

PCR

Corey Williams # 259070
Perry C. I. Q2A-212
430 Oaklawn Rd.
Pelzer, South Carolina 29669

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

RE: The State, Respondent v. Corey Williams #259070, Appellant
Case No. 2011-CP-04-02789

Dear Mr. Shearouse:

Enclosed for filing is a Notice of Appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the Notice of Appeal on the Respondents.
- (2) A copy of the order of judgment which is to be challenged on appeal.
- (3) Explanation as to why this determination was improper
- (4) Supporting evidence

This appeal is being filed with the Supreme Court because the lower Court has determined that the Post-Conviction relief action is successive and untimely.

Sincerely,

sl Corey Williams #259070

Corey Williams # 259070

RECEIVED

AUG 01 2012

S.C. SUPREME COURT

RECEIVED

AUG 01 2012

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA

In The Court Of Appeals
[In The Supreme Court]

APPEAL FROM ANDERSON COUNTY

Court Of Common Pleas

J. Cordell Maddox Jr., Chief Administrative Judge

Case No. 2011-CP-04-02789

The State, Respondent,
v.
Corey Williams #259070 Appellant.

NOTICE OF APPEAL

Corey Williams #259070 appeals the Order of the Honorable J. Cordell Maddox, Jr., finalizing the Order of dismissal, dated dismissing application for PCR, case no. 2011-CP-04-2789, as being a successive and untimely application. Appellant recieved written notice of the Order on

Date:

RECEIVED

AUG 01 2012

S.C. SUPREME COURT

Office of the Attorney General
ATTN: Kaelon E. May, Esquire
Post Office Box 11549
Columbia, South Carolina 29211

sl Corey Williams #259070

Corey Williams #259070

Perry C.I.

430 Oaklawn Rd.

Pelzer, South Carolina 29669

THE STATE OF SOUTH CAROLINA

In The Court Of Appeals
[In The Supreme Court]

APPEAL FROM ANDERSON COUNTY

Court of Common Pleas

J. Cordell Maddox Jr., Chief Administrative Judge, Tenth Judicial Circuit

case no. 2011-CP-04-02789

The State, Respondent,

v.

Corey Williams #259070 Appellant.

PROOF OF SERVICE

I certify that I have served Appellant's "Notice of Appeal" with the Supreme Court to Mr. Shearhouse for filing by depositing an original in the United States Mail at Perry Correctional Inst. on 7-26-12 addressed: ~~Office of the Attorney General~~ ^(w) The Supreme Court of South Carolina, Daniel E. Shearhouse, Clerk of Court, P.O. Box 11330, Columbia, S.C. 29211; A copy of said "Notice of Appeal" has been also served on each of the following parties by depositing each in the United States Mail at Perry C. I.: Richard A. Shirley, Clerk of Court, P.O. Box 800, Anderson S.C. 29622; Office of the Attorney General, ATTN: Kaelon E. May, Esquires, P.O. Box 11549, Columbia, S.C. 29211

Sworn to and Subscribe before me
This ~~20~~ day of July 2012
Steven T. Wainwright
Notary Public Of South Carolina
Exp: November 7, 2016

sl Corey Williams #259070
Corey Williams #259070
Perry C.I. Q2A-221
430 Oaklawn Rd.
Pelzer, S.C. 29669

Explanation Why The Determination By The Lower Court Was Improper

The Appellant, shows with facts, that in this case the State of South Carolina has violated statutory section 17-25-10 in order to obtain a conviction, and to sentence.

S.C. Code ANN § 17-25-10 provides that: "No person shall be punished for an offense unless duly and legally convicted thereof, in a court having competent jurisdiction of the cause and of the person",. NO exceptions. Appellant argues, that did not happen in this case presented.

