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STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)
)
 Landis Allen Moragne,)
 S.C.D.C. No. 302976,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

~~S.C. Supreme Court~~
 IN THE COURT OF COMMON PLEAS
 2013-CP-23-6151

FINAL ORDER OF DISMISSAL

FILED-CLERK OF COURT
 GREENVILLE CO. S.C.
 PAUL B. WICKENSIMMER
 2014 SEP 26 PM 3 04

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed November 13, 2013. The Respondent made its return on June 19, 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 June 24, 2014 and filed July 1, 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 July 25, 2014, serving the above-mentioned Conditional Order of Dismissal on the Applicant.

In documents captioned "Objection to Conditional Order of Dismissal & Objection to Return and Order of Dismiss" and "Amendment Brief" filed July 29, 2014, the Applicant amended his PCR application to include a ground of newly-discovered evidence. The Applicant

argues "his lawyer who was state appointed never filed for no state funds to investage in to his case properly." The Applicant argues he is also raising the issue that his trial counsel was ineffective.

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 and sentenced on January 11, 2006 and the South Carolina Court of Appeals affirmed the convictions and sentences on September 25, 2007. As this action was filed on November 13, 2013, it was clearly filed outside the expiration of the statute of limitations. See S.C. Code Ann. § 17-27-45(a) (Supp. 2003). 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 his case at the evidentiary hearing for his first PCR application on February 25, 2009. See Odom v. State, 337 S.C. 256, 261, 523 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.'").

This Court finds the Applicant's allegation of newly-discovered evidence is without merit. This Court notes the Applicant has failed to identify the nature of his alleged newly-discovered evidence. This Court finds the Applicant has failed to prove any of the five (5) required elements of newly-discovered evidence. See Hayden v. State, 278 S.C. 610, 611-12, 299 S.E.2d 854, 855 (1983).

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 16 day of Sept, 2014.



Letitia H. Verdin
Chief Administrative Judge
Thirteenth Judicial Circuit

Greenville South Carolina.



