

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM NEWBERRY COUNTY  
Court of Common Pleas

Frank R. Addy, Jr., Presiding Circuit Judge – Newberry County

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C/A No. 2013-CP-36-236  
Appellate Case No. 2014-002395

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ANTHONY D. RICHARDSON,

Appellant,

v.

STATE OF SOUTH CAROLINA,

Respondent.

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**MOTION TO BE RELIEVED AS COUNSEL**

**YOU WILL PLEASE TAKE NOTICE** that the undersigned, as trial counsel for the Appellant, hereby asks this Court to relieve him as appellate counsel for the Appellant for the following reasons:

1. The Honorable Frank R. Addy, Jr., dismissed the Appellant's PCR Application on October 14, 2014. Judge Addy issued a Form 4 Order of Dismissal on October 14, 2014, and a formal Order of Dismissal on November 7, 2014. See EXHIBIT A attached.
2. After the hearing, I informed the Appellant that he didn't have any meritorious



grounds to appeal the dismissal.

3. Several days later, the Appellant contacted me by email and insisted that I file an appeal on his behalf because he “disagreed” with Judge Addy’s ruling.

4. I filed a timely Notice of Appeal against my better wishes because I was afraid that the Appellant would file a grievance against me if I didn’t.

5. I mailed a copy of the Notice of Appeal to the S.C. Commission on Indigent Defense, Appellate Division, because I assumed that Appellate Defense would handle the appeal as the Appellant is indigent.

6. On November 19, 2014, I spoke by telephone with attorney Robert Michael Dudek at Appellate Defense. Mr. Dudek informed me that Appellate Defense doesn’t handle appeals from cases which originated in summary court (as the case forming the basis for the Appellant’s PCR Application did).

7. I told Mr. Dudek that I would file a motion to be relieved as appellate counsel once I received correspondence from the S.C. Supreme Court.

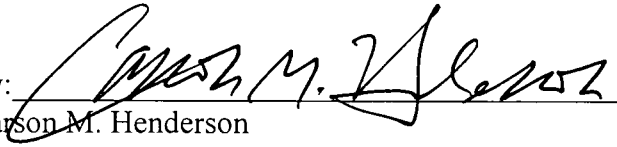
8. On January 12, 2015, I spoke by telephone with Della at the S.C. Supreme Court.

9. On January 16, 2015, I received a letter from the S.C. Supreme Court. See EXHIBIT B attached.

**WHEREFORE**, I pray for this Court to relieve me as appellate counsel for the Appellant.

A handwritten signature or set of initials, possibly 'A2', written in black ink in the bottom left corner of the page.

**THE HENDERSON LAW FIRM, P.C.**  
Trial Counsel for the Appellant

By:   
Carson M. Henderson  
109-B Oak Avenue  
Greenwood, S.C. 29646  
Phone: (864) 229-8000  
Fax: (864) 229-8001

Greenwood, South Carolina

January 19, 2015

#3

# EXHIBIT A

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

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2013-CP-36-0236

ANOTHONY D. RICHARDSON

STATE OF SOUTH CAROLINA

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: COURT

Attorney for :  Plaintiff  Defendant  
 or  
 Self-Represented Litigant

DISPOSITION TYPE (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 40(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

FILED  
 NEWBERRY COUNTY  
 CLERK OF COURT  
 JACKIE S. BOWERS  
 2014 OCT 20 PM 11 05

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 (formal order to follow)  Statement of Judgment by the Court: Applicant's post conviction relief hearing was heard on October 14, 2014. The hearing regarded applicant's pro se appearance during a bench trial on May 6, 2013 in Newberry City Court at which he paid a \$250 fine for trespass after notice. Applicant alleges he demanded a jury trial. The court now finds that the application should be dismissed and the state's summary judgment motion granted, as the appropriate avenue of recourse for the applicant is an appeal.

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:



FORM 4

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

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER 2013CP3600236

Anthony Derone Richardson	South Carolina State Of
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PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant
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**DISPOSITION TYPE (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.  See Page 2 for additional information.
- 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; (formal order to follow)  Statement of Judgment by the Court:  
 Order of Dismissal

**ORDER INFORMATION**

This order  ends  does not end the case.

Additional Information for the Clerk: \_\_\_\_\_

**INFORMATION FOR THE JUDGMENT INDEX**

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

S/ Frank R. Addy, Jr.