The statutory term above is clear, and unambiguous on its face, there is no room for statutory construction and a Court must apply the statute according to its literal meaning, Carolina Power & Light Co. v. City of Bennettsville, 314 S.C. 137, 139, 442 S.E.2d 177, 179 (1994). South Carolina law holds that words of a statute must be given their plain and ordinary meaning without resort to subtle or forced construction, to limit or expand the statutes operation, Bryant v. City of Charleston, 295 S.C. 408, 368 S.E.2d 899 (1998); State v. Muldrow, 348 S.C. 264, 559 S.E.2d 847 (2003). And statutory prescriptions couched in language such as "shall" and "must" are mandatory in application and effect, See e.g., South Carolina Police Officers Ret. Sys. v. City of Spartanburg, 301 S.C. 188, 191, 391 S.E.2d 239, 241 (1990); Starnes v. South Carolina Dept. of Public Safety, 342 S.C. 216, 221, 535 S.E.2d 655, 667 (Ct. App. 2000). Furthermore, penal statutes must be construed strictly against the State and in favor of defendant, State v. Blackmon, 304 S.C. 270, 403 S.E.2d 660 (S.C. 1991). It is clear that S.C. Code ANN § 17-25-10 is a jurisdictional statute, and sets forth mandatory instruction to be utilized by the State to punish [sentence] a criminal defendant for an offense after the State has duly and legally convicted the individual. A substantial body of South Carolina law holds that a failure to comply with statutory law jurisdictional in nature deprives the court of subject matter jurisdiction. State v. Lee, 564 S.E.2d 372 (S.C. app 2002); State v. Brown, 570 S.E.2d

559 (Ct. app 2002); State v. Felder, 437 S.E. 2d 43 (S.C. 1993); State v. Richburg, 304 S.C. 162, 403 S.E. 2d 315 (1991); State v. Loftin, 275 S.E. 2d 575 (S.C. 1981); Gray v. State, 276 S.C. 634, 281 S.E. 2d 226 (S.C. 1981); State v. Brunson, 274 S.C. 220, 262 S.E. 2d 44 (1980); State v. Castleman, 64 S.E. 2d 250 (1951).

In this instant case, the record reflects three (3) major injustices or points: (1) that the Appellant, after a declared mistrial on June 10, 1999, was convicted and sentence on same date for same trial. ^(c.w) See transcript of record. (2) That on January 11, 2000, Appellant was re-indicted for murder (2000-GS-04-227, exhibit E, attached), thus, this new indictment superseding the former indictment (exhibit A, attached), however, the Appellant is convicted and sentence on the former indictment that should have been dismissed because it is now void. See exhibit F, attached. (3) That the State "Nolle Prose" the new valid indictment (exhibit E) dismissing this case, but yet, the Appellant is confined to the department of Corrections for said case. These three (3) points satisfies and establishes a violation of section 17-25-10, for the Appellant was not legally convicted thereof, in a court having competent jurisdiction of the cause and of the person. The record reflects in this case that the Appellant was illegally convicted.

Jurisdiction is a fundamental prerequisite to a valid prosecution and conviction, and a usurpation thereof is a nullity. The Court must have jurisdiction over the subject matter, that is jurisdiction of the offense. Power to render a particular judgment or sentence is an equal essential of jurisdiction, without which the judgment or sentence is void. Corpus Juris Secundum vol. 22 criminal law § 150. It is of no avail, under no circumstances to say that the State has jurisdiction of the person and the crime in this case, when it is clear that a Nolle Prosequi has been entered to the valid indictment. Appellant argues that by dismissing the valid indictment, legally, there is nothing before the Court which he can be "held to answer". It also follows that the Appellant is entitled to be

discharged so far as the offense originally presented to the Court by the indictment is concerned. S.C. Constitution Article I § 11 and Article V § 22 (footnote omitted); S.C. Code Ann § 17-19-10 (2003) ("No person shall be held to answer in any court for an alleged crime or offense, unless upon indictment by a grand jury").

Appellant also points out that he is not arguing whether the indictments have defects or the sufficiency thereof on a subject matter jurisdiction claim, but whether: (A), Was the Court's authority limited in 1999 and did the Court err by imposing a sentence on a mistried case; and (B), do the Court retains jurisdiction over the person and the subject matter after the State dismissed the case by entering a Nolle Prosequi to the indictment in 2000. The answer to "(A)" is yes, and the answer to "(B)" is NO. This is why the Appellant raises the issue of the States Jurisdiction of the Subject Matter (Power of a particular Court to hear the type of case that is then before it. Term refers to jurisdiction ~~over the case~~ (c.w.) of court over class of cases to which particular case belongs, jurisdiction over the nature of the cause of action and relief sought; or the amount for which a court of limited jurisdiction is authorized to enter judgment. A Court is without authority to adjudicate a matter over which it has no jurisdiction even though the court possesses jurisdiction over the parties to the litigation; e.g., a court of limited criminal jurisdiction has no power to try a murder indictment and its judgment therein would be void and of no effect because it lacks subject matter jurisdiction), Black's Law Dictionary Abridged Sixth Edition 1891-1991. Jurisdiction is power to declare law and when it cease to exist, as in this case, the only function remaining to Court is that of announcing the fact and dismissing the cause. U.S.C.A. Const. Art. 3 § 2 cl. 1.

