

The Supreme Court of South Carolina

William Gladney Harden, Petitioner,

v.

State of South Carolina, Respondent.

The Honorable Robin B. Stilwell
Greenville County
Trial Court Case No. 2010-CP-23-01209


ORDER

For good cause shown, the request for an extension until April 6, 2012 to serve and file the Petition for Writ of Certiorari and Appendix in this matter is granted. Pursuant to this Court's order dated March 18, 2009, any further extension request must show the existence of extraordinary circumstances, state what measures are being taken to insure that no further extension will be required, and be signed by the appropriate attorneys.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY



Clerk

Columbia, South Carolina

March 8, 2012

cc: Deputy Chief Appellate Defender Wanda H. Carter
Assistant Attorney General Karen Ratigan

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Greenville County

Robin B. Stilwell, Circuit Court Judge

RECEIVED
MAR 7 2012
S.C. Supreme Court

WILLIAM GLADNEY HARDEN,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

**PETITION FOR EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI
AND APPENDIX**

(3)

The undersigned counsel would respectfully request a **final thirty-day extension, until April 6, 2012**, in which to file the petition for writ of certiorari and appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

1. The petition for writ of certiorari and appendix in this case are due to be served and filed today, having been extended by two prior orders of the Supreme Court.
2. Counsel has an oral argument in the case of State v. Lewis Williams in the Court of Appeals on March 12, 2012. Counsel had an oral argument in the case of State v. Otis Lamar Bland in the Court of Appeals on February 29, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Sherinette

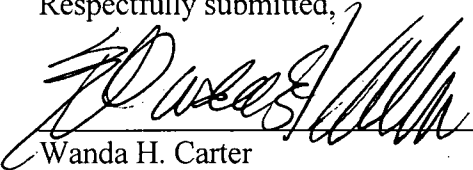
Wannamaker v. State in the Supreme Court, and the initial brief of appellant and designation of matter in the case of State v. Lawrence Brown in the Court of Appeals on February 27, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Henry Belton v. State in the Supreme Court on February 24, 2012. Counsel is preparing for an oral argument in the case of Benjamin Green v. State in the Supreme Court on Thursday, February 23, 2012. Counsel filed the petitions for writ of certiorari and accompanying appendices in the cases of Tony Drayton v. State and William Hickman v. State with the Supreme Court on February 16, 2012. Counsel had an oral argument in the case of State v. James Babb in the Court of Appeals on February 14, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of John E. Prigmore v. State with the Supreme Court on February 6, 2012. In January, 2012, Counsel filed the petitions for writ of certiorari and accompanying appendices in the cases of James Blanding v. State, Trenton Bennett v. State, Bobby Gibson v. State and Jorge Rodriguez v. State.

3. This request is made in good faith, and not for purposes of delay. Counsel is striving to limit the number of extensions requested. Counsel is attempting to complete the cases with the most number of extensions first.

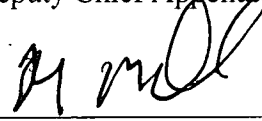
4. As indicated by her consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty-day extension, until April 6, 2012**, in which to file the petition for writ of certiorari and appendix in this case. Counsel requests that the time limits for filing the petition for writ of certiorari be held in abeyance pending a ruling on this motion.

Respectfully submitted,



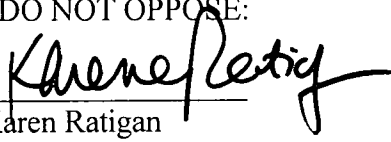
Wanda H. Carter
Deputy Chief Appellate Defender



Robert M. Dudek
Chief Appellate Defender

March 7, 2012

I DO NOT OPPOSE:



Karen Ratigan

The Supreme Court of South Carolina

William Gladney Harden, Petitioner,

v.

State of South Carolina, Respondent.

