

May/2, 2014

Dear Mr, Shearouse,

This letter is in reference to the notice of appeal. I am filing this appeal, because I have not gotten the chance at one bite of the apple. In accordance with my P.C.R.. The S.C. Supreme Court in its jurisprudence has consistently ruled that a appeal is part of the one bite of the apple doctrine. The order of the Honorable Alison Lee is absent that I had a right to appeal the order. Also my then attorney Bob Wood never told me that I could appeal. I am requesting that this belated appeal be granted. Furthermore that a evidentiary hearing be convened that I can present my PCR issues.

Respectfully Submitted,

Arthur Arthur

**RECEIVED**

MAY 16 2014

**S.C. SUPREME COURT**

**RECEIVED**

MAY 16 2014

**S.C. SUPREME COURT**

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Alison Renee Lee, Circuit Court Judge

Case No. 2012-CP-40-06450

Andrew Anderson, #256352..... Petitioner,

v.

State of South Carolina, ..... Respondent.

NOTICE OF APPEAL

Andrew Anderson #256352 appeals the order of the Honorable Alison Renee Lee dated March 5, 2013. Appellant received written notice of entry of this order on March 14, 2013.

Other Counsel of Record:

Allan Wilson  
S.C. Attorney General  
P.O. Box 11549  
Columbia, S.C. 29211-1549

Andrew Anderson  
Andrew Anderson #256352  
Turbeville Correctional Inst.  
1578 Clarence Coker Hwy.  
Turbeville, S.C. 29162

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Alison Renee Lee, Circuit Court Judge

Case No. 2012-CP-40-06450

Andrew Anderson, #256352..... Petitioner,

v.

State of South Carolina,..... Respondent.

DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL

Petitioner proposes the following be included in the  
Record on Appeal:

1. Order of March 5, 2013:

I certify that this designation contains no matter which  
is irrelevant to this appeal.

May 12, 2014

Andrew Anderson

Andrew Anderson #256352  
Turbeville Correctional Inst.  
1578 Clarence Coker Hwy.  
Turbeville, S.C. 29162

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Alison Renee Lee, Circuit Court Judge

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Case No. 2012-CP-40-06450

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State of South Carolina,..... Respondent.

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PROOF OF SERVICE

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I certify that I have served the Notice of Appeal on the below mentioned by depositing a copy of it in the United States Mail postage prepaid on May 12, 2014.

May 12, 2014

Allan Wilson Attorney General of S.C.  
P.O. Box 11549 Cda, S.C. 29211-1549

Jeanette McBride Clerk of Court Richland Co.  
P.O. Box 2766 Colg, S.C. 29202-2766

S.C. Indigent Defense Commission  
P.O. Box 11589  
Colg, S.C. 29211-1589.

Andrew Anderson  
Andrew Anderson #256352  
Turberille Correctional Inst.  
1578 Clarence Coker Hwy,  
Turberille, S.C. 29162

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS )  
FOR THE FIFTH JUDICIAL CIRCUIT )

Andrew Anderson, #256352, )

2012-CP-40-06450 )

Applicant, )

v. )

ORDER OF DISMISSAL )

State of South Carolina, )

Respondent. )

JEANETTE W. MORRIS  
CLERK OF COURT  
C.P. & G.S.  
2013 MAR - 7 PM 12:42  
RICHLAND COUNTY  
FILED

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed September 27, 2012. The case was called for an evidentiary hearing before this Court on Monday, March 04, 2013, at the Richland County Courthouse. Applicant was present at the hearing with counsel, Bob Wood, Esquire (hereafter "counsel"). At the start of the hearing, Applicant informed this Court that he wished to withdraw his application for post-conviction relief with prejudice.

I.

The Applicant is currently incarcerated with the South Carolina Department of Corrections pursuant to orders of commitment issued by the Richland County Clerk of Court. Applicant was true bill indicted at the February 2010 term of the Richland County Grand Jury Burglary – First Degree (2010-GS-40-11891). He was represented by Brian Shealey, Esquire, on the charge. On January 24, 2012, Applicant appeared before the Honorable DeAndrea Benjamin where he pled guilty to the charge as indicted pursuant to a negotiated plea offer with the state for a fifteen (15) year term of imprisonment. Sentencing was deferred at that time to allow for the completion of a probation report.

Applicant came back before Judge Benjamin at the Richland County Courthouse on February

ANDERSON Andrew #256352 – ORDER OF DISMISSAL (2012-CP-40-06450)

*aw*

SCANNED

16, 2012, at which time he was sentenced to fifteen (15) years imprisonment in line with the state's negotiated offer, as well as five (5) years imprisonment as part of a probation violation to run concurrently. Charges of Grand Larceny, Larceny of a Bicycle, Petit Larceny and Auto Breaking were all *nolle prossed* by the State as part of the plea. Applicant did not appeal his plea or sentences.

## II.

It appears that counsel for both parties consent to the dismissal of the Application for Post-Conviction Relief **with prejudice**. Further, upon extensive examination of the Applicant under oath in open court, this Court finds that the dismissal of this application for post-conviction relief is voluntary, and that Applicant has knowingly and intelligently elected to have his application dismissed with prejudice after being fully and adequately advised of all relevant issues by competent legal counsel with whom Applicant is completely satisfied.

Additionally, out of an abundance of caution, this Court also advised Applicant in open court of the consequences of withdrawing the application with prejudice to ensure Applicant was making a voluntary and informed decision. This Court finds Applicant fully understands the consequences of this withdrawal with prejudice and has decided to waive his right to challenge the current convictions through post-conviction relief, thereby waiving his ability to challenge the underlying charges through subsequent collateral attack in both state and federal court.


Therefore, this application for post-conviction relief is dismissed **with prejudice**.

*arf*  
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IT IS THEREFORE ORDERED:

1. That the application for post conviction relief be **DISMISSED WITH PREJUDICE**; AND
2. That Applicant be remanded to the custody of Respondent.

AND IT IS SO ORDERED this 5<sup>th</sup> day of March, 2013.



ALISON RENEE LEE  
Presiding Judge  
Fifth Judicial Circuit Court

Columbia, South Carolina



Andrew Anderson # 256352  
Turbeville Correctional Institution  
SA-105  
1578 Clarence Coker Highway  
Turbeville, S.C. 29162

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

SSC  
SC

MM/14/3/2014

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MAY 14 2014

INTER-AGENCY MAIL

LEGAL MAIL