Therefore, in the context of this explanation, the Appellant contends that because this violation of section 17-25-10 was not caught in a timely manner, it is granted absolution. What is void

in the beginning does not become valid by the passage of time. "Truth Stands Out Clear From Error". It follows that the ruling by the Circuit Court to dismiss the Appellant's PCR application as successive and untimely on the issues presented is improper. No local rule of court, administrative order, policy, or other procedure can take precedent over statutory law, which is always controlling. S.C. Constitution Article §§ 1, 4; State v. Cottingham, 77 S.E. 2d 897, 224 S.C. 181 (1953) (Statutes overrides rules of court if in conflict); State v. Duncan, 264 S.E. 2d 421 (S.C. 1980) (Circuit Court rule promulgated by individual circuit was unconstitutional and void).

sl Corey Williams #259070
Corey Williams 259070

Sworn to and Subscribe before me
This 20th day of July 2012
Stewart Mealey
Notary Public Of South Carolina
Exp: January 7, 2016

Date: 7-20-12

Anderson County

Exhibit A

STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON)

INDICTMENT FOR MURDER
16-3-10, 16-3-20[0116]

At a Court of General Sessions, convened on APRIL 6, 1999
the Grand Jurors of ANDERSON County present upon their oath:

COUNT ONE — MURDER

That COREY L. WILLIAMS
did in ANDERSON County on or about NOVEMBER 10, 1998
feloniously, wilfully and with malice aforethought, kill one CHARLES ALEXANDER
ALLEN
by means of SHOOTING HIM WITH A GUN
and that the said victim died as a proximate result thereof.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

George M. T. Duenworth
SOLICITOR

Material fact 1b

DOCKET NO. 99-GS-04-808

The State of South Carolina,

County of ANDERSON

A TRUE COPY
JUL 23 2009
Cathy M. Phillip
CLERK OF COURT

WITNESSES

SGT. J. ZAMBERLIN/APD

COURT OF GENERAL SESSIONS

APRIL TERM 1999

DDW

THE STATE

vs.

COREY L. WILLIAMS

ARREST WARRANT NO. F-895367

ACTION OF GRAND JURY

TRUE BILL

DATE

Martha A Crowder
4-6-99

Foreman of Grand Jury

Indictment for Murder

16-3-10, 16-3-20[0116]

VERDICT

Foreman of Petit Jury

Date:

GEORGE M. DUCWORTH, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON)

INDICTMENT FOR MURDER
16-3-10, 16-3-20[0116]
16-1-40, 16-1-50[0002]

At a Court of General Sessions, convened on JANUARY 11, 2000,
the Grand Jurors of ANDERSON County present upon their oath:

COUNT ONE — MURDER

That COREY L. WILLIAMS
did in ANDERSON County on or about NOVEMBER 10, 1998,
feloniously, wilfully and with malice aforethought, kill one CHARLES ALEXANDER ALLEN
SHOOTING HIM WITH A GUN
and that the said victim died as a proximate result thereof.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

George M. Duenworth
SOLICITOR

DOCKET NO 2000-GS-04-227

Exhibit (F)

WITNESSES

SGT. J. ZAMBERLIN/APD

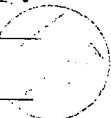
*Noted phrase and take
into consideration with
file.*

1/26/2000 Jim McQuintan

DIRECT REF.

ARREST WARRANT NO.

F-895367



ACTION OF GRAND JURY

Foreman of Grand Jury

T E Duddy

TRUE BILL

DATE *1-11-00*

VERDICT

Foreman of Petit Jury

Date:

The State of South Carolina,

County of ANDERSON

COURT OF GENERAL SESSIONS

JANUARY TERM 2000

DDW

THE STATE

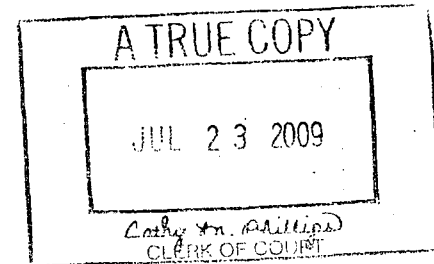
vs.