The Honorable Robin B. Stilwell
Greenville County
Trial Court Case No. 2010-CP-23-01209

ORDER

For good cause shown, the request for an extension until March 7, 2012 to serve and file the Petition for Writ of Certiorari and Appendix is granted. Pursuant to this Court's order dated March 18, 2009, any further extension request must be based on a showing of good cause and must be signed by the appropriate attorneys.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY Brenda J. Stealy
Clerk

Columbia, South Carolina *Chief Deputy*

February 8, 2012

cc: Deputy Chief Appellate Defender Wanda H. Carter
Assistant Attorney General Karen Ratigan

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Greenville County

Robin B. Stilwell, Circuit Court Judge

RECEIVED

FEB 06 2012

S.C. Supreme Court

WILLIAM GLADNEY HARDEN,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

**PETITION FOR EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI
AND APPENDIX**

(2)

The undersigned counsel would respectfully request a thirty-day extension in which to file the petition for writ of certiorari and appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

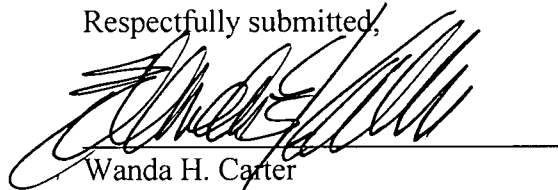
1. The petition for writ of certiorari and appendix in this case are due to be served and filed today, having been extended by one prior order of this Court.
2. Counsel is filing the petition for writ of certiorari and accompanying appendix in the case of John E. Prigmore v. State with this court today, February 6, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of James Blanding v. State with this court on January 20, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Trenton Bennett v. State with this court on January 17, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Bobby Gibson v. State with this court on January

9, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Jorge Rodriguez v. State with this court on January 3, 2012. In December, 2011, Counsel filed the petitions for writ of certiorari and accompanying appendices in the cases of Jonathan Vick v. State, John Lewis Mills v. State and Mark Daniel Cureton v. State. Additionally, Counsel filed the initial briefs of appellant and designations of matter in the cases of John Henry Stokes v. State and Lewis C. Landreth v. State, as well as the brief of petitioner in the case of Tommy Novack Lloyd v. State in December, 2011. In November 2011, Counsel filed the petitions for writ of certiorari and accompanying appendices in the cases of Leonard G. Stanfield v. State, William Avinger v. State, Mark Bolte v. State and Stanley DeHart v. State, as well as the initial brief of appellant and designation of matter in the case of State v. Randy Edward Anderson.

3. This request is made in good faith, and not for purposes of delay.

WHEREFORE, the undersigned counsel would respectfully request a thirty-day extension in which to file the petition for writ of certiorari and appendix in this case. Counsel requests that the time limits for filing the petition for writ of certiorari be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Wanda H. Carter
Deputy Chief Appellate Defender

February 6, 2012

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Greenville County

Robin B. Stilwell, Circuit Court Judge

WILLIAM GLADNEY HARDEN,

PETITIONER,

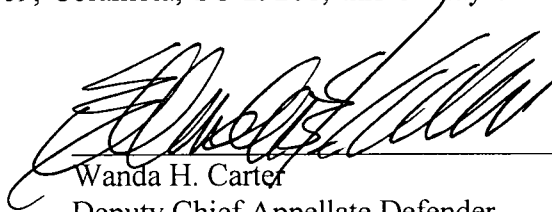
V.

STATE OF SOUTH CAROLINA,

RESPONDENT

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies the petition in which to file the petition for writ of certiorari and appendix in the above referenced case has been served upon Karen Ratigan, Esquire, Assistant General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Rm. 519, Columbia, SC 29201, this 6th day of February, 2012.



Wanda H. Carter
Deputy Chief Appellate Defender

ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me
this 6th day of February, 2012.


_____(L.S.)

Notary Public for South Carolina

My Commission Expires: October 2, 2013.

The Supreme Court of South Carolina

William Gladney Harden, Petitioner,

v.

State of South Carolina, Respondent.

The Honorable Robin B. Stilwell
Greenville County
Trial Court Case No. 2010-CP-23-01209

ORDER

The request for an extension until February 6, 2012 to serve and file the Petition for Writ of Certiorari and Appendix is granted. Pursuant to this Court's order dated March 18, 2009, any further extension request must be based on a showing of good cause.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY *Arinda S. Shoely*
Clerk

Chief Deputy
Columbia, South Carolina

January 9, 2012

cc: Deputy Chief Appellate Defender Wanda H. Carter
Assistant Attorney General Karen Ratigan



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

January 6, 2012

RECEIVED

JAN - 6 2012

Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

(1)

S.C. Supreme Court

Re: William Gladney Harden v. State of South Carolina

Dear Mr. Shearouse:

The petition for writ of certiorari and appendix in the above-referenced case are due to be served and filed today. Because of my present workload, I respectfully request a thirty-day extension of this deadline. No prior extensions have been requested in this case.

