



RECEIVED

AUG 28 2014

GENERAL COUNSEL

per's

ALAN WILSON
ATTORNEY GENERAL

August 26, 2014

David M. Tatarsky, General Counsel
South Carolina Department of Corrections
4444 Broad River Road
Columbia SC 29221-1787

**Re: Larry Eugene Hall, 112241 v. State of South Carolina
2013-CP-39-1440**

Dear Mr. Tatarsky:

Enclosed please find the **Conditional Order** dismissing the above-captioned inmate's post-conviction relief application. Please serve the inmate, **Larry Eugene Hall, 112241**, with the order and provide me with an affidavit of service (enclosed).

If you have any questions, please feel free to call: (803) 734-3737.

Sincerely,

Karen C. Ratigan
Senior Assistant Deputy Attorney General

KCR/jacc
Enclosure

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)
)
Larry Eugene Hall,)
S.C.D.C. No. 112241,)
)
Applicant,)
)
v.)
)
~~State of South Carolina,~~)
)
Respondent.)

IN THE COURT OF COMMON PLEAS
2013-CP-39-1440

CONDITIONAL ORDER OF DISMISSAL

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA
2011 AUG 20 P 12:24

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed November 14, 2013. The Respondent made its Return, requesting the application be summarily dismissed.

I.

The Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Pickens County. The Applicant was indicted at the November 1991 term of the Pickens County Grand Jury for two counts of murder (1991-GS-39-1346, -1347), armed robbery (1991-GS-39-1348), first-degree criminal sexual conduct (CSC) (1991-GS-39-1349), resisting arrest (1991-GS-39-1350), and kidnapping (1991-GS-39-1351). The Applicant was represented by Dallas Ball, Esquire, and Christopher Olson, Esquire.

After the State brought the case to trial, the Applicant was found guilty. On January 28, 1992, the Honorable C. Victor Pyle, Jr. sentenced the Applicant to consecutive sentences of the death penalty for each count of murder, twenty-five years for armed robbery, thirty years for first-degree CSC, ten years for resisting arrest, and thirty years for kidnapping.



A notice of appeal was filed at the South Carolina Supreme Court. Robert M. Dudek, Esquire and Joseph L. Savitz, III, Esquire of the South Carolina Office of Appellate Defense perfected the appeal. The Supreme Court affirmed the Applicant's convictions and sentences on January 10, 1994. State v. Hall, 312 S.C. 95, 439 S.E.2d 278 (1994). The United States Supreme Court denied the subsequent petition for writ of certiorari on June 27, 1994.

The Applicant filed a PCR application on March 17, 1995 (1995-GS-39-0158) and subsequently filed an amendment. The Applicant raised the following issues:

1. Denial of due process because was incompetent to stand trial.
2. Denial of due process because the prosecution at the punishment phase relied upon evidence it knew or should have known was false, misleading, and unreliable.
3. Denial of due process because the prosecution failed to disclose exculpatory material and impeachment evidence to the defense.
4. Ineffective assistance of trial counsel:
 - a. Failed to request a competency evaluation.
 - b. Failed to properly object and preserve issues for appeal.
 - c. Failed to adequately investigate and present evidence to rebut non-statutory aggravation evidence.
 - d. Failed to thoroughly investigate and present evidence in mitigation of punishment.
 - e. Trial counsel had a conflict of interest due to the representation of the Applicant and one of the State's witnesses in the sentencing phase.
5. Ineffective assistance of appellate counsel:
 - a. Failed to raise meritorious issues.

An evidentiary hearing was convened on June 2-3, 1997 at the Pickens County Courthouse. John Blume, Esquire, Teresa Norris, Esquire, and Hilary Sheard, Esquire represented the Applicant. The Honorable Larry R. Patterson denied and dismissed the PCR application by order filed March 6, 2000.

The Applicant filed a notice of appeal. Teresa Norris, Esquire and Jerome Nickerson, Esquire perfected the appeal. The South Carolina Supreme Court affirmed in part, reversed in



part, and remanded the case for re-sentencing on the two counts of murder. Hall v. Catoe, 360 S.C. 353, 601 S.E.2d 335 (2004).

On August 7, 2007, the Honorable John C. Hayes, III resentenced the Applicant to consecutive terms of life imprisonment for the two counts of murder.

II.

In his current PCR application, the Applicant alleges he is being held in custody unlawfully for the following reasons:

1. “[D]eprivation of many of his constitutional right by the state.”
2. “Every person under color of any statute, or ordinance regulation, custom, or the District of Columbia or any state or territory or the district causes causes to be subjected any citizen of any rights privalege or imunities of any rights secured by the constitution and laws shall be liable to the party injured in an action at law suit in equity, or other proper redress.”
3. “The Klu Klux Act of 1871 wa specifically enacted by congress to protect the 13th and 14th and 15th amendment rights of all men the law does not mention color or race.”
 - a. Seeks appointment of counsel.
 - b. Seeks a hearing on ineffective assistance of counsel.
 - c. “Judge John C. Hays resentence him to 20 year life sentence at his resentencing.”