COREY L. WILLIAMS

Indictment for Murder

16-3-10, 16-3-20[0116]

16-1-40, 16-1-50[0002]



GEORGE M. DUCWORTH, SOLICITOR

STATE OF SOUTH CAROLINA
COUNTY OF Anderson
STATE VS COREY L WILLIAMS
AKA:
Race: B Sex: M
DOB: 07/15/76 AGE: 32
SSN: SCDL#:
SID: SC01251339

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#:

09-GS-04-808

AW#: F895367

Date of Offense: -11/10/19

S.C. Code: 16-03-0010, 0020 CDR Code#: 0116

SENTENCE

PLEA TRIAL



In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO:

Guilty

in violation of 16-03-0010, 0020 of th S.C. Code of Laws, being CDR Code# 0116

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS 17-25-45.

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State

Druanne White
Solicitor

Corey Williams
DEFENDANT

[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 45 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____ plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation. Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The Defendant is to be given credit for _____ days/months jail time.

CONCURRENT or CONSECUTIVE to sentences on: to present sentence

SPECIAL CONDITIONS:

RESTITUTION Heard, Waived, Ordered

Total: \$ _____ plus 20% fee \$ _____
set by SCDPPPS _____

Recipient: _____

PTUP _____
_____ days/hours Public Service Employment

Obtain GED _____
Attend Voc Rehab. or Job Corps _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

_____ paid to Public Defender Fund.

*Fine:.....\$ _____
14-1-206 - Assessments 100%.....\$ _____
14-1-211 - Surcharge.....\$ 100

(Exceptions: See 14-1-211)
56-5-2995 (DUI).....\$ _____
County(3%).....\$ _____
TOTAL.....\$ 100

Clerk of Court/Deputy Clerk: Linda DeShields

Court Reporter: W. Brady

A TRUE COPY
SEP 23 2011
PRESIDING JUDGE
Judge Code: 010 Hall
Sentence Date: 1-26-2000
CLERK OF COURT

[Signature]

TRUE COPY
MAR - 6 2012

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF ANDERSON)

2011-CP-04-2789

Corey Williams, #259070)

Applicant,)

**CONDITIONAL ORDER OF
DISMISSAL**

v.)

State of South Carolina,)

Respondent.)

FILED-CLERK'S OFFICE
ANDERSON SC
2012 MAR - 6 P 2:15
COMMON PLEAS AND
GENERAL SESSION

This matter comes before this Court by way of an application for post-conviction relief (PCR) filed September 20, 2011. Respondent made its Return and Motion to Dismiss on or about February 27, 2012.

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Anderson County Clerk of Court. The Applicant was indicted at the April 1999 term of the Anderson County Grand Jury for Armed Robbery (1999-GS-04-807), Possession of a Firearm During Commission of a Violent Crime (1999-GS-04-806), Conspiracy (1999-GS-04-805), and Murder (1999-GS-04-808). He was represented by Nancy Jo Thomason. On June 7-10, 1999, Applicant underwent trial pursuant to which he was found guilty on all charges except for the Murder charge. A mistrial was declared on the Murder charge. The Honorable C. Victor Pyle, Jr., sentenced the Applicant to consecutive terms of thirty (30) years for Armed Robbery, five (5) years for Criminal Conspiracy, and five (5) years for Possession of a Firearm respectively. On January 26, 2000, the Applicant pled guilty to Murder (1999-GS-04-808). The Honorable L. Casey Manning sentenced the Applicant to confinement for a period of forty-five

(45) years, concurrent to Applicant's current sentences. Applicant did not appeal his convictions or sentences from his 1999 trial or his 2000 guilty plea.

On April 8, 2002, Applicant filed an application for PCR (2002-CP-04-1094), alleging the following: 1) ineffective assistance of trial counsel for failure to file an appeal; 2) ineffective assistance of plea counsel for failure to file an appeal; 3) failure to investigate; 4) procedural due process violation; 5) inconclusive records; 6) no reasonable doubt charge given; and 7) Lack of Subject Matter Jurisdiction. The State filed its Return on January 7, 2004 requesting summary dismissal of the application. A hearing regarding the state's motion for summary dismissal was convened on March 22, 2004 at the Anderson County Courthouse. The Applicant was present at the hearing and represented by Rodney Richey, Esquire. The Honorable J. Cordell Maddox, Jr. issued an Order denying the state's motion for dismissal on June 1, 2004. An evidentiary hearing in the matter was convened on April 21, 2005, at the Anderson County Courthouse. The Applicant was present at the hearing and represented by Rodney Richey, Esquire. The Honorable Alexander S. Macaulay issued an Order on July 7, 2005, denying and dismissing Applicant's application for PCR and granting Applicant a belated direct appeal of Applicant's June 1999 trial. On July 25, 2005, Applicant filed a Rule 59(e), SCRCR motion. Judge Macaulay denied that motion by Order dated August 19, 2005.

