

STATE OF SOUTH Carolina

PCR(?)

In The Supreme Court

RECEIVED

APR 21 2014

S.C. SUPREME COURT

APPEAL FROM SUMTER COUNTY
COURT OF COMMON PLEAS

George C. James, Jr.
Chief Administrative Judge
Third Judicial Circuit

CASE NO: 2012-CP-43-1782

Leroy Shaw # 301480. Appellant

US.

State of South Carolina. Respondent

NOTICE OF APPEAL

Leroy Shaw # 301480 Appeals the Order of the Honorable George C. James, Jr. dated April 02, 2014. Appellant received notice of entry of this order on April 11, 2014.

Other counsel of Record
Daniel Gourley
AssT. Attorney General
P.O. Box 11549
Columbia, S.C. 29211

Respectfully Submitted
& Leroy Shaw
Leroy Shaw # 301480
McCormick Corr. Inst.
386 Redemption Way
McCormick, S.C. 29899

Dated: April 15, 2014

State of South Carolina
In The Supreme Court

Leroy Shaw #301480. Appellant

vs.

State of South Carolina. Respondent

Case No: 2012-CP-43-1182

Certificate of Service

The undersigned hereby certifies that a notice of Appeal has been served on opposing counsel, Daniel Gourley, Asst. Attorney General and also on the Honorable James C. Campbell, Clerk of Court for Sumter County and on the Honorable Daniel E. Shearouse, Clerk of the Supreme Court by mailing three copies in envelopes properly addressed with postage prepaid this 15 day of April 2014. To the addresses below.

Daniel E. Shearouse
Clerk of Supreme Court
P.O. Box 11330
Columbia, S.C. 29211

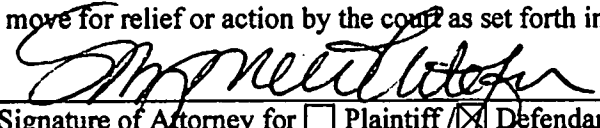
Daniel Gourley
Asst. Attorney General
P.O. Box 11549
Columbia, S.C. 29211

Respectfully Submitted,
Leroy Shaw
Leroy Shaw #301480
McCormick Corr. Inst.
386 Redemption Way
McCormick, S.C. 29899

James C. Campbell
Clerk of Court
215 N. Harvin St. Rm-303
Sumter, S.C. 29150

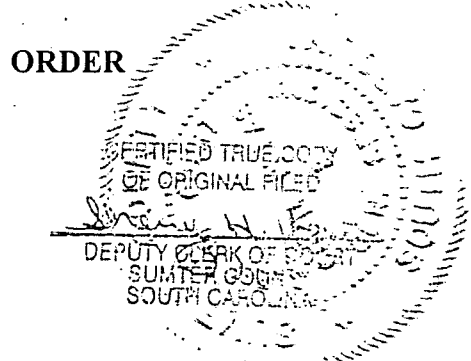
STATE OF SOUTH CAROLINA)
)
 COUNTY OF SUMTER)
)
)
)
LEROY SHAW, #301480)
 Plaintiff,)
 vs.)
)
STATE OF SOUTH CAROLINA)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 THIRD JUDICIAL CIRCUIT
 CASE NO.: 2012-CP-43-1782
 MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET

Plaintiff's Attorney: Leory Shaw, #301480, Bar No. _____ Address: McCormick Correctional Institution McCormick, SC 29899 Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: Daniel Gourley, Bar No. _____ Address: PO Box 11549 Columbia, SC 29211 Phone: _____ Fax _____ E-mail: _____ Other: _____
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input checked="" type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input checked="" type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information	
Nature of Motion: _____ Estimated Time Needed: _____ Court Reporter Needed: <input type="checkbox"/> YES / <input checked="" type="checkbox"/> NO	
SECTION II: Motion/Order Type	
<input type="checkbox"/> Written motion attached <input checked="" type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">  Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant </div> <div style="text-align: right;"> March 27, 2014 Date submitted </div> </div>	
SECTION III: Motion Fee	
<input type="checkbox"/> PAID - AMOUNT: \$ _____ <input type="checkbox"/> EXEMPT: (check reason)	
<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input checked="" type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCF) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions. Name of Court Reporter: _____ <input type="checkbox"/> Other: _____	
JUDGE'S SECTION <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____
CLERK'S VERIFICATION	
Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____	

STATE OF SOUTH CAROLINA **RECORDED** IN THE COURT OF COMMON PLEAS
COUNTY OF SUMTER 2014 APR -8 PM 2:13 FOR THE THIRD JUDICIAL CIRCUIT

Leroy Shaw, #301480, JAMES C. CAMPBELL 2012-CP-43-1782
Applicant, CLERK OF COURT
vs. SUMTER COUNTY, S.C.
State of South Carolina,
Respondent.




