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STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

S.C. Supreme Court

Appeal from Greenville County

Robin B. Stilwell, Circuit Court Judge

RONALD HARRIS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE # 2015-001451

SUPPLEMENTAL APPENDIX

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APPLICATION FOR DNA TESTING1

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)
)
 The State,)
)
 Vs.)
)
 Ronald Harris)

IN THE COURT OF GENERAL SESSIONS
 THIRTEENTH JUDICIAL CIRCUIT

CASE NO: ~~2012 GS 23 8785~~

2001 015 237067
 2003 015 232460

ORDER GRANTING PETITIONER'S
 APPLICATION FOR DNA TESTING

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 CLERK OF COURT
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THIS MATTER comes before the Court by the Defendant's Application for Forensic DNA Testing pursuant to Section 17-28-10 et seq. of the South Carolina Code of Laws. The State argues that Defendant's application is barred by the Statute of Limitations set forth in Section 17-28-30 (B) which states that a person who was "convicted of....the offense, is currently incarcerated for the offense, and asserts he is innocent....may apply for forensic DNA testingno later than seven years from the date of sentencing." The Defendant was sentenced July 16, 2003 and applied for testing on September 11, 2012.

Section 17-28-10 et seq. became effective on July 1, 2009, nearly six years after Defendant was sentenced. Section 17-28-30 (B) sets forth a seven-year statute of limitations yet it does "not provide for a period of time in which applications which would otherwise be barred ... by the ... statute of limitations could be brought." *Peloquin v. State*, 321 S.C. 468, 470, 469 S.E.2d 606, 607 (1996). In *Peloquin*, our Supreme Court held that "no new limitation shall be made to affect existing claims without allowing a reasonable time for parties to bring actions before their claims are absolutely barred by a new enactment." *Id.* (citing *Gillespie v. Pickens County*, 197 S.C. 217, 14 S.E.2d 900 (1941)).

The statute in question in *Peloquin* was Section 17-27-45 (Supp. 1995) of the South Carolina Code of Laws, which created a one-year statute of limitation for post-conviction relief actions. Mr. Peloquin was incarcerated at the time the statute became effective. His action for a PCR was filed over a year from the time of his sentence but within a year of the statute's effectiveness. The Court held that Mr. Peloquin had filed his PCR application within a reasonable time and thus should have been granted a hearing even though the application was made over a year from the date of his sentence. See *Peloquin v. State* 321 S.C. at 470, 14 S.E.2d at 607.

This Court finds that the present case is nearly identical to that presented in *Peloquin*. Mr. Harris had been incarcerated for almost six years at the time Section 17-28-10 et seq. became effective. Given the fact that Section 18-28-30 (B) sets forth a seven-year statute of limitations, this Court finds that allowing Mr. Harris to file within three years of the statute's effectiveness is reasonable. Therefore, Mr. Harris' application for forensic testing may proceed.

IT IS SO ORDERED.



Letitia H. Verdin
Circuit Judge

March 4, 2013
Greenville, South Carolina