The Applicant appealed the denial of his PCR application. Applicant was represented on appeal by Robert M. Pachak, Esquire. Mr. Pachak filed a Petition for Writ of Certiorari and an Anders Brief of Appellant pursuant to White v. State on December 5, 2005. Applicant filed a pro se brief. The South Carolina Supreme Court dismissed Applicant's appeal. Williams v. State, Op. No. 2007-MO-002 (S.C. Sup. Ct. filed January 16, 2007). The remittitur was issued on February 1, 2007.

Subsequently, the Applicant filed a Petition for Writ of Habeas Corpus on April 28, 2010 (9:10-829-JFA-BM). On November 5, 2010, the United States Magistrate Judge filed a report and

recommendation. On June 21, 2011, the United States District Court issued an Order dismissing the Applicant's petition.

II.

In his current application for post-conviction relief the Applicant alleges that he being held in custody unlawfully for the following reasons:

1. "Jurisdiction of the Subject Matter for the 1999 convicted sentences on the lesser included offenses, for which a mistrial was declared in the case."
2. "Jurisdiction of Court to accept plea of guilty for the 1999 Murder indictment when indictment was superseded by indictment bearing the same language and information."
3. "Violation to Applicant's Fifth Amendment right for Double Jeopardy Clause on 1999 and 2000."

III.

Before this Court are the records of the Anderson County Clerk of Court regarding the subject convictions, the Applicant's records from the South Carolina Department of Corrections, and the records from Applicant's prior PCR and PCR appeal proceedings. The Respondent reserves the right to amend this Return upon receipt of any relevant materials.

This Court finds that the current Application for PCR must be summarily dismissed because it is successive to Applicant's prior application for post-conviction relief and petition for habeas corpus. Successive applications for post-conviction relief are disfavored. Land v. State, 274 S.C. 243, 262 S.E.2d 735 (1980). S.C. 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, 409 S.E.2d 392 (1991). Any new ground raised in a subsequent application is limited to those grounds that "could not have been raised . . . in the previous application." [Emphasis in original]. Id., 305 S.C. at 450, 409 S.E.2d at 394. 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. Land, Id.

This Court finds that Applicant previously raised the issue of subject matter jurisdiction ineffective in his first PCR application. Additionally, the Applicant admits in his current Application that the issue of Double Jeopardy was raised in his Federal Habeas Corpus Petition. The Applicant could have raised the new grounds for relief in his prior post-conviction relief application. The Applicant has failed to present any reasons why he could not have raised the current allegations in his previous post-conviction relief applications or why his current allegations were not properly raised in his previous application and habeas petition. Accordingly, this Court summarily dismisses the application because it is successive.

IV.

This Court finds that the current Application for PCR must be summarily dismissed for failure to comply with the filing procedures of the uniform post-conviction procedure Act. S.C. Code Ann. §17-27-10, et. seq. S.C. 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. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). The Applicant was convicted of the offense(s) he challenges in this Application on June 10, 1999 and January 26, 2000. This Application was filed on September 20, 2011, well beyond the expiration of the statutory filing period.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, S.C. Code Ann. § 17-27-70(c) (1985) 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 the moving party is entitled to judgment as a matter of law." Therefore, this Court finds that this Application for post conviction relief must be summarily dismissed for failure to file within the time mandated by the Post Conviction Procedure Act and for being successive.

V.

This Court finds that that the doctrine of *res judicata* bars the Applicant's claims. *Res judicata* prohibits subsequent actions by the same parties on the same issues. Bell v. Bennett, 307 S.C. 286, 414 S.E.2d 786 (Ct. App. 1992). A final judgment on the merits in a prior actions bars supplement consideration of those issues in a new action. Foran v. USAA Casualty Ins. Co., 311 S.C. 189, 427 S.E.2d 918 (Ct. App. 1993). *Res judicata* also bars any issues that could have been raised in

the former actions. Id.

