

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL CIRCUIT

Rodney Allen Neals, #317629,)
Applicant,)

Case No. 2013-CP-38-00429

**ORDER DENYING APPLICANT'S
MOTION FOR COMPETENCY
EVALUATION**

v.)

State of South Carolina,)
Respondent.)

FILED FOR
CLERK OF COURT
ORANGEBURG COUNTY, SC
2014 MAY 22 PM 2:54

This matter is before this Court by way of an application for post-conviction relief filed April 2, 2013. In his application, Applicant alleged that trial counsel, Jillian D. Ullman, Esquire, was ineffective for failure to investigate and failure to request a competency evaluation. Applicant, through counsel Jonathan D, Waller, Esquire, has filed a Motion for Authorization of Evaluation for Competency, requesting that this Court order a "Competency to Stand Trial Evaluation pursuant to Sate v. Blair to be administered by the Department of Disabilities and Special Needs."

A hearing on this Motion was convened on May 29, 2014, at the Dorchester County Courthouse before this Court. Applicant was present alongside counsel Waller. Respondent was represented by Assistant Attorney General Megan E. Harrigan. Testimony was taken from trial counsel, who testified that she met with Applicant at least twelve times and never had any reason to doubt his competency. Counsel elaborated that Applicant was "very helpful" in assisting her and even presented her with a defense to use at trial. She testified that he could read and write and filed numerous documents with the court during her representation of him. Respondent opposed this Motion.

This Court finds that Applicant's motion for a competency evaluation must be denied, as Applicant has failed to set forth sufficient good cause required to grant

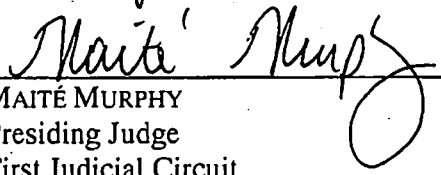
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Wingji B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

discovery in this non-capital post-conviction relief action pursuant to S.C. Code Ann. §17-27-150.

IT IS THEREFORE ORDERED:

1. That Applicant's Motion for Authorization of Evaluation for Competency is **DENIED**; and
2. The Applicant shall remain remanded to the custody of the State.

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


MAITÉ MURPHY
Presiding Judge
First Judicial Circuit

St. George, South Carolina.



ALAN WILSON
ATTORNEY GENERAL

August 21, 2014

FILED
CLERK OF COURT
ORANGEBURG COUNTY
SOUTH CAROLINA

2014 AUG 22 PM 2:34

AW

The Honorable Winnifa Brown-Clark
Clerk of Court, Orangeburg County
Post Office Box 9000
Orangeburg, South Carolina 29115-9000

Re: Rodney Allen Neals, #317629 v. State of South Carolina
2013-CP-38-00429

Dear Ms. Brown-Clark:

Enclosed please find the signed original **Order Denying Applicant's Motion for Competency Evaluation** in the above captioned case for filing in your office. Please return a clocked copy to me once you have filed this document. If you have any questions or concerns, please contact me at (803) 734-3737 or MHarrigan@scag.gov.

Sincerely,

Megan E. Harrigan
Assistant Attorney General

MEH/sbm
Enclosure

STATE OF SOUTH CAROLINA

County of Orangeburg

Rodney A. Neals

Applicant / Petitioner

vs.

State of South Carolina,

Respondent.

COURT OF COMMON PLEAS

Case # 2013 -CP- 38 - 429

ORDER

This post-conviction relief case came before the court for a hearing. Having now heard this matter, the court orders as indicated herein.

1. The application for post-conviction relief is hereby: denied granted under advisement; a formal order will be filed (see below - No.6)

2. Motion(s) was/were heard in this case and the court orders:
 The motion to dismiss and/or for summary judgment is hereby granted denied under advisement, based upon the statute of limitations and/or the successive nature of the application or other reason as follows:

3. A conditional order of dismissal was previously filed in this case. Upon review of the matter, the court finds:
 Good cause as to why the case should not be dismissed has been shown in response to the order of dismissal; therefore, a hearing on the merits of the application shall be scheduled.
 The court has considered the response to the conditional order of dismissal and finds that good cause has not been shown or no response has been filed to the conditional order of dismissal; therefore, the application is hereby dismissed.

4. The application was freely, voluntarily, and intelligently withdrawn as indicated on the record; therefore, this case is dismissed with prejudice without prejudice.

5. Other:

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CLERK OF COURT

ORANGEBURG COUNTY, SC

6. The court further orders:
 The Attorney General Applicant's counsel is directed to submit to the court a proposed order and to serve the order on opposing counsel within 15 days.

Both sides are directed to submit proposed orders to the court and to serve the orders on each other within days.

The court does not request proposed orders.

IT IS SO ORDERED.

Date: 10 / 27 / 2014
St. George, S.C.

Court Reporter _____

Attorney for Plaintiff _____

Attorney for Defendant _____

[Signature]
Presiding Judge

MAILED

11/6/2014 Shawte

RECEIVED

NOV 10 2014

WAITED

Referred to Mitchell / EM

Answered _____

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