Dismissal, on Inmate **Timothy Joseph McKinney**, SCDC Inmate #**287844**, by delivering personally and leaving a copy of the same at **McCormick Correctional Institution**, McCormick. Deponent is not a party to this action.

s/ L. T. McCurry

SCDC Server

SWORN TO AND SUBSCRIBED BEFORE ME

this 17 day of October, 2013

J. Frankles (L.S.)  
Notary Public for South Carolina

My Commission Expires: 12-16-2019

ADMISSION OF SERVICE

Service of a copy of the within Conditional Order of Dismissal is admitted at the South Carolina Department of Corrections (McCormick Correctional Institution), McCormick, McCormick County, SC this 17<sup>th</sup> day of October, 2013.

s/ Timothy McKinney  
Inmate  
SCDC Inmate #: 287844

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF GREENVILLE )  
 )  
 Timothy Joseph McKinney, )  
 S.C.D.C. No. 287844, )  
 )  
 Applicant, )  
 )  
 v. )  
 )  
 State of South Carolina, )  
 )  
 Respondent. )

IN THE COURT OF COMMON PLEAS  
 C.A. No. 2013-CP-23-2886

**CONDITIONAL ORDER OF DISMISSAL**

FILED-CLERK OF COURT  
 GREENVILLE CO. S.C.  
 PAUL B. BRECKENRISHER  
 2013 SEP 26 A 11:26

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed May 22, 2013. The Respondent made its Return, requesting the application be summarily dismissed.

I.

The Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Greenville County. The Applicant was indicted at the July 2007 term of the Greenville County Grand Jury for third-degree arson (2007-GS-23-5943), kidnapping (2007-GS-23-6144), and assault and battery with intent to kill (ABIK) (2007-GS-23-6146). He was represented by Elizabeth P. Wiygul, Esquire.

On December 3, 2007, the Applicant pled guilty. The Honorable G. Edward Welmaker sentenced the Applicant to concurrent terms of ten (10) years for third-degree arson, twenty-five (25) years suspended on the service of ten (10) years and five (5) years probation for kidnapping, and twenty (20) years suspended on the service of ten (10) years with the balance suspended during probation for ABIK. The Applicant did not appeal.

**2008-CP-23-8621**

The Applicant filed a PCR application on November 18, 2008 (2008-CP-23-8621). The Applicant raised the following issues:

1. Involuntary guilty plea:
  - a. Was taking medication that affected the "capacity to fully understand what was occurring during the plea proceedings."
  - b. Should not be included on the Sex Offender Registry..
2. Ineffective assistance of counsel.
3. Violation of due process.

An evidentiary hearing was convened on August 12, 2009 at the Greenville County Courthouse. Susannah C. Ross, Esquire represented the Applicant. The Honorable Alexander S. Macaulay denied and dismissed the PCR application by order filed September 23, 2009.

The Applicant filed a notice of appeal. Robert M. Pachak, Esquire of the South Carolina Office of Appellate Defense perfected the appeal in the form of a Johnson<sup>1</sup> petition. The South Carolina Supreme Court denied the petition for writ of certiorari on May 26, 2011.

**Federal Habeas Corpus**

The Applicant filed a petition for writ of habeas corpus in the United States District Court for the District of South Carolina on July 12, 2011 (4:11-1471-RMG-TER). The Respondent submitted a motion for summary judgment on October 6, 2011. The Honorable Thomas E. Rogers, III, United States Magistrate Judge, issued a report and recommendation to grant the motion for summary judgment dated April 30, 2012. On May 30, 2012, the Honorable Richard Mark Gergel, United States District Judge, issued an order granting the motion for summary judgment and dismissing the petition with prejudice.

---

<sup>1</sup> Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988).

The Applicant filed a notice of appeal at the United States Court of Appeals for the Fourth Circuit. In an opinion filed September 14, 2012, the Court of Appeals denied a certificate of appealability and dismissed the appeal.

The Applicant filed a petition for writ of certiorari with the United States Supreme Court, which denied the matter on February 19, 2013.

**2011-CP-23-4281**

The Applicant filed a PCR application on June 28, 2011 (2011-CP-23-4281). The Applicant raised the following issues:

1. Ineffective assistance of PCR counsel:
  - a. Failed to file a notice of appeal from denial of first PCR application

On July 20, 2011, the Applicant filed a document captioned "Amended PCR" in which he made the following allegations:

1. Ineffective assistance of plea counsel:
  - a. Failed to provide notice of alibi and insanity defense pursuant to Rule 5.
  - b. Failed to advise the Applicant of alibi or insanity defenses prior to pleading guilty.
2. Ineffective assistance of PCR counsel:
  - a. Failed to raise the alibi/insanity defenses issue at the first PCR hearing.
3. Newly discovered evidence.