By copy of this letter, I am informing Karen Ratigan, Esquire, of the Office of the Attorney General, of this extension request.

Thanking you for your cooperation and assistance in this matter.

Sincerely,

Wanda H. Carter
Deputy Chief Appellate Defender

For

WHC/kam

cc: Karen Ratigan



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332

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Columbia, South Carolina 29211-1589
Telephone: (803) 734-1343
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

RECEIVED

November 7, 2011

NOV - 7 2011

The Honorable Daniel E. Shearouse
Clerk, S.C. Supreme Court
Post Office Box 11330
Columbia, SC 29211

S.C. Supreme Court

Dear Mr. Shearouse:

The following case falls under the 60 day rule for appeals, and the date we received the transcript is listed to the side.

William Gladney Harden v. State of South Carolina

11/7/2011

I would appreciate you beginning our time limits from the above date, and if you need additional information, or have any questions please contact me.

Thank you for your assistance in this matter.

Sincerely,

Loriene French
Legal Services Coordinator



Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

RECEIVED

June 30, 2011

JUN 30 2011

S.C. Supreme Court

Ms. Mary E. DiGirolamo
Circuit Court Reporter
PO Box 171
Reidville, SC 29375

Dear Ms. DiGirolamo:

Please provide us with the following transcript:

William Gladney Harden v. State of South Carolina Case #: 10-CP-23-01209

County: Greenville Date of Trial: February 25, 2011

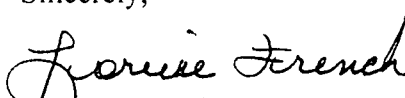
Presiding Judge: Robin B. Stilwell

To ensure prompt payment, please sign and complete the enclosed CID FORM 3500 and include the original criminal case number (Indictment number) where the space is provided.

Please number the lines on the paper from 1-25, and include any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments.

If you are aware of any co-defendants or if the Attorney General's Office has already requested a transcript, please let us know.

Sincerely,


Lorine French
Legal Services Coordinator

cc: S.C. Supreme Court
Attorney General's Office

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)
)
 William Gladney Harden,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 C.A. No. 2010-CP-23-1209

ORDER OF DISMISSAL

FILED
 APR 21 2010
 CLERK OF COURT
 GREENVILLE COUNTY, SC

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed February 15, 2010. The Respondent made its return on April 21, 2010. An evidentiary hearing into the matter was convened on February 25, 2011 at the Greenville County Courthouse. The Applicant represented himself at the hearing.¹ Karen C. Ratigan, Esquire of the South Carolina Office of the Attorney General represented the Respondent.

The Applicant testified on his own behalf at the PCR hearing. Also testifying was the Applicant's plea counsel, Randall L. Chambers, Esquire. The Court had before it the transcript of the guilty plea hearing, the records of the Greenville County Clerk of Court, the application for post-conviction relief, and the Respondent's return.

PROCEDURAL HISTORY

The Applicant was indicted at the May 2008 term of the Greenville County Grand Jury for crimes against a federally chartered or insured institution (2008-GS-23-2837). He was represented by Randall L. Chambers, Esquire.

¹ At the beginning of the hearing, the Applicant moved to have his appointed counsel – Daniel J. Farnsworth, Jr., Esquire – relieved as counsel. This Court granted the Applicant's request and ordered Mr. Farnsworth to assist the Applicant in the role of standby counsel.

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On March 12, 2009, the Applicant entered an Alford² plea to the charge. The Honorable C. Victor Pyle, Jr. sentenced the Applicant to five (5) years suspended on the service of three (3) years and five (5) years probation. The Applicant did not appeal.

ALLEGATIONS

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

1. Ineffective assistance of counsel:
 - a. Undermined the Applicant's "reasonable opportunity for 'PTUP.'"
 - b. Failed to object to introduction of unverified prior criminal history.
 - c. Failed to object to "introduction of scandalous and inflammatory information which did not constitute a part of the Applicant's criminal history."
 - d. Failed to properly investigate the Applicant's prior criminal history.
 - e. Failed to object to "the outrageous conduct of the court when it permitted the 'victim' . . . to decide whether the Applicant received probation or an active sentence."
 - f. Failed to object to the sentence as excessive.
2. Unlawful/excessive sentence:
 - a. Received more time than the maximum sentence of five (5) years.