2159

07 *mm*  
11/14/2014

Circuit Court Judge

Judge Code

Date

**For Clerk of Court Office Use Only**

This judgment was entered on **November 14, 2014**, and a copy mailed first class or placed in the appropriate attorney's box on **November 14, 2014**, to attorneys of record or to parties (when appearing pro se) as follows:

Carson McCurry Henderson 109-B Oak Ave. Greenwood,  
SC 29646

James Rutledge Johnson PO Box 11549 Columbia, SC  
29211

---

**ATTORNEY(S) FOR THE PLAINTIFF(S)**

---

**ATTORNEY(S) FOR THE DEFENDANT(S)**

Jackie S. Bowers (mwm)

**Court Reporter**

**Jackie S Bowers - Clerk of Court**

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**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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STATE OF SOUTH CAROLINA )  
 COUNTY OF NEWBERRY )  
 )  
 )  
 Anthony Derone Richardson, )  
 )  
 Applicant, )  
 )  
 v. )  
 )  
 State of South Carolina, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
 EIGHTH JUDICIAL CIRCUIT

2013-CP-36-0236

**ORDER OF DISMISSAL**

FILED  
 NEWBERRY COUNTY  
 2014 NOV 14 AM 11 23  
 JACKIE S. BOWERS  
 CLERK OF COURT

This matter comes before the Court by way of an Application for Post-Conviction Relief filed May 20, 2013. The Respondent made its Return on September 4, 2013. An evidentiary hearing into the matter was convened on October 14, 2014 at the Greenwood County Courthouse. Carson Henderson, Esquire, represented the Applicant. J. Rutledge Johnson, Esquire, of the South Carolina Attorney General’s Office, represented the Respondent.

**PROCEDURAL HISTORY**

The Applicant is not presently confined. The Applicant was charged with Trespass After Notice in Newberry Municipal Court. The Applicant proceeded *pro se*. On February 20, 2013, the Applicant proceeded to a bench trial pursuant to which he was found guilty<sup>1</sup>. On May 6, 2013, Applicant paid the \$250.00 fine in cash to the City of Newberry.

In his current Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

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<sup>1</sup> Applicant claims the Chief of Police, Jackie Swindler acted as judge during this proceeding. He also claims the Honorable Frank Partridge, Jr. knew of this proceeding. However, Applicant’s filings indicate there was a meeting between Chief of Police and Applicant, whereupon Applicant signed an agreement to pay \$250.00 instead of serving 30 days in jail. Respondent requests an evidentiary hearing to resolve this matter.

1. "Violation of public trial by jury Chief of Police"
  - a. "Jury trial was demanded 2-2-13 in written(sic)
2. "Chief of Police sentence[d] defendant and not judge"
  - a. "Chief of Police sign folder and I sign agreeing to the..."
3. "Chief of Police conduct a jury selection I waive jury"
  - a. "Chief of Police at jury selection and no judge or reporter"

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

At the hearing, Respondent moved for Summary Judgment pursuant to SCRCP 56(b) and (c).

This Court has had the opportunity to review the record in its entirety. This Court grants Respondent's Motion for Summary Judgment as there is no genuine issue of material fact and Respondent is entitled to judgment as a matter of law. The Applicant is not currently confined and paid a \$250 fine to avoid imprisonment. This case is moot as there are no collateral consequences still pending for this conviction. Further, the proper remedy for Applicant's claims would have been a direct appeal. He did not appeal this conviction so he barred himself from his proper remedy.

### **CONCLUSION**

Based on all the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post conviction relief must be denied and dismissed with prejudice.

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, PCR counsel

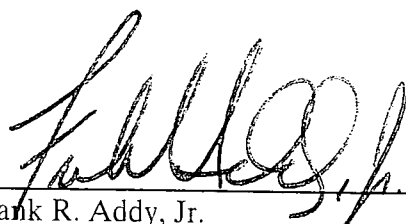


must serve and file a Notice of Appeal on the Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

**IT IS THEREFORE ORDERED:**

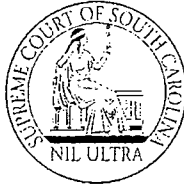
1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
- ~~2. The Applicant must be remanded to the custody of the Respondent.~~ *AM*

**AND IT IS SO ORDERED!**

  
\_\_\_\_\_  
Frank R. Addy, Jr.  
Presiding Circuit Court Judge  
Eighth Judicial Circuit

November 7, 2014  
Greenwood, South Carolina

# EXHIBIT B



# The Supreme Court of South Carolina

DANIEL E. SHEAROUSE  
CLERK OF COURT

BRENDA F. SHEALY  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA  
29211

1231 GERVAIS STREET  
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE: (803) 734-1080

FAX: (803) 734-1499

[www.sccourts.org](http://www.sccourts.org)

January 13, 2015

Mr. Carson McCurry Henderson, Esquire  
109-B Oak Ave.  
Greenwood SC 29646

Re: Anthony D. Richardson v. State  
Appellate Case No. 2014-002395

Dear Counsel:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at [www.sccourts.org/courtreg](http://www.sccourts.org/courtreg). Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at [www.sccourts.org/courtOrders/HTMLFiles/2007-08-13-02.htm](http://www.sccourts.org/courtOrders/HTMLFiles/2007-08-13-02.htm). Please note that the responsibility for insuring that information is redacted

or sealed as required by this order rests with counsel and the parties. This office will *not* review filings for redaction or to determine if materials should be sealed.

