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FORM 4

STATE OF SOUTH CAROLINA  
COUNTY OF HAMPTON  
IN THE COURT OF COMMON PLEAS

FILED

JUDGMENT IN A CIVIL CASE  
CASE NUMBER 2013CP2500356

Brian L Williams

2014 JUN 10 AM 8:01 State Of Sc

MELINDA S. HEITZ  
CLERK OF COURT  
HAMPTON COUNTY, S.C.

RECEIVED

FILED - 9 2014

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: <b>CLERK OF COURT</b>	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input checked="" type="checkbox"/> Self-Supplementing
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DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j) SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order; (formal order to follow)  Statement of Judgment by the Court:  
**ORDER INFORMATION**

This order  ends  does not end the case.  
Additional Information for the Clerk: ORDER DENYING APPLICANT'S MOTION FOR DEFAULT JUDGMENT SIGNED BY JUDGE BUCKNER FILED 06-05-2014

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge \_\_\_\_\_ Judge Code \_\_\_\_\_ Date \_\_\_\_\_  
For Clerk of Court Office Use Only

6/17/14

APW  
- scan to world dot  
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order up #  
inmate  
- file

ATTORNEY GENERAL'S OFFICE

RECEIVED 6/16/14

ADMINISTRATIVE INSTRUCTIONS

FILE \_\_\_\_\_ END

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-PEN RE: \_\_\_\_\_

OTHER \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This judgment was entered on \_\_\_\_\_, and a copy mailed first class or placed in the appropriate attorney's box on \_\_\_\_\_, to attorneys of record or to parties (when appearing pro se) as follows:

Brian L Williams

Ashleigh Rayanna Wilson PO Box 11549 Columbia, SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Mylynda D Nettles

Court Reporter

Mylynda Nettles - Clerk of Court

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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STATE OF SOUTH CAROLINA  
COUNTY OF HAMPTON

Brian L. Williams,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS  
14TH JUDICIAL CIRCUIT

2013-CP-25-356

**ORDER DENYING APPLICANT'S  
MOTION FOR DEFAULT JUDGMENT**

2014 JAN -5 AM 10:24  
FILED  
CLERK OF COURT  
HAMPTON COUNTY, S.C.

This matter comes before the Court by way of a document captioned "Motion for Default" filed with the Hampton County Clerk of Court on February 20, 2014. The Respondent filed a Return and Motion to Dismiss. This Order follows.

For a petitioner challenging his prior convictions to be granted default judgment against the State of South Carolina, he must show prejudice from the State's delay in failing to timely answer his petition. Kneece v. State, 269 S.C. 177, 236 S.E.2d 745 (1977); Herring v. State, 262 S.C. 597, 206 S.E.2d 885 (1974); Guinyard v. State, 260 S.C. 220, 195 S.E.2d 392 (1973). To show prejudice, a petitioner must show that his petition has merit. Id. Furthermore, compliance with the statutory time limits is discretionary with the circuit court. Guinyard, 260 S.C. at 225, 195 S.E.2d at 393.

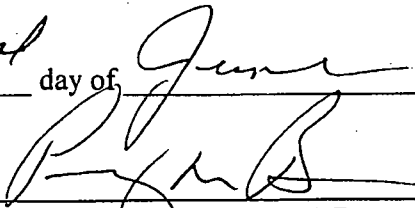
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PAB

This Court finds that Applicant has failed to establish any resulting prejudice from any delay by the Respondent in responding to this application. As discussed above in Guinyard, the thirty day period in which to file a response to petitions is discretionary and this Court refuses to hold Respondent in default for failing to file its responsive pleading to this petition within thirty days of receipt. Furthermore, this Court finds that Applicant cannot establish prejudice, as he is unable to show that his successive application for post-conviction relief has merit. The

allegations the Applicant raises in this most recent filing are his third collateral attack on his conviction. All previous attacks, including one previous post-conviction relief action and a prior federal habeas corpus action, have all been dismissed as without merit. As the Applicant has failed to establish the requisite prejudice required to hold the State of South Carolina in default, this Court finds that this motion must be dismissed with prejudice.

**IT IS THEREFORE ORDERED** that the Motion for Default Judgment is hereby DENIED.

AND IT IS SO ORDERED this 3<sup>rd</sup> day of June, 2014.

  
\_\_\_\_\_  
THE HONORABLE PERRY M. BUCKNER  
Chief Administrative Judge  
14th Judicial Circuit

Walter, South Carolina.