This matter comes before the Court by way of Applicant's Motion for Reconsideration pursuant to Rule 59(e), SCRCP. A hearing into the matter was heard on February 24, 2014, at the Sumter County Courthouse. Applicant was present. The State was represented by Assistant Attorney General, Daniel Gourley.

Applicant filed his Rule 59(e) on June 25, 2013, in response to the Court's order dismissing his PCR application. The Rule 59(e) motion was not timely filed as it was filed two days prior the filing of the Final Order of Dismissal. On July 31, 2013, before this motion was heard, Applicant appealed the order of dismissal. The Notice was filed August 2, 2013. The State requested that the appeal be dismissed without prejudice so that the Rule 59(e) motion could be heard. The Clerk of the Supreme Court wrote to the Applicant on August 14, 2013, asking him to provide a written explanation within twenty days as to why the Circuit Court's determination that the PCR action was untimely or successive was improper. Applicant did not respond to the Supreme Court as evidenced by Clerk Daniel Shearouse's Order dated October 28, 2013; the appeal was therefore dismissed.

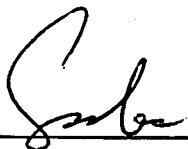
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No action remains pending under this docket number, as the Applicant's appeal ended the circuit court's jurisdiction, and the appeal was dismissed. Therefore, Applicant's motion for reconsideration under Rule 59(e) is denied.

AND IT IS SO ORDERED this 2 day of April, 2014.



GEORGE C. JAMES, JR.
Presiding Judge

 , South Carolina

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

RECORDED

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2012CP4301782

Leroy Shaw

2014 APR 8 PM 2:143

South Carolina State of Of Alan Wilson

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

ORIGINAL FILED
DEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: Clerk of Court

Attorney for: Plaintiff Defendant
 Self-Represented Litigant

DISPOSITION TYPE (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. See Page 2 for additional information.
- 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; (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.
Additional Information for the Clerk: See Attached Order.

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.

Circuit Court Judge	2143	4/8/2014
	Judge Code	Date

For Clerk of Court Office Use Only

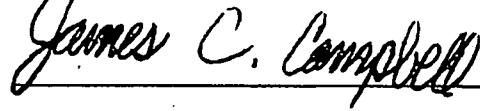
This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on , to attorneys of record or to parties (when appearing pro se) as follows:

Leroy #301480 Shaw McCormick Corr Inst 386 Redemption
Way McCormick, SC 29899

Alan McCrory Wilson PO Box 11549 Columbia, SC 29211-
1549

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)



Court Reporter

James C. Campbell - Clerk of Court

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.

RECORDED

2014 APR 15 PM 12:06

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
JAMES C. CAMPBELL THIRD JUDICIAL CIRCUIT
COUNTY OF SUMTER, CLERK OF COURT 12-CP-43-1782
SUMTER COUNTY, S.C.

Leroy Shaw, #301480,)
)
 Applicant,)
)
 vs)
)
 State of South Carolina,)
)
 Respondent,)
 _____)

ORDER

CERTIFIED TRUE COPY
OF ORIGINAL FILED
Sharon H. Dussan
DEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

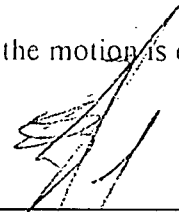
This court heard the Applicant's initial Rule 59(e) motion on February 24, 2014.

The court denied the motion by order dated April 2, 2014.

The court has now received from the Applicant a "Response to Order" dated April 4, 2014. There is no reference therein to the court's April 2 order, so the court is uncertain what order the Applicant is responding to.

To the extent the "Response to Order" is construed as a motion for reconsideration of the court's April 2, 2014 order, the motion is denied.

AND IT IS SO ORDERED.



George C. James, Jr.
Circuit Court Judge

Sumter, South Carolina

April 15, 2014

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СОНІВ СОНІА-БЕССІОНІА
СОНІВ 12 15:08

СОНІВ

Leroy SHAW # 301480

McCormick Corr. Inst.

386 Redemption WAY

McCormick, S.C. 29895

RECEIVED

APR 16 2014

MCCI
MAIL ROOM

Daniel E. Shearouse

Clerk of Supreme Court

P.O. Box 11330

Columbia, S.C. 29211