

ORIGINAL

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

IN THE COURT OF COMMON PLEAS

2013 AUG 13 A 11:01
2003-CP-32-1983

Fred R. Rutland, #197903,

BETH A. CALRIGG
CLERK OF COURT
LEXINGTON, SC

Applicant.)

**ORDER DENYING MOTION TO
ALTER OR AMEND**

v.)

State of South Carolina,)

Respondent.)

This matter comes before the Court by way of Applicant's Motion to Alter or Amend. The Respondent made its Return to this motion on October 4, 2007. The Order of Dismissal in this matter was signed by me on August 28, 2007.

Based upon careful reconsideration of all of the evidence in this case and upon full consideration of Applicant's motion, this Court is not persuaded to alter or amend the judgment. This Court further finds that oral argument would not aid in the reconsideration of the original judgment.

AND IT IS SO ORDERED this 6 day of Aug, 2011. *(Signature)*

(Signature)
L. Casey Manning
Presiding Judge
Eleventh Judicial Circuit

(Signature), South Carolina.

ORIGINAL

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

)
FILED IN THE COURT OF COMMON PLEAS

)
2013 AUG 13 A 11: 05 2003-CP-32-1983

FRED R. RUTLAND, #197903

)
BETH A. CARPISG
CLERK OF COURT
LEXINGTON, SC

)
Applicant,

)
vs

)
AFFIDAVIT OF SERVICE BY MAIL

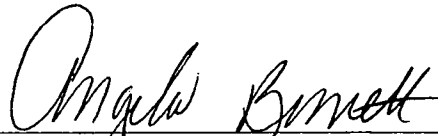
)
STATE OF SOUTH CAROLINA,

)
Respondent.
)

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 **Order Denying Motion to Alter or Amend** in the above-captioned matter on the following person(s) by depositing same in the United States mail, postage prepaid:

**Jennifer Williams, Esquire
1807 Hampton Street
Columbia, South Carolina 29201**

DATED this 12th day of August, 2013



Angela Bennett, Legal Assistant
For Respondent

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

	<u>8/23/2013</u>	
Circuit Court Judge	Judge Code	Date

For Clerk of Court Office Use Only

This judgment was entered on **23rd of August 2013**, and a copy mailed first class or placed in the appropriate attorney's box on **23rd of August 2013**, to attorneys of record or to parties (when appearing pro se) as follows:

Jennifer Niles Williams
1505 CRYSTAL DR APT 1005
ARLINGTON, VA 222024120

Lakesha W. Jeffries
PO Box 646 Orangeburg, SC 29116.

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Beth A. Carrigg/mh

Beth A. Carrigg - Clerk of Court

Court Reporter

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

4 February 2014

Fred R. Rutland, SCID 00197903
Broad River Correctional Institution
4460 Broad River Road
Murray Unit, Room 152
Columbia, SC 29210

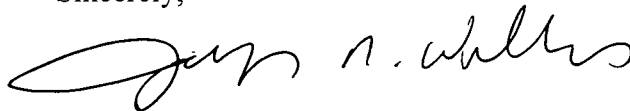
Mailed via both Certified and First Class Mail

Dear Mr. Rutland,

I hope this letter finds you well. Please find enclosed an Order Denying a 2007 Motion to Reconsider, Alter or Amend the dismissal of your Post Conviction Relief Case that I filed on your behalf as your appointed attorney. I am presently activated in Armed Forces and precluded from the private practice of law. As this is a denial of a motion to reconsider a final adjudication in a post-conviction relief matter, you may have a right to appeal. Although I can provide no legal counsel to you, I encourage and advise you to consult an attorney to determine what right to appeal you may have in this matter. I have written the Lexington County Clerk of Court and submitted an affidavit about my delayed receipt of this Order and my status. I have enclosed a copy of this affidavit.

South Carolina Rule of Court 243 dictates review by Writ of Certiorari in Post-Conviction Relief Actions. Appeals from the Court of Common Pleas, which Post-Conviction Relief Actions fall under, must be served on all respondents within thirty (30) days after receipt of written notice of entry of the order or judgment. Because a Motion to Reconsider, Alter or Amend was filed, your right to appeal the dismissal of your PCR may have been stayed until written receipt of such notice. I received this notice on or about 3 February 2014 so your time to file may be limited to 30 days after that time. I would again encourage you to consult an attorney and file and serve any such notice by 5 March 2014 or you may be barred (prohibited) from filing any appeal you may have as a result of this order. I wish you the best.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer N. Williams". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jennifer N. Williams

4 February 2013

Lexington County Clerk of Court
Attn: Mona
205 East Main Street
Lexington, SC 29072

Re: 2003-CP-32-1983 Fred R. Rutland, #197903, vs. State of South Carolina

Dear Mona,

Thank you for speaking with me today about this matter. I am submitting an affidavit about my receipt of the Order Denying Motion to Alter or Amend in this matter on 3 February 2014. I am sending Mr. Rutland a notice of this today, but I would ask the Clerk of Court to send Mr. Rutland official notice of this order to the following address, where he is presently incarcerated:

Fred Rutland, SCID 00197903
Broad River Correctional Institution
4460 Broad River Road
Murray Unit, Room 152
Columbia, SC 29210

As I mentioned, I am a Reservist who is presently on active duty with the Army, and I have been since April of 2012. I am precluded from engaging in the private practice of law. I want to ensure any right to appeal that Mr. Rutland may have is protected. You can contact me at (703) 588-0430 with any questions. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer N. Williams". The signature is fluid and cursive, with a large loop at the beginning and a long tail.

Jennifer N. Williams
1600 S. Eads St. Apt. 637 S
Arlington, VA 22202

I, Jennifer N. Williams, attorney licensed to practice law in South Carolina swear and affirm the following:


1. That I was appointed to and represented Fred R. Rutland, #197903, in his 2003-CP-32-1983, Post-Conviction Relief.
2. That the Post- Conviction Relief was dismissed by the Honorable Judge L. Casey Manning on or about August 28, 2007.
3. That a Motion to Reconsider, Alter or Amend was timely filed by myself in this matter.
4. That I was activated as a Reservist in the Armed Forces on or about 29 April 2012. I remain activated and I am precluded from engaging in the private practice of law.
5. That I received a final Order Denying Motion to Alter or Amend dated 13 August 2013 on or about 3 February 2014. The Order had originally been sent to my attention at the address of my civilian employer, 1807 Hampton Street, Columbia South Carolina, 29201 and later to my previous apartment address of 1505 Crystal Drive, Apt. 1005, Arlington, VA 22202-4120. That letter was then forwarded and received by me at my current address of 1600 S. Eads St. Apt. 637S. Arlington, VA 22202-2946
6. That on or about 4 February 2014 I forwarded this Order to Mr. Rutland at the following address via first class and certified mail:

Fred Rutland, SCID 00197903
Broad River Correctional Institution
4460 Broad River Road
Murray Unit, Room 152
Columbia, SC 29210

7. That in this letter I notified him that he had 30 days of the time of receipt of the notice to file any appeal in this matter and that, out an abundance of precaution, he should file it no later than 5 March 2014, 30 days from the date I received the letter.


Jennifer N. Williams

Sworn and subscribed to me this 4th day of February 2014.


Robert M. Sneed, LIC JSAR
Notary under 10 USC §1044 a