The Honorable Robin B. Stilwell issued a conditional order of dismissal filed September 15, 2011, finding the PCR application was untimely and successive. Though the Applicant filed a response, Judge Stilwell issued a final order of dismissal filed December 8, 2011. The Applicant did not file an appeal.

II.

In his current PCR application, the Applicant alleges he is being held in custody

unlawfully for the following reasons:

1. "Procedural default of P.C.R. Counsel."
  - a. "[P]rocedurally defaulted and waived applicant's claim by failing to submit a Proposed Order, to persevere applicant's claim for appellate review, as required by Rule(s) and Principle(s)."
2. Ineffective assistance of appellate counsel.
  - a. Appellate counsel from the first PCR application "should have petitioned the Honorable courts; For a "Remand," with Instructions For a "proposed Order," instead of Further procedurally defaulting the applicant's claim(s) and case."

### III.

This Court finds this matter should be summarily dismissed because the Applicant has failed to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. §§ 17-27-10, et. seq. (2003). Specifically, South Carolina Code Ann. § 17-27-45(a) reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. See Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). The Applicant pled guilty to the offenses he challenges in this application on December 3, 2007. The Applicant was therefore required to file his application before December 3, 2008. This application was filed on May 22, 2013, which was more than four (4) years and five (5) months after the statutory filing period had expired.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. See McDonnell v. Consolidated Sch. Dist. Of Aiken, 315 S.C. 487, 489, 445 S.E.2d 638, 639 (1994). In addition, S.C. Code Ann. § 17-27-70(c) (2003) authorizes the Court to

“grant a motion by either party for summary disposition of [an] application when it appears from the pleadings . . . that there is no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law.”

#### IV.

This Court further finds the current application should also be dismissed because it is successive to the previous applications for post-conviction relief. Successive applications for post-conviction relief are disfavored. See Land v. State, 274 S.C. 243, 246, 262 S.E.2d 735, 737 (1980). South Carolina Code Ann. § 17-27-90 (2003) states:

All grounds for relief available to an applicant under this chapter must be raised in his original, supplemental or amended application. Any ground finally adjudicated or not so raised, or knowingly, voluntarily and intelligently waived in the proceeding that resulted in the conviction or sentence or in any other proceeding the applicant has taken to secure relief, may not be the basis for a subsequent application, unless the court finds a ground for relief asserted which for sufficient reason was not asserted or was inadequately raised in the original, supplemental or amended application.

Under this statute, successive post-conviction relief applications are forbidden unless an applicant can point to a “sufficient reason” why new grounds for relief were not raised or were not properly raised in previous applications. Aice v. State, 305 S.C. 448, 450, 409 S.E.2d 392, 394 (1991). Any new ground raised in a subsequent application is limited to those grounds that “could not have been raised . . . in the previous application.” Id. (emphasis in original). If the Applicant could have raised these allegations in a previous application, then the Applicant may not raise those grounds in successive applications. Id. The Applicant bears the burden of showing that the allegations could not have been raised previously. Id.

As the Applicant has failed to present any reasons why he could not have raised the current allegations in his previous PCR applications, the application is dismissed.

V.

Based upon its review of the pleadings in this matter, this Court expresses its intent to summarily dismiss this matter unless the Applicant advises this Court with specific reasons, factual or legal, why it should not dismiss the matter in its entirety. The Applicant is granted twenty (20) days from the date of service of this Order upon him to show why this Order should not become final by filing any reasons he may have with the Clerk of Court for Greenville County, South Carolina, and also by filing a copy of his reasons with the Office of the Attorney General, Attn: Karen C. Ratigan, Post Office Box 11549, Columbia, South Carolina, 29211.

AND IT IS SO ORDERED this 25<sup>th</sup> day of Sept., 2013.



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

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

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

JUDGMENT IN A CIVIL CASE

CASE NO: 2013CP2302886

FILED CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKENSIMER  
2013 SEP 26 A 11:26

Timothy J Mckinney vs. South Carolina State Of

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.
- ACTION DISMISSED (CHECK REASON):  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):  Rule 40(j) SCRPC;  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.

IT IS ORDERED AND ADJUDGED:  See attached order;  Statement of Judgment by the Court;

Dated at Greenville, South Carolina, this 26th day of September, 2013.

Court Reporter:

PRESIDING JUDGE - D Garrison Hill

This judgment was entered on the 26th day of September, 2013, and a copy mailed first class this 26th day of September, 2013. to attorneys of record or to parties (when appearing pro se) as follows:

Timothy J Mckinney McCormick Correctional  
Institute 386 Redemption Way McCormick, SC 29899

Karen Christine Ratigan PO Box 11549 Columbia,  
SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Paul B. Wickensimer Greenville County Clerk Of Court  
- Clerk of Court

Timothy J. McInnes / SCOC # 287844  
MCCS F1 B side 117  
386 Redemption Way  
McCormick SC 29899

Hon Daniel E. Shearouse  
Clerk South Carolina  
Supreme Court  
PO Box 11330  
Columbia SC 29211