

RECEIVED

OCT 17 2014

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)
)
 Joseph Christopher Walker,)
 S.C.D.C. No. 285497,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 2014-CP-23-3382
S.C. Supreme Court

FILED IN THE COURT OF
 GREENVILLE, S.C.
 PAUL D. WALKER, CLERK
 2014 SEP 4 PM 1 57

**ORDER OF DISMISSAL
 WITHOUT PREJUDICE**

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed June 17, 2014. The Respondent filed a Return, requesting the application be summarily dismissed because of the Applicant's pending direct appeal.

The Applicant was indicted at the December 2011 term of the Greenville County Grand Jury for attempted murder (2011-GS-23-8458). He was represented by C. Lance Sheek, Esquire. After the State brought the case to trial, the Applicant was found guilty. On April 22, 2013, the Honorable C. Victor Pyle, Jr. sentenced the Applicant to life imprisonment without parole.


Counsel for the Applicant filed a notice of appeal. On June 13, 2014, Robert M. Dudek, Esquire of the South Carolina Commission on Indigent Defense, Division of Appellate Defense perfected an appeal in the nature of an Anders brief. The appeal is pending.

As the matter is presently pending on appeal, jurisdiction is in the South Carolina Court of Appeals. In accordance with Rule 243, SCACR, and S.C. Code Ann. § 17-27-20(b) (1985), this Court finds that at the present time, post-conviction relief is not available to the Applicant because the direct appeal is pending in the South Carolina Court of Appeals. See Al-Shabazz v. State, 338 S.C. 354, 367, 527 S.E.2d 742, 749 (2000). Therefore, this Court finds this PCR

application must be summarily dismissed without prejudice until such time as the direct appeal is resolved. The Applicant may file a PCR application within one (1) year after the resolution of his direct appeal. See S.C. Code Ann. § 17-27-45(a) (Supp. 2003).

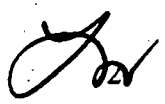
IT IS THEREFORE ORDERED that the application filed on June 17, 2014 be denied and dismissed without prejudice.

AND IT IS SO ORDERED this 18 day of Aug., 2014.



Letitia H. Verdin
Chief Administrative Judge
Thirteenth Judicial Circuit

Greenville South Carolina.



STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO: 2014CP2303382

FILED
GREENVILLE COUNTY
PAUL B. WICKENSIMER
2014 SEP 4 PM 1 17

Joseph Christopher Walker vs. South Carolina State Of

CHECK ONE:

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**
 - Rule 12(b), SCRPC;
 - Rule 41(a), SCRPC (Vol. Nonsuit);
 - Rule 43(k), SCRPC (Settled);
 - Other: _____
- ACTION STRICKEN (CHECK REASON):**
 - Rule 40(j) SCRPC;
 - Bankruptcy;
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Other: _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 - Affirmed;
 - Reversed;
 - Remanded;
 - Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; Statement of Judgment by the Court:

Dated at Greenville, South Carolina, this .

Court Reporter:

PRESIDING JUDGE - Letitia H Verdin

This judgment was entered on the , and a copy mailed first class this , to attorneys of record or to parties (when appearing pro se) as follows:

Joseph Christopher Walker 285497 Perry
Correctional Institute 430 Oaklawn Rd Pelzer, SC
29669

Karen Ratigan Attorney General Office

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Paul B. Wickensimer Greenville County Clerk Of Court
- Clerk of Court