The Applicant, through counsel, submitted an amendment to his application dated June 4, 2010, in which he alleged the following:

1. Ineffective assistance of counsel:
 - a. Failed to conscientiously discharge professional responsibilities.
 - b. Failed to effectively challenge search and seizure.
 - c. Failed to act as a diligent and conscientious advocate.
 - d. Failed to give complete loyalty.
 - e. Did not have Applicant's best interest in mind.
 - f. Failed to serve the cause in good faith.
 - g. Neglected necessary investigations and preparation.
 - h. Did not do necessary factual investigations.
 - i. Did not do necessary legal research.
 - j. Did not conscientiously gather information to protect rights.
 - k. Did not try to have the case settled in a manner that would have been to my best advantage.

² North Carolina v. Alford, 400 U.S. 25, 91 S. Ct. 160, 27 L. Ed. 2d 162 (1970).

- l. Did not advise me of all my rights or take any of the actions that were necessary to protect and preserve them.
- m. Never properly ascertained whether or not I actually understood or comprehended all of the issues involved in the case.
- n. Never properly consulted with me or kept me informed.
- o. Never explained to me or discussed with me any of the elements.
- p. Never made any attempt to ascertain whether or not I actually knew the elements of the crime charge or whether or not I understood exactly what "criminal element" meant.
- q. Never explained or discussed with me how the elements of the crime charged and the evidence that the prosecution planned to introduce into evidence against me related to one another and did not discuss how the sentencing would be done especially as it related to the elements of the crime as in State v. Boyd.
- r. Never informed me of any of the defenses that were available to me.
- s. Never intended to offer any defense to the court on my behalf.
- t. Never explained to me or discussed with me any kind of defense strategy.
- u. Never explained to me or discussed with me any of the tactical choices that were made or planned to be made.
- v. Dictated to me exactly how my case was going to be handled and offered no alternative options.
- w. Failed to properly acquaint herself with the law and facts surrounding my case and, as a result, there was a very serious error in the assessment of both the law and the facts.
- x. No defense at all was put in issue for me during the Court proceedings.
- y. Did not subject the prosecution's case to any adversarial testing.
- z. Failed to oppose the prosecution's case with any adversarial litigation.
- aa. Failed to function as the government's adversary in any sense of the word.
- bb. Failed to pursue any of the legal recourse that was available.
- cc. Failed to function as the counsel that the Constitution's Sixth Amendment guarantees.
- dd. Failed to call alibi witnesses on my behalf.
- ee. Failed to appeal my case.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony and arguments presented at the PCR hearing. This Court has further had the

opportunity to observe each witness who testified at the hearing, and to closely pass upon their credibility. This Court has weighed the testimony accordingly.

Set forth below are the relevant findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80 (2003).

Ineffective Assistance of Counsel

The Applicant alleges he received ineffective assistance of counsel. In a PCR action, “[t]he burden of proof is on the applicant to prove his allegations by a preponderance of the evidence.” Frasier v. State, 351 S.C. 385, 389, 570 S.E.2d 172, 174 (2002).

For an applicant to be granted PCR as a result of ineffective assistance of counsel, he must show both: (1) that his counsel failed to render reasonably effective assistance under prevailing professional norms, and (2) that he was prejudiced by his counsel’s ineffective performance. See Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984); Porter v. State, 368 S.C. 378, 383, 629 S.E.2d 353, 356 (2006). When there has been a guilty plea, the applicant must prove that counsel’s representation was below the standard of reasonableness and that, but for counsel’s unprofessional errors, there is a reasonable probability that he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 58-59, 106 S. Ct. 366, 370 (1985); Roscoe v. State, 345 S.C. 16, 20, 546 S.E.2d 417, 419 (2001).

The Applicant stated he was not challenging the validity of the guilty plea. Rather, the Applicant stated he was challenging the excessiveness of his sentence and plea counsel’s role at the guilty plea hearing. The Applicant stated that, as the maximum sentence on his charge is five (5) years imprisonment and the plea judge sentenced him to five (5) years suspended on the service of three (3) years and five (5) years probation, the overall sentence exceeds that maximum sentence. The Applicant stated that, the night before the plea hearing, he met with

plea counsel and told him there was some incorrect information about his prior record. The Applicant stated he challenged a portion of his criminal record at the guilty plea hearing but that it influenced his overall sentence. The Applicant stated plea counsel should not have told the judge at the guilty plea hearing that he was not a good candidate for probation. The Applicant stated that, while it was not included in the plea transcript, the bank manager/victim in this case was asked by the judge whether she wanted him to go to prison or make restitution and she said prison.

