

Spartanburg County

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M. Hope Blackley
Clerk of Court

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF SPARTANBURG

7TH JUDICIAL CIRCUIT

Paul Ledee Corp. #15206

CASE # 0007CPB2757

Applicant

CERTIFICATE OF SERVICE

vs
Dee

Respondent

I certify that, on this date, I served a copy of the Order of Dismissal
In this action dated 4-28, 2014 on 4-30-14

By mailing to him/her, at his/her last known address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows:

Ann Meehan
Suzanne White
Paul Led

4-30-14
(Date)

Carrie Song
(Signature)

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

Paul Leslie Cox, #75206,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
SEVENTH JUDICIAL CIRCUIT

2007-CP-42-2757

ORDER OF DISMISSAL

2014 APR 29 11:58 AM
1066

This matter comes before this Court by way of an application for post conviction relief filed August 7, 2007. The Respondent made its Return on or about October 3, 2007. An evidentiary hearing was convened into the matter on January 18, 2008, at the Spartanburg County Courthouse. The Applicant was present at the hearing and was represented by William S.F. Freeman, Esquire. This Court signed a Final Order of Dismissal on May 23, 2008 finding that the application was successive to the Applicant's five (5) previous applications and was filed outside the statute of limitations. Applicant then filed a Motion to Reconsider on June 18, 2008. This Court granted that motion which reopened the record to allow for discovery into the mandatory life sentence imposed on Applicant and into the issue of Applicant's parole eligibility. The State then filed a Rule 59(e) motion on October 14, 2008, asking the court to reconsider its decision to grant discovery. This Court granted the State's Rule 59(e) motion by Order dated February 20, 2014, rescinding the grant of discovery.

A hearing was convened on March 10, 2014 at the Spartanburg County Courthouse to give the Applicant an opportunity to present evidence to support his allegations. Applicant was present and represented by William S.F. Freeman. The State was represented by J. Clayton Mitchell, Esquire. The Applicant became upset while being examined by his attorney and chose not to

continue the hearing. The Court noted on the record that Applicant became uncooperative and attempted to leave the courtroom. Applicant unequivocally stated that he wished to terminate counsel and withdraw this application. Due to Applicant's actions at the hearing, the Respondent moved pursuant to Rule 41(b), SCRPC, to dismiss this matter due to the Applicant's failure to prosecute and his multiple requests to withdrawal his application.

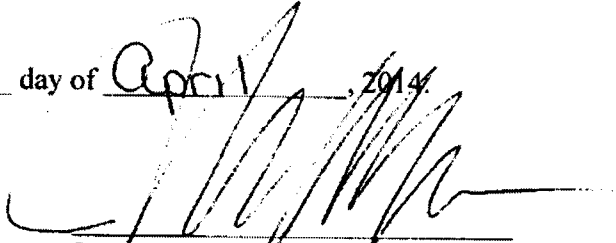
The plaintiff has the burden of prosecuting his action, and the trial court may properly dismiss an action for plaintiff's neglect in proceeding with his cause. Don Shevey & Spires, Inc. v. American Motors Realty Corp., 279 S.C. 58, 301 S.E.2d 757 (1983). This Court finds the Respondent's motion well taken and hereby dismisses this matter with prejudice.

2014 APR 29 PM 3:01

IT IS THEREFORE ORDERED:

1. The above captioned application is dismissed with prejudice for Applicant's failure to prosecute.

AND IT IS SO ORDERED this 28 day of April, 2014.



J. Mark Hayes II
Presiding Judge
Seventh Judicial Circuit

Spartanburg, South Carolina