

Johnson, Janet

From: White, Della
Sent: Thursday, June 05, 2014 4:10 PM
To: Johnson, Janet
Subject: FW: PCR Appeals
Attachments: PCR Orders.pdf

Importance: High

From: Rodney Davis [mailto:Davis@LowcountryLawOffice.com]
Sent: Thursday, June 05, 2014 3:38 PM
To: White, Della
Subject: PCR Appeals
Importance: High

Miss White,

I filed appeals on the below-listed cases on Monday, May 19, 2014. Attached are the only orders that have been signed. Your office has requested the final orders in each case (by email and recently, by letter). No such orders exist, yet. The AG's Office is still preparing the official orders for review and signature. Therefore, it appears that my filing was premature. If I need to refile following the effectuation of the official orders, I am happy to do that. Please advise. Thanks.

Richard Deas v. State 2014-001140
Thompson White v. State 2014-001137

Rodney

Rodney D. Davis

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STATE OF SOUTH CAROLINA)

COURT OF COMMON PLEAS)

County of Charleston Berkeley)

Case No. 2013-CP-10-2306)

RICHARD DEAS)

Applicant / Petitioner)

vs.)

State of South Carolina,)

Respondent.)

By
ORDER

FILED
APR 18 AM 9:47
CLERK OF COURT

This post-conviction relief case came before the court for a hearing. Having now heard this matter, the court orders as indicated herein.

1. The application for post-conviction relief is hereby: denied granted under advisement; a formal order will be filed (see below - No.6)

2. Motion(s) was/were heard in this case and the court orders: The motion to dismiss and/or for summary judgment is hereby granted denied under advisement, based upon the statute of limitations and/or the successive nature of the application or other reason as follows:

3. A conditional order of dismissal was previously filed in this case. Upon review of the matter, the court finds:

Good cause as to why the case should not be dismissed has been shown in response to the order of dismissal; therefore, a hearing on the merits of the application shall be scheduled.

The court has considered the response to the conditional order of dismissal and finds that good cause has not been shown or no response has been filed to the conditional order of dismissal; therefore, the application is hereby dismissed.

4. The application was freely, voluntarily, and intelligently withdrawn as indicated on the record; therefore, this case is dismissed with prejudice without prejudice.

5. Other: _____

6. The court further orders:
 The Attorney General Applicant's counsel is directed to submit to the court a proposed order and to serve the order on opposing counsel within 30 days.

Both sides are directed to submit proposed orders to the court and to serve the orders on each other within _____ days.

The court does not request proposed orders.

IT IS SO ORDERED.

Date: 04 / 17 / 2014
Charleston, S.C.

R. M. [Signature]
Presiding Judge

Court Reporter: Deborah Garrison
Attorney for Plaintiff: Rodney Davis
Attorney for Defendant: Ashleigh R. Wilson