III.

This Court finds this matter should be summarily dismissed because the Applicant has failed to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. §§ 17-27-10, et. seq. (2003). Specifically, South Carolina Code Ann. § 17-27-45(a) reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

The South Carolina Supreme Court has held that the statute of limitations shall apply to all

A handwritten signature in black ink, appearing to be 'J. Hayes III', is located at the bottom center of the page.

applications filed after July 1, 1996. See Peloguin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). The Applicant was convicted of the offenses he challenges in this application on January 28, 1992 and the South Carolina Supreme Court affirmed on January 10, 1994. The Applicant was resentenced on the murder charges on August 7, 2007. This application was filed on November 14, 2013, which was several years after the statutory filing period had expired.

A motion for summary judgment may properly be used to raise the defense of statute of limitations. See McDonnell v. Consolidated Sch. Dist. Of Aiken, 315 S.C. 487, 489, 445 S.E.2d 638, 639 (1994). In addition, S.C. Code Ann. § 17-27-70(c) (2003) authorizes the Court to “grant a motion by either party for summary disposition of [an] application when it appears from the pleadings . . . that there is no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law.”

IV.

This Court further finds the current application should also be dismissed because it is successive to the previous application for post-conviction relief. Successive applications for post-conviction relief are disfavored. See Land v. State, 274 S.C. 243, 246, 262 S.E.2d 735, 737 (1980). South Carolina Code Ann. § 17-27-90 (2003) states:

All grounds for relief available to an applicant under this chapter must be raised in his original, supplemental or amended application. Any ground finally adjudicated or not so raised, or knowingly, voluntarily and intelligently waived in the proceeding that resulted in the conviction or sentence or in any other proceeding the applicant has taken to secure relief, may not be the basis for a subsequent application, unless the court finds a ground for relief asserted which for sufficient reason was not asserted or was inadequately raised in the original, supplemental or amended application.

Under this statute, successive post-conviction relief applications are forbidden unless an applicant can point to a “sufficient reason” why new grounds for relief were not raised or were



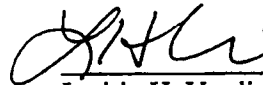
not properly raised in previous applications. Aice v. State, 305 S.C. 448, 450, 409 S.E.2d 392, 394 (1991). Any new ground raised in a subsequent application is limited to those grounds that "could not have been raised . . . in the previous application." Id. (emphasis in original). If the Applicant could have raised these allegations in a previous application, then the Applicant may not raise those grounds in successive applications. Id. The Applicant bears the burden of showing that the allegations could not have been raised previously. Id.

As the Applicant has failed to present any reasons why he could not have raised the current allegations in his previous post-conviction relief application, the application is dismissed.

V.

Based upon its review of the pleadings in this matter, this Court expresses its intent to summarily dismiss this matter unless the Applicant advises this Court with specific reasons, factual or legal, why it should not dismiss the matter in its entirety. The Applicant is granted twenty (20) days from the date of service of this Order upon him to show why this Order should not become final by filing any reasons he may have with the Clerk of Court for Pickens County, South Carolina, and also by filing a copy of his reasons with the Office of the Attorney General, Attn: Karen C. Ratigan, Post Office Box 11549, Columbia, South Carolina, 29211.

AND IT IS SO ORDERED this 14 day of Aug., 2014.



Letitia H. Verdin
Chief Administrative Judge
Thirteenth Judicial Circuit

Pickens, South Carolina.



STATE OF SO. CAROLINA
COUNTY OF PICKENS, S.C.

LARRY Eugene HALL
SCDC No. 112241
APPLICANT,

vs. —

STATE OF SO. CAROLINA
RESPONDENT,

IN THE COURT OF COMMON PLEAS
2013 - CP - 39 - 1440

CONDITIONAL ORDER
Applicant's objections to the Respondent's

(9)

2014 SEP 17 PM 12 20
CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

RE: Applicant's objections to Conditional Order of
Dismissal - My Legal Appeal motion Issues Review

Dear Hon. Judge Ms. Letitia H. Verdin

I, Larry Eugene HALL, SCDC no. 112241 (Applicant) will also like to submit to the court my legal issues motion to the court for further review to my case and conditional order, per above caption CASE NO. 2013-CP-39-1440.

I will like to present these raise issue(s):

1). Deprivation of many of his constitutional right by
STATE.

2). "Every person under color of any statute, or ordinance regulation custom, or the District of Columbia or any STATE OR territory or the district causes, causes to be subjected any citizen of any rights privilege or immunities of any rights secured by the constitution and laws shall be liable to the party injured in an action at law suit in equity or other proper redress."

CERTIFICATE OF SERVICES

STATE OF SO. CAROLINA
IN THE COURT OF: Common Pleas

Larry Eugene Hall
(Applicant)

vs.

