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September 24, 2014

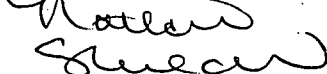
Hon. Daniel E. Shearouse
Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

Re.: State v. Bowser

Dear Clerk Shearouse:

Please find enclosed two copies of the Notice of Appeal and Certificate of Service along with the Circuit Court Order on the above referenced case. Please file the original and mail the copies back in the also enclosed self addressed stamped envelope. Please feel free to contact me with any questions or concerns you may have. Thank you.

Sincerely Yours,



Nathan Sheldon
Shaw Law Firm

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SEP 26 2014

S.C. SUPREME COURT

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SEP 26 2014

S.C. SUPREME COURT

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHESTER COUNTY
Court of Common Pleas

W. Jeffrey Young, Circuit Court Judge

Case No. 2013-CP-12-0173

State of South Carolina, Respondent,

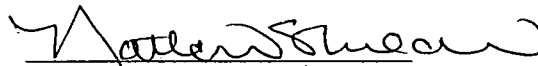
v.

Travis Lamar Bowser, Appellant.

NOTICE OF APPEAL

Travis L. Bowser appeals the order of the Honorable W. Jeffrey Young dated August 16, 2014. Appellant received written notice of entry of this order on September 10, 2014.

September 24, 2014



Nathan Sheldon
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Attorney for Appellant

Other Counsel of Record:
J. Croom Hunter
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(803) 734-3970

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHESTER COUNTY
Court of Common Pleas

W. Jeffrey Young, Circuit Court Judge

Case No. 2013-CP-12-0173

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SEP - 6 2014

S.C. SUPREME COURT

The State of South Carolina

Respondent,

v.

Travis Lamar Bowser

Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the below listed people by depositing a copy of them in the United States Mail, postage prepaid, on September 24, 2014, to the addresses listed below.

J. Croom Hunter
Assistant Attorney General
Post Office Box 11549
Columbia, South Carolina 29211-1549

Hon. Sue K. Carpenter
Chester County Clerk of Court
Post Office Drawer 580
Chester, SC 29706-0580



Nathan Sheldon
1169 Ebenezer Rd.
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Attorney for Appellant

September 24, 2014

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SEP 26 2014

S.C. SUPREME COURT

FILED

SEP 29 11:36
CLERK OF COURT
CHESTER CO S.C.

STATE OF SOUTH CAROLINA)
COUNTY OF CHESTER)

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

Travis Lamar Bowser, #288475,)

2013-CP-12-0173)

Applicant,)

v.)

ORDER OF DISMISSAL PURSUANT)
TO AUSTIN V. STATE)

State of South Carolina,)

Respondent.)

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SEP 26 2014

S.C. SUPREME COURT

This matter comes before the Court by way of an Application for Post-Conviction Relief (PCR) filed April 12, 2013.

I.

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Chester County Clerk of Court. The Applicant was indicted for three (3) counts of Armed Robbery (2002-GS-12-0375, 0376 & 0409). Brian Gibbons, Esquire, represented him. On October 30, 2002, Applicant pled guilty before the Honorable Paul E. Short, Jr., and was sentenced to concurrent terms of twenty (20) years on each count. Applicant did not appeal his conviction and sentence.

The Applicant subsequently filed an application for post-conviction relief (PCR) on January 29, 2003 (C.A. No. 2003-CP-12-0032).¹ An evidentiary hearing into the matter was convened on February 8, 2010, at which the Applicant was present and represented by Ross A. Burton, Esquire. The Applicant raised the following issues in his first PCR:

- 1. Ineffective assistance of trial counsel.

¹ The application was not received by Respondent until May 4, 2009.

2. Improper advice of trial counsel.
3. Failure to conduct a proper investigation.

The Honorable Brooks P. Goldsmith denied and dismissed Applicant's application with prejudice by written Order dated March 9, 2010, and filed March 17, 2010. No appeal was filed.

II.

In the Applicant's current PCR application, he argues his PCR attorney failed to file a timely notice of appeal from Judge Goldsmith's order filed on March 17, 2010. Counsel for the Applicant in his first PCR application, Ross Burton, Esq., contacted Respondent regarding the filing of notice of appeal. It appears that failure to appeal was through inadvertence.

Accordingly, a hearing was convened on July 28, 2014 at the Lancaster County Courthouse before this Court. Applicant was present and represented by Nathan Sheldon, Esquire. Respondent was represented by Assistant Attorney General J. Croom Hunter. Applicant notified the Court that he wished to withdraw his PCR application upon Respondent's consent to allow Applicant have the opportunity for appellate review of his first PCR application pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991).

III.

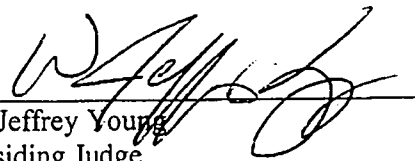
It appearing that counsel for both parties agree that Applicant should have the opportunity for appellate review of his first PCR application pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), and to the dismissal of the remaining allegations in the Application for Post-Conviction Relief, and in light of the fact that this Court has not been made aware of any violations of the Applicant's constitutional rights, this Application for Post-Conviction Relief is dismissed.

IT IS THEREFORE ORDERED:

1. The Application for Post-Conviction Relief is **DENIED AND DISMISSED WITH PREJUDICE**. Within thirty (30) days of service of this Order, counsel for the Applicant must file a Notice of Appeal to secure the appropriate review of the Applicant's first post-conviction relief action, captioned 2003-CP-12-0032. Counsel and the Applicant are directed to King v. State, 308 S.C. 348, 417 S.E.2d 868 (1992) and Rule 243, SCACR, for the appropriate procedure for a belated appeal; and

2. The Applicant is remanded to the custody of the Respondent for the completion of his sentence.

AND IT IS SO ORDERED this 16 day of Aug, 2014.


W. Jeffrey Young
Presiding Judge
Sixth Judicial Circuit

Sumter, South Carolina.

