

EXHIBIT

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reasons why he believed his application should not be summarily dismissed². In this response, Applicant alleges he is entitled to an evidentiary hearing based upon his previous post-conviction relief attorney failing to seek appellate review of the denial of his 2007 application.

Applicant's contention that he received ineffective assistance of counsel on his prior post-conviction relief application is not a ground for relief. "The contention that prior post-conviction relief counsel was ineffective is not *per se* a "sufficient reason" warranting a successive post-conviction relief application under 17-27-90." Aice v. State, 305 S.C. 448, 451, 409 S.E.2d 392, 394 (1991). Applicant has shown no reason why this issue could not have been raised in his prior post-conviction relief applications or within the statute of limitations for filing a post-conviction relief application pursuant to S.C. Code. § 17-27-45. Applicant's request was already addressed by his 2010 PCR application. The Court found he did not have proper grounds to seek review on his original 2007 PCR. Furthermore, Applicant does not provide any specific evidence which would support his claims of ineffective assistance of counsel. Applicant has provided no reason why his current claims are any different than the ones he previously raised. 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, this application for post-conviction relief is hereby denied and dismissed with prejudice.

² Applicant also filed a *pro se* document captioned, "Opposition to the Signed Conditional Order of Dismissal" on August 12, 2013. Since Applicant is represented by Counsel, this Court will not take any action on these documents. See Foster v. State, 298 S.C. 306, 379 S.E.2d 907 (1989) (South Carolina does not recognize hybrid representation); see also Rule 11, SCRCP, requiring every pleading, motion, or other paper of a party represented by counsel to be signed by at least one attorney of record who is an active member of the South Carolina Bar; if a pleading, motion, or other paper is not signed, "it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant."

This Court hereby advises the Applicant that he must file and serve a Notice of Appeal within thirty (30) days of the service of 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 3rd day of February, 2017.



EDGAR W. DICKSON
Chief Administrative Judge
First Judicial Circuit

Orangeburg, South Carolina.

