

Clarissa Warren Joyner

Attorney at Law

1259 Amelia Street, Suite A ~ Post Office Box 1724 ~ Orangeburg, South Carolina 29116-1724
Phone (803) 534-8393 ~ Facsimile (803) 534-7885 ~ Email joynerlawfirm@aol.com

February 19, 2016

Janet Johnson
Clerk of the South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

RECEIVED

FEB 26 2016

SC SUPREME COURT

Re: Gregory D. Benjamin vs. State of South Carolina
Case No.: 2011 CP 38 01540

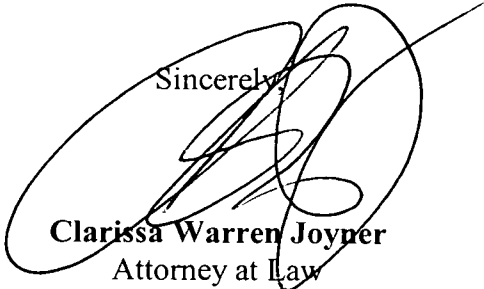
Dear Ms. Johnson:

Pursuant to your telephone call today requesting additional documentation, please find attached hereto the: (1) **August 3, 2015 Order Denying Motion to Alter or Amend the Order of Dismissal and January 16, 2016 Certificate of Service** for that Order; (2) **April 11, 2014 Amended Final Order of Dismissal and May 6, 2014 Certificate of Service** for that Order; (3) **Original Notice of Appeal and Proofs of Service** for the Office of the Attorney General, Clerk of Court for Orangeburg County, and on the Petitioner.

Should you have any questions or need any additional information, please do not hesitate to contact me.

With kind regards, I am

Sincerely,


Clarissa Warren Joyner
Attorney at Law

CWJ/mdc
Enclosures

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court

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FEB 20 2016

SC SUPREME COURT

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Case No. 2011-CP-38-01540

Gregory D. Benjamin, #234091 Petitioner.

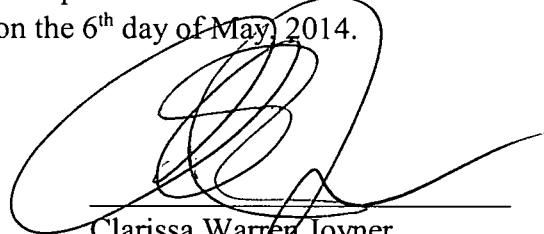
v.

State of South Carolina, Respondent,

NOTICE OF APPEAL

Gregory D. Benjamin appeals the judgment of the Honorable Maite Murphy, denying his Motion to Alter or Amend Order of Dismissal dated the 28th day of July, 2015 and served on counsel on the 16th day of January, 2016, and appeals the judgment of Edgar W. Dickson dismissing his application for post conviction relief issued on the 11th day of April, 2014 and served on counsel on the 6th day of May, 2014.

Dated: February 16, 2016



Clarissa Warren Joyner
Attorney for the Appellant
Post Office Box 1724
Orangeburg, SC 29116-1724
(803) 534-8393 Telephone

Other Counsel of Record:
J. Clayton Mitchell
Assistant Attorney General
Post Office Box 11549
Columbia, SC 29211-1549

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Case No. 2011-CP-38-01540

Gregory D. Benjamin, #234091 Petitioner.

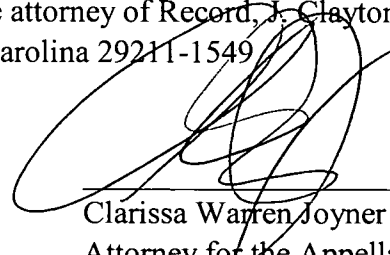
v.

State of South Carolina, Respondent,

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the South Carolina Attorney General's Office by depositing a copy of it in the United States Mail, postage prepaid, on February 16, 2016, addressed to the attorney of Record, J. Clayton Mitchell, Post Office Box 11549, Columbia, South Carolina 29211-1549

Dated: February 16, 2016



Clarissa Warren Joyner
Attorney for the Appellant
Post Office Box 1724
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(803) 534-8393 Telephone
(803) 534-7885 Facsimile

Other Counsel of Record:
J. Clayton Mitchell
Assistant Attorney General
Post Office Box 11549
Columbia, SC 29211-1549

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court

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FEB 20 2016

SC SUPREME COURT

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Case No. 2011-CP-38-01540

Gregory D. Benjamin, #234091 Petitioner.