STATE OF SO. CAROLINA
(Respondent)

CASE NO. 2013 - CP - 39 - 1440

PROOF OF SERVICES

I, Larry Eugene Hall #112241 hereby certify that
(NAME) (SCDC no.) I have served a copy of the foregoing NOTICE OF APPEARANCE
Legal Documents matters by depositing in U.S. - Mail, prepaid postages by the undersigned
Perry Corr. SCDC Institution, 430 OAKLAWN Rd, Pelzer, S.C. 29669 addressed as following to;

NAME OF Agency served:

Hon. Judge Letitia H. Verdlin
Chief Admn. Judge
13th Judicial Circuit
305 East No. Street, STE. 318
Greenville, S.C. 29601

I further certify that all parties required by RULES to be served, HAVE BEEN SERVED.

THIS 28th day of August, 2014.

CC: S.C. Atty Gen. - Senior Asst Chief -
- Atty. Karen C. Ratigan, - Respondent
Pickens Co. Clerk, Hon. Harold P. Wellborn Jr
Pickens, S.C.

SPECIAL LEGAL NOTICE

sincere regards,
Respectfully,
I AM, s/l: Larry E. Hall
(Larry E. Hall) #112241

SWORN before me
on this 28th day of August, 2014.
Nancy M. Meacham
(NOTARY PUBLIC, S.C.)

MY COMMISSION EXPIRES 1-23-2023

TELEPHONE (864) 898-5857
FAX (864) 898-5863
PWELBORN@CO.PICKENS.SC.US

Office of Clerk of Court
PICKENS COUNTY
Harold P. "Pat" Welborn, Jr.
P.O. BOX 215
PICKENS, SC 29671

CIVIL RECORDS (864) 898-5862
CRIMINAL RECORDS (864) 898-5864
FAMILY COURT (864) 898-5598

September 4, 2014

Mr. Larry E. Hall
430 Oaklawn Rd
Pelzer, S.C. 29669

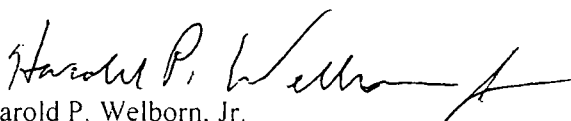
RE: Letter/Motion Dated:

Dear Mr. Hall,

I am in receipt of your letter/ motion dated:

I am returning your motion. You must send it to The Appellate Court in Columbia.

Sincerely,


Harold P. Welborn, Jr.
Pickens County
Clerk of Court

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OCT 15 2014

S.C. SUPREME COURT

Pickens Co. - Clerk
Attn: Hon. Harold P. Welborn Jr.
P.O. Box 215
Pickens, S.C. 29671

Larry E. Hall #112241
Perry Corr. ALU-186
430 OAKLAWN RD.
Pelzer, S.C. 29669

Sept. 08, 2014
(DATE)

RE: Applicant Filing / Pleadings.
CASE NO. 2013 - CP - 39 - 1440.

LARRY E. HALL vs. STATE OF S.C. - Pickens Co.
(Applicant) (Respondent)

Dear Clerk, Hon. Harold P. Welborn Jr.
Hello Sir, Enclose in this letter, I am sending to you my applicant's Appeal to The Condition Order of Dismissal. Would you please Stamp-clock and file the Original and send extra copy back to me?

Thanks sincerely,
JAMES L. Larry E. Hall

cc: S.C. Atty Gen Office
Attn: Atty. Karen C. Katigan, SADAG.
P.O. Box 11549 • Columbia, S.C.
29211-1549

SCDC - Gen. Counsel Admn.
Atty. David M. Tatarsky
4444 Broad Rv. Rd.
Columbia, S.C. 29221-1787

RE: Filings

CASE NO. ~~██████████~~ 2013-CP-39-1440

LARRY E. HALL
(Applicant)

VS. —

STATE: So. Carolina, Pickens Co.
(Respondent)

Dear Clerk - Hon. Harold P. Welborn Jr.,

I am writing you this letter because I received a Conditional Order of Dismissal on August 14, 2014, which gave me 20 days to respond to show why this Order should not become final by filing any reasons he may have with the Clerk of Court for Pickens County So. Carolina, and also by filing a copy of his reasons with the office of the Attorney Gen. Karen C. Raligan. See Attached Signed page of the Conditional Order of Dismissal.

On August 29, 2014 I filed my objection to the Respondent's Conditional Order of Dismissal by placing a copy in the Perry Corr. - mail room hands for mailing. Your letter dated Sept. 4, 2014, have misstated as to what I actually filed. My filings pleadings was not a letter - or - motion.

My request to you is to respectfully stamp - clock and file my objections to the Respondent's Conditional Order of Dismissal.

I AM thanking you in advance for your time and efforts in this matter. Why should I send it to the Appellate Court in Columbia, S.C., when I have not exhausted my State Court remedy?
• See LETTER DATED - Sept. 04, 2014

I, LARRY E. HALL #112241 certify and verify under the penalty of perjury that the foregoing is true and correct, 28 USC § 1746.

(Applicant for Appeal) submitted Respectfully,
I AM s/ LARRY E. HALL #112241
LARRY E. HALL SCD NO.

This ~~00~~⁰⁸th day of Sept. 2014.