

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

OCT 15 2014

Appeal from Lexington County

S.C. Supreme Court

Brian M. Gibbons, Circuit Court Judge

GEORGE T. MIDDLETON,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2014-000656

APPENDIX

TIFFANY L. BUTLER
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

JOHN WALT WHITMIRE
Assistant Attorney General

P. O. Box 11549
Columbia, SC 29211

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

INDEX

INDEX.....i

TRIAL TRANSCRIPT DATED MAY 25 – 28, 2009.....1

APPLICATION FOR POST-CONVICTION RELIEF439

AMENDED FOR POST-CONVICTION RELIEF448

AMENDMENT TO POST-CONVICTION RELIEF458

RETURN462

POST-CONVICTION RELIEF HEARING TRANSCRIPT DATED JANUARY 21, 2014.....467

ORDER OF DISMISSAL493

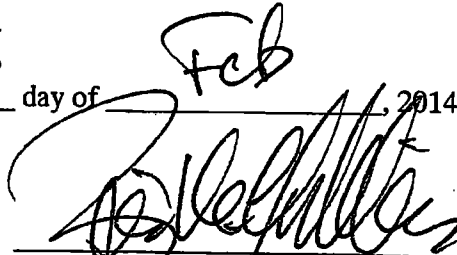
INDICTMENT502

thirty (30) days from receipt of this Order to secure the appropriate appellate review. See Rule 203, SCACR. Rule 71.1(g), SCRCP; Bray v. State, 336 S.C. 137, 620 S.E.2d 743 (2005), for the obligation of Applicant's counsel to file and serve notice of appeal. The Applicant's attention is also directed to South Carolina Appellate Court Rule 243 for appropriate procedures after notice has been timely filed.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. Applicant must be remanded to the custody of Respondent

AND IT IS SO ORDERED this 26 day of Feb, 2014.


BRIAN M. GIBBONS
Presiding Judge
Eleventh Judicial Circuit

_____, South Carolina

FILED
2014 MAR 13 A 10:50
BETH A. CARRIGG
CLERK OF COURT
LEXINGTON, SC

SES

in County Sheriffs Department

land

Arrestment Case #: 08064706

EBH

ARREST WARRANT NUMBER

2

OF GRAND JURY

TRUE BILL

Ed Leopant
Member of Grand Jury
-2-08

Witty

Hauserberg
Member of Petit Jury
502
7129109

DOCKET NO. 2008-GS-32-*2898*

The State of South Carolina
County of Lexington

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2008

THE STATE
vs.

George Thomas Middleton

CDR #: 3039

Indictment for

Distribution of Crack Cocaine (3rd of
Subsequent Offense)

§ 44-53-0375(B)(3)

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Distribution of Crack Cocaine (3rd of
Subsequent Offense)

§ 44-53-0375(B)(3)

At a Court of General Sessions, convened on September 2008, the Grand Jurors of Lexington County present upon their oath:

That on July 15, 2008, the defendant, **George Middleton**, did distribute a quantity of crack cocaine to an undercover operative of law enforcement. This incident took place at [redacted] Austin Court in the Pelion area of Lexington County, South Carolina. This transaction was monitored and recorded by law enforcement and, due to defendant's prior convictions for drug offenses, constitutes a 3rd or subsequent violation under the provisions of §44-53-110, et. seq., Code of Laws of South Carolina, 1976, as amended, in violation on §44-53-0375 (B)(3), Code of Laws of South Carolina, 1976, as amended.

A TRUE COPY
[Signature]
Lex. Co. C.C.C.P., G.S. & F.O.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

[Signature]
ASSISTANT SOLICITOR