Plea counsel testified he did not recall meeting with the Applicant the night before the guilty plea hearing and the Applicant telling him about inaccuracies in his criminal record. Plea counsel testified that, regardless, he did not believe there were any errors in the Applicant's prior criminal record. Plea counsel noted the Applicant addressed the perceived errors during the guilty plea hearing. Plea counsel testified they were always looking for a probationary sentence. Plea counsel testified he asked the plea judge for such a sentence but also admitted his prior record "looked bad." Plea counsel testified he knew this plea judge and presented his sentence request to him in a way that the judge would appreciate. Plea counsel testified he did not believe anything objectionable occurred during the guilty plea hearing. Plea counsel testified the Applicant received a lawful sentence and that there was no reason to object to that sentence, especially because the Applicant did not want a lengthy jail sentence. Plea counsel testified he would not handle this case any differently today.

Regarding the Applicant's claims of ineffective assistance of counsel, this Court finds the Applicant has failed to meet his burden of proof. This Court further finds plea counsel adequately conferred with the Applicant, conducted a proper investigation, and was thoroughly competent in his representation. The Applicant told the plea judge that he wanted to plead

guilty. (Plea transcript, p.7). The Applicant also told the plea judge that he understood the trial rights he was waiving in pleading guilty, was satisfied with counsel, and had not been coerced in any way. (Plea transcript, pp.4-6).

This Court finds the Applicant failed to meet his burden of proving plea counsel was ineffective during the guilty plea hearing. Plea counsel testified he reviewed the Applicant's prior record and was not aware of any inaccuracies. The Applicant explained to the plea judge the various concerns he had with his criminal record. (Plea transcript, pp.13-14; p.15). This Court finds the Applicant failed to present any evidence that either the information about his prior record was inaccurate or that it prejudiced him in some way. This Court also finds the Applicant mischaracterized plea counsel's statement about probation during the mitigation portion of the plea. While plea counsel did state the Applicant "in a lot of ways is not a candidate for probation" based on his prior record, plea counsel also asked the plea judge to levy "the maximum sentence which would be five years, suspend that sentence and put him on probation and let him pay the bank back." (Plea transcript, p.9, lines 3-6 and lines 15-18). This Court finds there was no error. The Applicant argued the victim in this case was allowed input into the type of punishment he would receive; however, this Court notes there is no such statement in the guilty plea transcript. As such, this Court finds the Applicant's testimony on this issue is not credible. See, e.g., Stalk v. State, 375 S.C. 289, 300, 652 S.E.2d 402, 407 (Ct. App. 2007) (noting the guilty plea transcript refuted the applicant's claim).

This Court finds the Applicant failed to meet his burden of proving plea counsel should have objected to the sentence imposed by the plea judge. This Court finds the sentence imposed in this case was, in fact, a legal and appropriate sentence. See, e.g., State v. Wickenhauser, 309 S.C. 377, 382, 423 S.E.2d 344, 347 (1992) (noting the maximum sentence for DUI, fourth

offense is five years and finding a sentence of four years suspended on the service of eighteen months and five years probation does not exceed the maximum sentence because “any actual period of incarceration under this sentence will not exceed the maximum statutory limit”). It is further this Court’s observation that the plea judge did not impose the maximum sentence as requested by the State,³ but rather suspended a substantial portion of the same. As such, plea counsel did not err in failing to object to the sentence in this case.

Accordingly, this Court finds the Applicant has failed to prove the first prong of the Strickland test – that plea counsel failed to render reasonably effective assistance under prevailing professional norms. The Applicant failed to present specific and compelling evidence that plea counsel committed either errors or omissions in his representation of the Applicant. This Court also finds the Applicant has failed to prove the second prong of Strickland – that he was prejudiced by plea counsel’s performance.

This Court concludes the Applicant has not met his burden of proving counsel failed to render reasonably effective assistance. See Frasier v. State, 351 S.C. at 389, 570 S.E.2d at 174.

All Other Allegations

As to any and all allegations that were raised in the application or at the hearing in this matter and not specifically addressed in this Order, this Court finds the Applicant failed to present any evidence regarding such allegations. Accordingly, this Court finds the Applicant waived such allegations and failed to meet his burden of proof regarding them. Therefore, they are hereby denied and dismissed.

CONCLUSION

Based on all the foregoing, this Court finds and concludes the Applicant has not

³ Plea transcript, p.13.