The Applicant had a full opportunity to litigate all allegations complained of in this Applicant for post-conviction relief in the state court. The Applicant continues to raise the same meritless claims by repeated collateral attacks on his conviction. The public interest in finality of judgments requires that litigation must eventually come to an end. Pursuant to Rule 12(b)(6), SCRPC, this Court finds the Applicant's claim are barred by *res judicata*.

VII.

Pursuant to S.C. Code Ann. § 17-27-70(b), the Court intends to dismiss this Application with prejudice unless the Applicant provides specific reasons, factual or legal, why the Application should not be dismissed 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. The Applicant shall file any reasons he may have with the Anderson County Clerk of Court and shall serve opposing counsel at the following address:

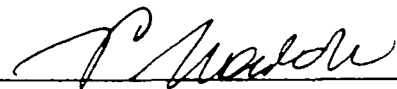
Office of the Attorney General
Attn: Kaelon E. May, Esquire
P.O. Box 11549
Columbia, South Carolina 29211

COMMON PLEAS AND
GENERAL SESSIONS

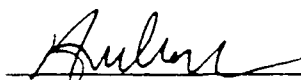
2012 MAR - 6 P 2:32

FILED - CLERK'S OFFICE
ANDERSON SC

AND IT IS SO ORDERED this 5 day of March, 2012.



J. Cordell Maddox, Jr.
Chief Administrative Judge
Tenth Judicial Circuit

 _____, South Carolina

STATE OF SOUTH CAROLINA)
)
 COUNTY OF ANDERSON)
)
 Corey Williams, #259070,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)
 _____)

IN THE COURT OF COMMON PLEAS
 Case No.: 2011-CP-04-2789
 A TRUE COPY
 JUL - 9 2012
 FINAL ORDER OF DISMISSAL
 Clerk of Court

This matter comes before this Court by way of an application for post conviction relief (PCR) filed September 20, 2011. The Respondent made its Return and Motion to Dismiss on or about February 27, 2012, 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 Condition Order of Dismissal dated March 5, 2012, 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 the acknowledgement of receipt form dated March 23, 2012, of the above-mentioned Conditional Order of Dismissal from the Applicant.

In a document captioned "Motion to show why the application should not be dismissed pursuant to S.C. Code Ann. § 17-27-70(b)" filed March 27, 2012, the Applicant raises the following: (A) that the trial court made a "plain error" by accepting the guilty verdicts for the lesser included offenses before a verdict was reached for the felony charge; (B) Applicant's due process rights were violated under the Fifth and Fourteenth Amendments and Article I, Section 3 of the South Carolina Constitution when the State indicted Applicant on four different charges

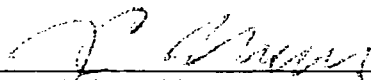
that stemmed from a single criminal incident in one night, that should have been construed as one offense as the legislature intended because the charges occurred so closely in time that under the law they should not have constituted separate and distinct offenses as stated under S.C. Code Ann. §17-25-59; (C) that Applicant's guilty plea cannot be a valid plea because the state did not retain any jurisdiction on the charging document (1999-GS-04-808); (D) and Applicant's due process rights to double jeopardy of the Fifth Amendment have been violated in 1999 and 2000 because Applicant was sentenced twice for the same crime.

This Court has reviewed the Applicant's response to the State's motion to dismiss in its entirety, in conjunction with the original pleadings, and finds that sufficient reason has not been shown why the Conditional Order of Dismissal should not become final. Applicant has shown no reason for the thirteen-plus year delay between the affirmation of his appeal and his filing of this PCR application. Furthermore, the Applicant has shown no reason why these grounds could not have been raised or were not properly raised by him in his previous PCR application and PCR appeal. Accordingly, this Court finds no reason why the Conditional Order of Dismissal should not become final.

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 hereby advised the Applicant he must file and serve a Notice of Appeal within thirty (30) days of service on this Order to secure appellate review. See Rule 203, SCACR. The Applicant's attention is directed to Rule 243, SCACR, for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this 5th day of June, 2012.



J. Cordell Maddox, Jr.
Chief Administrative Judge
Tenth Judicial Circuit

Anderson, South Carolina

FILED
JUN 11 2012
CLERK OF COURT
TENTH JUDICIAL CIRCUIT

Corey Williams #259070

Perry C.I. Q2A-212

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JUL 27 2012

P.C.I. MAILROOM

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
Post Office Box 11330
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