Very truly yours,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

CLERK

cc: James Rutledge Johnson, Esquire

**RECEIVED**

JAN 27 2015

**S.C. SUPREME COURT**

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM NEWBERRY COUNTY  
Court of Common Pleas

Frank R. Addy, Jr., Presiding Circuit Judge – Newberry County

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C/A No. 2013-CP-36-236  
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ANTHONY D. RICHARDSON,

Appellant,

v.

STATE OF SOUTH CAROLINA,

Respondent.

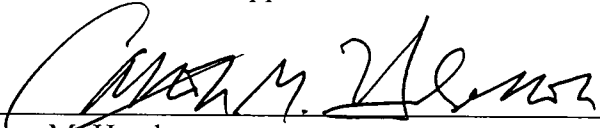
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PROOF OF SERVICE

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I certify that I have served the Motion to Be Relieved as Counsel on the Respondent, State of South Carolina, by depositing a copy of it in the United States Mail, postage prepaid, on January 19, 2015, addressed to its attorney of record, James Rutledge Johnson, Esquire, S.C. Attorney General's Office, P.O. Box 11549, Columbia, S.C. 29211, with a copy also being mailed to S.C. Commission on Indigent Defense, Appellate Division, Attention: Robert Michael Dudek, Esquire, 1330 Lady Street, Suite 401, Columbia, S.C. 29201; and to Anthony D. Richardson, P.O. Box 221, Newberry, S.C. 29108.

**THE HENDERSON LAW FIRM, P.C.**  
Trial Counsel for the Appellant

By: 

Carson M. Henderson  
109-B Oak Avenue  
Greenwood, S.C. 29646  
Phone: (864) 229-8000  
Fax: (864) 229-8001

Greenwood, South Carolina

January 19, 2015



LAW OFFICE

**THE HENDERSON LAW FIRM, P.C.**  
ATTORNEY AND COUNSELOR AT LAW

109-B Oak Avenue  
Greenwood, South Carolina 29646

Carson M. Henderson

Telephone: (864) 229-8000  
Facsimile: (864) 229-8001

January 19, 2015

**RECEIVED**

JAN 27 2015

**S.C. SUPREME COURT**

Honorable Daniel E. Shearouse  
Clerk of Court  
S.C. Supreme Court  
1231 Gervais Street  
P.O. Box 11330  
Columbia, S.C. 29211

Re: Anthony D. Richardson v. State of South Carolina  
Appellate Case No. 2014-002395

Dear Clerk Shearouse:

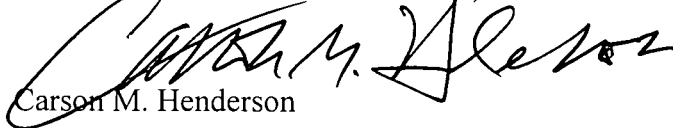
Please file the enclosed Motion to Be Relieved as Counsel and Proof of Service and return clocked copies of both documents to me the enclosed envelopes provided for your convenience.

My email address is [carson@carsonhendersonlawfirm.com](mailto:carson@carsonhendersonlawfirm.com).

Thank you for your assistance and cooperation in this matter.

Cordially yours,

**THE HENDERSON LAW FIRM, P.C.**

  
Carson M. Henderson

CMH/lhc  
enclosures as indicated

cc: James Rutledge Johnson, Esquire  
S.C. Attorney General's Office  
P.O. Box 11549  
Columbia, S.C. 29211

S.C. Commission on Indigent Defense  
Appellate Division  
Attention: Robert Michael Dudek, Esquire  
1330 Lady Street, Suite 401  
Columbia, S.C. 29201

Anthony D. Richardson  
P.O. Box 221  
Newberry, S.C. 29108

The Henderson Law Firm, P.C.  
109-B Oak Avenue  
Greenwood, S.C. 29646

Honorable Daniel E. Shearouse  
Clerk of Court  
S.C. Supreme Court  
1231 Gervais Street  
P.O. Box 11330  
Columbia, S.C. 29211