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established any constitutional violations or deprivations before or during his guilty plea and sentencing proceedings. Counsel was not deficient in any manner and the Applicant was not prejudiced by counsel's representation. Therefore, this PCR application must be 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.

IT IS THEREFORE ORDERED:

1. That the application for post-conviction relief be denied and dismissed with prejudice; and
2. That the Applicant be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 1st day of April, 2011.



Robin B. Stilwell
Presiding Judge
Thirteenth Judicial Circuit

GREENVILLE, South Carolina.

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

JUDGMENT IN A CIVIL CASE
CASE NO: 2010CP2301209

William G Harden vs. South Carolina State Of

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):
SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Rule 12(b), SCRPC; Rule 41(a).
 Other: _____
- ACTION STRICKEN (CHECK REASON):
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other: _____
 Rule 40(j) SCRPC; Bankruptcy:
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
 Affirmed; Reversed; Remanded;
 Other: _____

FILED
APR 7 2011
GREENVILLE CO. SC
CIVIL
CLERK
47

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; Statement of Judgment by the Court:

Dated at Greenville, South Carolina, this .

Court Reporter:

PRESIDING JUDGE =

This judgment was entered on the 7th day of April, 2011, and a copy mailed first class this 7th day of April, 2011, to attorneys of record or to parties (when appearing pro se) as follows:

William G Hardin 1403 Wade Hampton Blvd
Greenville, SC 296095045
Daniel J Farnsworth Jr 414 Pettigru St., Suite A

✓ Karen Ratigan

ORIGINAL TO BE FILED
WITH THE CLERK OF
COURT

TUESDAY
MAY 24, 2011

THE HON. DANIEL E. SINGAROSE,
CLERK

RE: HARGEN V. STATE

THE SUPREME COURT OF SOUTH CAROLINA
POST OFFICE BOX 11330
COLUMBIA, SC 29211-1330

2010-CP-231209

DEAR MR. SINGAROSE:

PUR THE COURT'S DIRECTIVE OF MAY 17, 2011, I AM
ENCLOSING A COPY OF THE FINAL ORDER OF DISMISSAL FROM
GREENVILLE COUNTY, FILED APRIL 26, 2011 (DENIAL OF MOTION
TO SET ASIDE AND AMEND JUDGMENT UNDER RULE 59(e)).

BY MEANS OF THE ORIGINAL OF THE LETTER ATTACHED,
I AM NOTIFYING THE INTAKE CLERK AT THE DIVISION OF
APPELLATE DEFENSE OF MY NEED FOR THAT AGENCY'S SERVICES
FROM THIS POINT FORWARD.

RECEIVED

MAY 27 2011

S.C. SUPREME COURT

RESPECTFULLY,

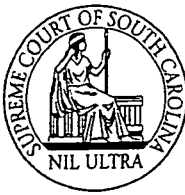
Wm. S. Hargen

WILLIAM S. HARGEN, APPELLANT PRO SE

Post Office Box 482
GREENVILLE, SC 29602-0482

← ADDRESS FOR
THIS APPEAL

cc: KAREN C. RATTIGAN,
ASSISTANT ATTORNEY
GENERAL
INTAKE CLERK,
DIV. OF APP. DEF.



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
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

TO: William Narden SCDC# N/A

DATE: 5-17-11

We are in receipt of your notice of appeal. It will be necessary for you to provide this office with the following required documents within **ten (10)** days of the date of this notice. Failure to provide the requested documents may result in dismissal of this matter.

proof of service showing notice of appeal was served on opposing counsel,
(Attorney General's Office)

a copy of the final order of dismissal

a copy of the conditional order of dismissal (if one was issued)

a copy of the conditional order of dismissal dated _____.

2010-CP-23-01209

Please return this sheet with the requested documents. Thank you!

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

JUDGMENT IN A CIVIL CASE

CASE NO: 2010-CP-23-01209

William G. Harden vs. South Carolina, State of

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 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: _____

2011 APR 26 8:23

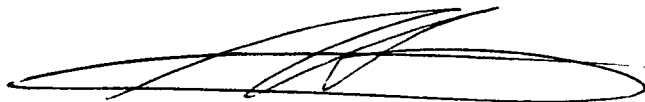
NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; Statement of Judgment by the Court:

Upon careful consideration, Petitioner's Rule 59(e) Motion to Alter or Amend is respectfully DENIED.

