

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

JUDGMENT IN A CIVIL CASE
CASE NO: 2012CP2307208

FILED CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKRENSHIRE
2014 FEB 21 P 12:24

Mario Hinojos 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):
SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Rule 12(b), SCRPC; Rule 41(a); Other: _____
- ACTION STRICKEN (CHECK REASON):
 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.

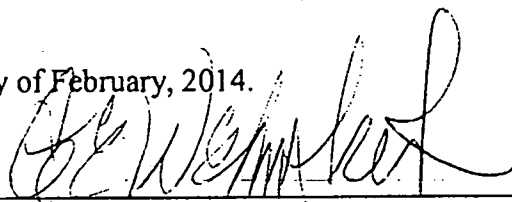
IT IS ORDERED AND ADJUDGED: See attached order; Statement of Judgment by the Court:

ORDER INFORMATION

Before the Court is Petitioner's Motion to Vacate Disposition and Reopen Proceedings, regarding newly discovered evidence. Having considered the pleadings, the relevant court rules, and the erudite arguments of counsel, Petitioner's Motion is DISMISSED; provided however if proper exhibits substantiating the motion are submitted before March 31st, 2014, the matter may be set for a hearing.

Dated at Greenville, South Carolina, this 21st day of February, 2014.

Court Reporter: Danette Hanks



PRESIDING JUDGE - G. Edward Welmaker

This judgment was entered on the 21st day of February, 2014, and a copy mailed first class this 21st day of February, 2014, to attorneys of record or to parties (when appearing pro se) as follows:

~~Mario Hinojos 301870 Lee Correctional Institution~~
~~990 Wisacky Hwy Bishopville, SC 29010~~
Brian P. Johnson 522 North Church Street
Greenville, SC 29601

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

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)
)
 Mario Hinojos,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent)

IN THE COURT OF COMMON PLEAS

CASE NO.: 2012-CP-23-720

**MOTION TO VACATE DISPOSITION
 AND REOPEN PROCEEDINGS**

FILED-CLERK OF COURT
 COURT HOUSE
 PAUL B. ANDERSON
 2013 FEB 13 AM 10:12

COMES NOW the applicant, **Mario Ramos Hinojos, Jr.**, by and through his undersigned counsel, and, pursuant to Rule 59(b) of the South Carolina Rules of Civil Procedure, respectfully moves this Honorable Court to Reconsider the December 9, 2013, Order dismissing the applicant's application for post-conviction relief.

The following is submitted in support of Mr. Hinojos' Motion:

1. On February 7, 2013, Mr. Hinojos filed an amended application for post-conviction relief;
2. On May 7, 2013, the Honorable D. Garrison Hill issued a conditional order of dismissal denying and dismissing Mr. Hinojos' action. Mr. Hinojos was further given twenty (20) days to submit a response to the conditional order of dismissal;
3. On June 27, 2013, Brian P. Johnson, esq., was appointed to represent Mr. Hinojos in the above referenced application for post-conviction relief;
4. Counsel did not submit a response to the conditional order of dismissal;
5. From conversations with Mr. Hinojos, counsel has learned that there may be new grounds for relief that Mr. Hinojos could not have raised in this, or previous applications for relief.

6. Counsel is informed and believes that there is in existence a file from the Federal Bureau of Investigation that Mr. Hinojos was unaware of until recently; therefore, Mr. Hinojos could not have previously raised the files existence as a ground for post-conviction relief in this, or prior applications;


7. S.C. Code section 17-27-90 and prevailing case law, primarily Land v. State, 274 S.C. 243, precludes subsequent applications for post-post conviction relief unless the "court finds a ground for relief asserted which for sufficient reason was not asserted" in the "original, supplemental or amended application.";

8. Counsel is informed and believes that, Mr. Hinojos' discovery of the file from the Federal Bureau of Investigation, is a new ground for relief that was not asserted for sufficient reason in this, or previous applications;

WHEREFORE, for the foregoing reasons, Mr. Hinojos prays that this Court:

- (1) Order that the final order dismissing Mr. Hinojos' application for post-conviction relief be opened to take additional testimony on the issue,
- (2) Order that a Hearing be held on this matter, or;
- (3) Order whatever the Court deems just and proper.

Respectfully submitted,

By: 
Brian P. Johnson, Esq.
Attorney for Applicant

Date: December 12, 2013