

Theodore HARRISON, JR. #155651
Lieber Correctional Institution
P.O. Box 205
Ridgeville, S.C. 29472

February 27, 2014

RECEIVED

MAR 03 2014

S.C. SUPREME COURT

Clerk of the Court
S.C. Supreme Court
Post Office Box 11330
Columbia, S.C. 29211

RE: Theodore Harrison, JR. v. State of South Carolina
Case No.: 2010-CP-12-0394

Dear Honorable Clerk:

Enclosed, please find the original and one (1) copy of the Notice of Appeal and PROOF OF SERVICE in the above referenced case. Please file with the Court and return a filed copy to me.

By copy of this letter I am serving a copy of same to Suzanne H. White, Assistant Deputy Attorney General; Honorable Sue K. Carpenter, Clerk of Court Chester County, S.C.; and to the S.C. Office of Appellate Defense.

Respectfully yours,
Theodore Harrison, Jr.
Theodore HARRISON, JR.

enclosures
cc: Suzanne H. White
Honorable Sue K. Carpenter
S.C. Office of Appellate Defense.

STATE OF SOUTH CAROLINA
SUPREME COURT

APPEAL FROM CHESTER COUNTY
Court of Common Pleas

Brooks P. Goldsmith, Administrative Judge

Case No. 2010-CP-12-0394

Theodore Harrison, Jr. Applicant,
v.
State of South Carolina Respondent.

NOTICE OF APPEAL

Theodore Harrison, Jr., Appeals the Dismissal of his Application for Post-Conviction Relief in the above-captioned case. The Final Order of Dismissal, attached hereto, was signed by Administrative Judge Brooks P. Goldsmith on March 29, 2012, and received by Applicant on February 14, 2014.

Applicant pursuant to S.C. App. Ct. R. 243, also attaches hereto sufficient explanation as to why the Judge's dismissal was improper.

February 27, 2014

Theodore Harrison, Jr.

Theodore Harrison, Jr. #155651
Lieber Correctional Institution
P. O. Box 205
Ridgeville, S.C. 29472

Applicant

STATE OF SOUTH CAROLINA
SUPREME COURT

APPEAL FROM CHESTER COUNTY
Court of Common Pleas

Brooks P. Goldsmith, Administrative Judge

Case No. 2010-CP-12-0394

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Theodore HARRISON, JR. Applicant,

v.

S.C. SUPREME COURT

State of South Carolina Respondent

PROOF OF SERVICE

I, Theodore Harrison, JR., hereby certify that I have served a copy of the Notice of Appeal in the above-captioned case on the following person(s) by depositing a copy of same in the United States mail, postage prepaid and addressed as follows:

Suzanne H. White,
Assistant Deputy Attorney General
S.C. Office of Attorney General
Post Office Box 11549
Columbia, S.C. 29211-1549

Honorable Sue K. Carpenter, Clerk
Chester County Court
P.O. Drawer 580
Chester, S.C. 29706

Division of Appellate Defense
1330 Lady Street, Suite 401
P.O. Box 11589
Columbia, S.C. 29211

This 27th day of February, 2014.

Theodore Harrison, Jr.
Theodore HARRISON, JR.
Applicant

650

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER

FILED
OFFICE OF THE CLERK
COURT IN

THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT

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CANCELLED
LANCASTER, SC

Theodore Harrison, Jr., #155651,

2010-CP-12-0394

Applicant,

v.

State of South Carolina,

Respondent.

FINAL ORDER

FILED

2012 APR -14 A 10:01

CLERK OF COURT
CHESTER CO S.C.

This matter comes before this Court by way of an application for post-conviction relief filed August 23, 2010, and an amended application filed February 9, 2011. Respondent made its Return and Motion to Dismiss on or about October 19, 2011, requesting that the application be 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 filed October 26, 2011, and served personally on Applicant on December 1, 2011, provisionally denying and dismissing this action, while giving Applicant twenty (20) days from the date of service of said Order in which to show why the dismissal should not become final.

In a document captioned "Applicant's Opposition to Respondent's Return and Motion to Dismiss," dated November 12, 2011, Applicant asserted that he was entitled to an evidentiary hearing because he raised the allegation that the trial court lacked the subject matter jurisdiction to accept his plea when the indictment was invalid. Applicant argued that his indictment was invalid because it failed to state the statute and implied or express elements of his charge. Applicant also included a proposed order with his filing, in which he acknowledged that he had previously filed

three other applications which were all denied, but argued that Respondent's motion to dismiss should be denied because his current application was not successive or barred by the statute of limitations.

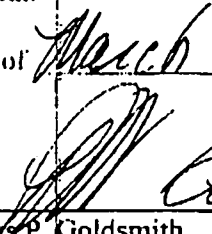
In response, Respondent submits that the Applicant has had the opportunity to fully present any and all allegations, including the one raised in his current application. Therefore, Respondent submits that not only should Applicant be denied an evidentiary hearing because his application is successive, but an Application for post-conviction relief can be summarily dismissed without a full evidentiary hearing when the Application is filed outside the statute of limitations.

This Court has reviewed Applicant's responses to the State's Conditional Order of Dismissal in its entirety, in conjunction with the original pleadings, and finds that a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final. This Court finds that Applicant's application was successive and barred by the statute of limitations.


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 cautions Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

AND IT IS SO ORDERED this 29 day of March, 2012.



Brooks P. Goldsmith
Administrative Judge - Common Pleas
Sixth Judicial Circuit


_____, South Carolina.

Page 2 of 2

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CLERK OF COURT
CHESTER CO S.C.



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COLUMBIA, SOUTH CAROLINA 29211-1549

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Theodore Harrison Jr., SCDC No. 155651
Lieber Correctional Institution
P.O. Box 205
Ridgeville, South Carolina 29472

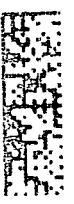
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ALAN WILSON
ATTORNEY GENERAL

PCR DIVISION: 803.734.3737
PCR FACSIMILE: 803.734.4113

February 7, 2014

Mr. Theodore Harrison, Jr., SCDC No. 155651
Lieber Correctional Institution
P.O. Box 205
Ridgeville, South Carolina 29472

**RE: Theodore Harrison Jr. v. State of South Carolina
2010-CP-12-0394**

Dear Mr. Harrison:

Enclosed please find the clocked Final Order in the above matter signed by the Honorable Brooks P. Goldsmith. By copy of this letter to the Chester Clerk of Court, I am sending her the original Affidavit of Service for filing in this matter.

Very truly yours,

Anne A. Mueller, Legal Assistant for
Suzanne H. White, Assistant Deputy Attorney General

SHW/aam
Enclosure

cc: The Honorable Sue K. Carpenter, Sixth Clerk of Court (w/certificate of service only)

Theodore Harrison, Sr. # 155651
Lieber Correctional Institution
P.O. Box 205
Ridgerville, S.C. 29472

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FEB 28 2014

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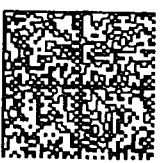
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LIEBER CORRECTIONAL INSTITUTION
S.C. DEPARTMENT OF CORRECTIONS