

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

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2006CP4600010

Antonio Gordon	John Ozmit South Carolina State Of	Henry D McMaster
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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 INFORMATION

This order ends does not end the case.

Additional Information for the Clerk: **ORDER**

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/ John C. Hayes, III.

2049

3/4/2015

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on **March 9, 2015**, and a copy mailed first class or placed in the appropriate attorney's box on **March 9, 2015**, to attorneys of record or to parties (when appearing pro se) as follows:

Anotoio Gordon ACI SMU B 242 PO Box 1151 Fairfax SC
29827

Ashley Anne McMahan PO Box 11549 Columbia, SC
29211-1549

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

David Hamilton

Court Reporter

David Hamilton - Clerk of Court

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.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF YORK)
)
 Antonio Gordon, #259798,)
)
 Petitioner,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 SIXTEENTH JUDICIAL CIRCUIT
 Case No.: 2006-CP-46-0010

ORDER

FILED-RECEIVED
 2015 MAR -9 PM 3:18
 DAVID HAMILTON
 C.C. CP. & GS
 YORK COUNTY, SC

Petitioner seeks to file with the Court a “Motion for Relief from Judgment Pursuant to S.C.R. Civ. Proc. Rule 60(b)(5) – Austin v. State, 409 S.E. 2d 395 (1991)” (The Motion).

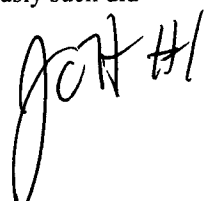
Petitioner alleges the undersigned has recused himself from matters dealing with Petitioner due to a “conflict of interest.” There is nothing in the file, nor in the motion, which supports this claim. In fact, the undersigned has addressed prior filings in this proceeding. The undersigned is unaware of any “conflict of interest” and therefore, will address Petitioner’s motion as I am the Chief Judge for Administrative Purposes for the Sixteenth Judicial Circuit.

The last activity in this file is an Order of the Honorable Roger L. Couch granting Petitioner relief pursuant to rule 60(b) SCRCPP. The relief was, in effect, a finding that Petitioner could pursue a Habeas Corpus in the original jurisdiction of the Supreme Court.¹

The file does not reflect whether or not Petitioner filed a Habeas Corpus petition in the Supreme Court subsequent to the issuance of the Order of Judge Couch (January 31, 2008).

A review of the file reflects that the issue the current motion raises, namely that the jurisdiction of his case was in the Family Court due to his age and not in the Court of General

¹ The undersigned’s Order of April 30, 2007, notes the presence of some “judicial conflicts,” but obviously such did not pertain to the undersigned as the author of said Order.



Sessions, was raised in this proceeding previously in his initial filing, dated December 16, 2005, in this case.

I find that Petitioner now seeks to raise for at least the second time, an issue regarding Family Court/General Sessions jurisdiction and therefore, the current proceeding on this issue is dismissed as it is a subsequent request for relief which has been previously ruled on and unappealed.

Petitioner also has claimed a right to an Austin review regarding his prior counsel's failure to appeal Judge Couch's Order of January 31, 2008.

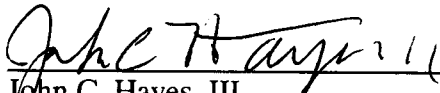
Attached to the instant motion are copies of letters from Petitioner to prior counsel regarding an appeal of Judge Couch's Order which granted petitioner the relief he sought in his Rule 60(b) SCRCF Motion. As stated above, the relief was acknowledgment that Petitioner could file a Habeas Corpus proceeding in the South Carolina Supreme Court. This Order is the law of the case and is not a ruling which would appear to generate an appeal by the prevailing party. However, to the extent Petitioner has been denied his right to appeal, the undersigned has conducted an Austin review.

I find that the failure to appeal a ruling, which granted petitioner the relief he sought, resulted in no prejudice to Petitioner. Petitioner asked to and was granted the right to file a Habeas Corpus proceeding in the Supreme Court of South Carolina. Therefore, there existed no grounds upon which an appeal favorable to Petition could be predicated.

Therefore, Petitioner's Motion is to be filed, without costs, and by this Order Dismissed without Prejudice.

JCH 2

IT IS SO ORDERED.



John C. Hayes, III
Chief Judge for Administrative Purposes
Sixteenth Judicial Circuit

March ^{4th}, 2015
York, South Carolina

#3