

STATE OF SOUTH CAROLINA)

COUNTY OF PICKENS)

Larry Eugene Hall,
S.C.D.C. No. 112241,

Applicant,

v.

State of South Carolina,

Respondent.

COURT OF COMMON PLEAS
SOUTH CAROLINA
IN THE COURT OF COMMON PLEAS
2013-CP-39-1440
2014 OCT -9 A 11:06

FINAL ORDER OF DISMISSAL

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 on August 12, 2014, requesting the application be summarily dismissed based upon the expiration of the statute of limitations and the presumption against successive PCR applications.

Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal signed August 14, 2014 and filed August 20, 2014, provisionally denying and dismissing this action, while giving the Applicant twenty (20) days from the date of service of said Order in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated September 4, 2014, serving the above-mentioned Conditional Order of Dismissal on the Applicant.

In a document captioned "Applicant's Objections to Conditional - Order of Dismissal - My Appeal Motion Issues Reviews" and dated August 29, 2014, the Applicant re-states the first two issues listed in his PCR application. The Applicant argues he "will like to motion to the



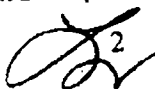
court for his Eligibility of Parole Support to be granted to his current and active sentence." The Applicant argues his conviction and sentence are in violation of his constitutional rights and requests an evidentiary hearing. The Applicant argues trial counsel were ineffective in apprising him of the consequences of his guilty pleas.¹ The Applicant argues he may be "suffering from a mental disease or defect rendering [him] mentally incompetent to the extent that he was unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense." The Applicant also makes a comment that "presumption applicable when counsel chose not to offer expert evidence in support of [his] mental defect defense."²

This Court has reviewed the Applicant's response to the Conditional Order of Dismissal in its entirety, in conjunction with the original pleadings, and finds a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final.

This Court notes 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. As this action was filed on November 14, 2013, it was clearly filed outside the expiration of the statute of limitations. See S.C. Code Ann. § 17-27-45(a) (Supp. 2003).

The Applicant is challenging aspects of his trial. This is the Applicant's second application for post-conviction relief. This Court notes successive PCR applications are disfavored. See Land v. State, 274 S.C. 243, 246, 262 S.E.2d 735, 737 (1980). This Court finds the Applicant had the opportunity to litigate all issues related to the trial portion of his case at the

¹ This Court notes, however, that the Applicant did not plead guilty in this case.
² This Court notes the Applicant underwent a competency evaluation before his trial.



evidentiary hearing for his first PCR application. See Odom v. State, 337 S.C. 256, 261, 23 S.E.2d 753, 755 (1999) (“[A]n applicant is entitled to a full adjudication on the merits of the original petition, or ‘one bite at the apple.’”).

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

This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order if he wants to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely filed.

AND IT IS SO ORDERED this 6 day of Oct., 2014.



Letitia H. Verdin
Chief Administrative Judge
Thirteenth Judicial Circuit

Greenville South Carolina.



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