

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM LEXINGTON COUNTY
COURT OF COMMON PLEAS

THOMAS A. RUSSO, CIRCUIT COURT JUDGE

CASE NO. 2013-CP-32-1392

QUINCY MCCOY, 301045 Appellant

VS

THE STATE OF SOUTH CAROLINA Respondent

NOTICE OF APPEAL

Quincy McCoy, 301045, Appeal the denial and dismissal of his application for Post conviction Relief in the above case. The decision was ordered by the Honorable Thomas A Russo on September 8th, 2014, and was received by Quincy McCoy Pro-se on September 24, 2014.

Dated 10-7-14 2014

Other Counsel of Record,
John Walter Whitmire
Assistant Attorney General

s/ Q McCoy
Quincy McCoy 301045
386 Redemption way
McCormick, SC, 29899

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Quincy McCoy, 301045. Appellant

VS

The State of South Carolina Respondent

Proof of Service

I certify that I have served the Notice of Appeal on the state of South Carolina by depositing a copy of said Notice of Appeal in the United States Mail, postage prepaid, on 10-7-14, 2014 addressed to the Attorneys of record and the appellant as follows:

(1) John Walter Whitmire
Assistant Attorney General
P.O. Box 11549
Columbia, S.C. 29211-1549

(2) Supreme Court S.C.
Daniel E. Stearnouse
P.O. Box 11330
Columbia, S.C. 29211

Sworn before me this
Day 07 of OCT, 2014

Notary J. Frank
Expires 12-16-2019

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OCT 10 2014

[Signature]
Quincy McCoy, 301045
386 Redemption Way
McCormick, S.C. 29819

Quincy McGoy, 301045
MCCT F2143
386 Redemption Way
McCormick, S.C. 29899

Dated 10-7-14 2014

CASE No# 2013-CP-32-1392

Dear Honorable Daniel E Stearns

Enclosed please find the original copy
of Notice of Appeal; Along with Proof of
Service showing all parties has been
served with A ORIGINAL copy.

Respectfully Submitted


C: C: Q: M: 301045
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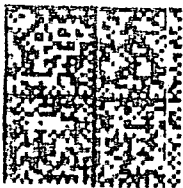
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S.C. SUPREME COURT

COUNTY OF LEXINGTON
BETH A. CARRIGG
CLERK OF COURT
Lexington County Judicial Center
205 East Main Street
Lexington, SC 29072

Quincy McCoy #301045
McCormick Corr inst
386 Redemption Way
McCormick, SC 29899

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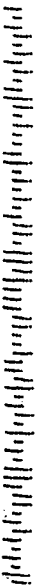
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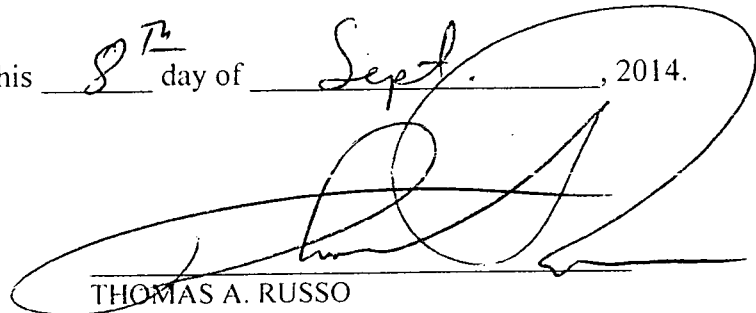
MH



cognizable claim that would be immune from the procedural bars on untimely and successive PCR applications. This Court finds Applicant's allegation that he is entitled to a sentence reduction because of his purported good deeds within Corrections constitutes an incognizable action in this forum. See Al-Shabazz v. State, 338 S.C. 354, 361, 527 S.E.2d 742, 745 (2000). This Court again reiterates that Applicant's allegations of ineffective assistance of PCR counsel are not germane in South Carolina. See Kelly v. State, 404 S.C. 365, 745 S.E.2d 377 (2013). Furthermore, this Court finds PCR counsel's purported decision to not pursue certain allegations that Applicant now asserts were meritorious does not constitute a valid claim of newly discovered evidence. See Clark v. State, 315 S.C. 385, 434 S.E.2d 266 (1993). Therefore, this Court affirms its preliminary decision to summarily deny and dismiss this action.

IT IS THEREFORE ORDERED that, for the reasons set forth in the Court's Conditional Order of Dismissal, the Application for PCR is hereby denied and dismissed with prejudice.

AND IT IS SO ORDERED this 8th day of Sept., 2014.



THOMAS A. RUSSO
Circuit Court Judge
Eleventh Judicial Circuit

Lexington, South Carolina.

This judgment was entered on **15th of September 2014**, and a copy mailed first class or placed in the appropriate attorney's box on **15th of September 2014**, to attorneys of record or to parties (when appearing pro se) as follows:

Quincy McCoy #301045 McCormick Corr Inst 386
Redemption Way McCormick, SC 29899

ATTORNEY(S) FOR THE PLAINTIFF(S)

John Walter Whitmire
PO Box 11549 Columbia, SC 29211-1549

ATTORNEY(S) FOR THE DEFENDANT(S)

Beth A. Carrigg/mh

Court Reporter

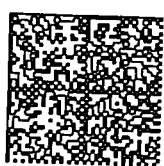
Beth A. Carrigg - Clerk of Court

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.

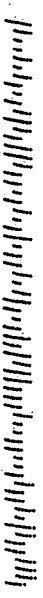
Dancy McElroy #301045 F28-143
386 Ridgeway Way
McCormick SC, 29899

Supreme Court of S.C.
Daniel E. Shearhouse
P.O. Box 11330
Columbia SC, 29211



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