Dated at Greenville, South Carolina, this 20 April 2011.

Court Reporter:



PRESIDING JUDGE - ROBIN B. STILWELL (2158)

This judgment was entered on the 26 April 2011, and a copy mailed first class this 26 April 2011 to attorneys of record or to parties (when appearing pro se) as follows:

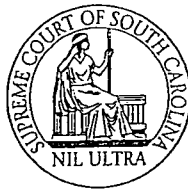
William G Harden 1403 Wade Hampton Blvd Greenville, SC 296095045
Daniel J Farnsworth Jr 414 Pettigru St., Suite A Greenville, SC 29601

Karen Ratigan Assistant Attorney General, P.O. Box 11549, Columbia, South Carolina 29211-1549

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Paul B. Wickensimer Greenville County Clerk Of Court
- Clerk of Court



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

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2010-CP-23-01209

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IN THE
SUPREME COURT
OF
SOUTH CAROLINA

ORIGINAL TO BE
FILED WITH THE
CLERK OF COURT

Mini - 7 col

S.C. SUPREME COURT

WILLIAM G. HARDEN)
APPELLANT/PETITIONER)
PRO SE)
v.)
STATE OF SOUTH CAROLINA)
RESPONDENT.)

NOTICE OF
APPEAL
FROM

2010-CP23-1209

(PCR) RECEIVED

MAY 17 2011

S.C. SUPREME COURT

THE APPELLANT/PETITIONER PRO SE WILLIAM G. HARDEN SUBMITS THIS HIS NOTICE OF APPEAL FROM THE ORDER OF APRIL 26, 2011 (FILED, GREENVILLE COUNTY) DENYING HIS MOTION TO SET ASIDE AND REVERSE THE JUDGMENT OF THE CIRCUIT COURT OF APRIL 7, 2011 (FILED, GREENVILLE COUNTY) WHICH DISMISSED HIS PCR ACTION IN THE ABOVE-ENTITLED MATTER.

THE APPELLANT/PETITIONER RESPECTFULLY REQUESTS THIS COURT'S GUIDANCE FOR PROCEDURAL PERFECTING HIS PETITION FOR CERTIORARI IN THIS MATTER.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

William G. Harden

WILLIAM G. HARDEN
POST OFFICE APPELLANT/PETITIONER PRO SE
Box 482
GREENVILLE, SC 29602-0482

⊗

MAY 14, 2010

CORRECT ADDRESS FOR
THIS APPEAL

⊗

CERTIFICATE OF SERVICE

THE APPELLANT/PETITIONER HEREIN, WILLIAM S. HARDEN, PRO SE, HEREBY CERTIFIES THAT HE HAS, ON THE DATE BELOW, DULY SERVED THE RESPONDENT HEREIN WITH A COPY OF THIS NOTICE OF APPEAL BY PLACING A COPY OF THE SAME IN THE UNITED STATES MAIL WITH ADEQUATE PREPAID POSTAGE AFFIXED AND ADDRESSED TO

KENNETH C. RANIGAN,
ASSISTANT ATTORNEY GENERAL
POST OFFICE Box 11549
COLUMBIA, SC 29211-1549,
COUNSEL FOR THE RESPONDENT.

THE NOTICE OF APPEAL IS LIKEWISE FILED WITH THE ORIGINATING CIRCUIT COURT IN GREENVILLE COUNTY.

Wm Harden

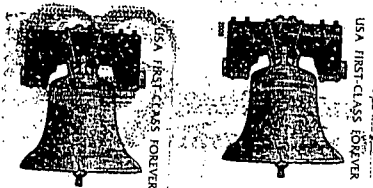
MAY 14, 2011

WILLIAM S. HARDEN
POST OFFICE Box 482
GREENVILLE, SC 29602-0482

⊗ CORRECT ADDRESS ⊗
FOR THIS APPEAL

WILLIAM G. HARDEN
POST OFFICE BOX 482
GREENVILLE SC 29602-0482

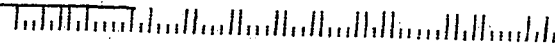
GREENVILLE SC 296
15 MAR 2011 PM 2 L



THE HON. DANIEL E. SUGARHOUSE,
CLERK OF COURT
THE SUPREME COURT OF SOUTH CAROLINA
POST OFFICE BOX 11330
COLUMBIA, SC 29211-1330

FROM
2010-07-23-1209

29211+1330



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