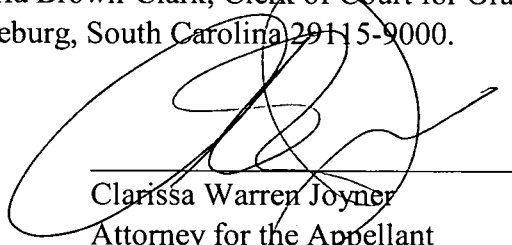
v.

State of South Carolina, Respondent,

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the Orangeburg County Clerk of Court's Office by depositing a copy of it in the United States Mail, postage prepaid, on February 16, 2016 addressed to Winnifa Brown-Clark, Clerk of Court for Orangeburg County, Post Office Box 9000, Orangeburg, South Carolina 29115-9000.

Dated: February 16, 2016



Clarissa Warren Joyner
Attorney for the Appellant
Post Office Box 1724
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Other Counsel of Record:
J. Clayton Mitchell
Assistant Attorney General
Post Office Box 11549
Columbia, SC 29211-1549

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Case No. 2011-CP-38-01540

Gregory D. Benjamin, #234091 Petitioner.

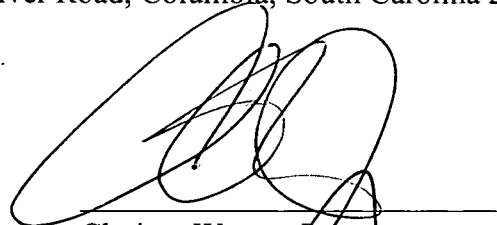
v.

State of South Carolina, Respondent,

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the Petitioner, Gregory D. Benjamin by depositing a copy of it in the United States Mail, postage prepaid, on February 16, 2016, addressed to the Petitioner, Gregory D. Benjamin, Broad River Correctional Institution, 4460 Broad River Road, Columbia, South Carolina 29210

Dated: February 16, 2016



Clarissa Warren Joyner
Attorney for the Appellant
Post Office Box 1724
Orangeburg, SC 29116-1724
(803) 534-8393 Telephone

Other Counsel of Record:
J. Clayton Mitchell
Assistant Attorney General
Post Office Box 11549
Columbia, SC 29211-1549

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL CIRCUIT

CASE NO.: 2015-CP-38-01540

GREGORY D. BENJAMIN, #234091)

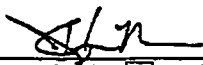
Plaintiff,)

vs.)

STATE OF SOUTH CAROLINA)

Defendant.)

2015 AUG - 17
MOTION AND ORDER INFORMATION
FORM AND COVERSHEET

Plaintiff's Attorney: Clarissa W. Joyner, Bar No. 66576 Address: 1259 Amelia St, Ste. A, Orangeburg SC 29115 Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: J. Clayton Mitchell, Bar No. 101443 Address: PO Box 11549, Columbia SC 29211 Phone: _____ Fax _____ E-mail: _____ Other: _____
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input checked="" type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information	
Nature of Motion: _____ Estimated Time Needed: _____ Court Reporter Needed: <input type="checkbox"/> YES / <input type="checkbox"/> NO	
SECTION II: Motion/Order Type	
<input type="checkbox"/> Written motion attached <input checked="" type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
 _____ Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant	6/25/2015 Date submitted
SECTION III: Motion Fee	
<input type="checkbox"/> PAID - AMOUNT: \$ _____ <input checked="" type="checkbox"/> EXEMPT: (check reason) <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input checked="" type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC) <input type="checkbox"/> Proposed order submitted at request of the court, or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ <input type="checkbox"/> Other: _____	
JUDGE'S SECTION	JUDGE CODE _____
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	Date: _____
CLERK'S VERIFICATION	
Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____	

ATTEST: TRUE COPY
Winnifia B. Clark
CLERK OF COURT
ORANGEBURG COUNTY SC

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

2015 AUG -2
D 17: 13
Gregory D. Benjamin, #234091,
Applicant,

v.

State of South Carolina,
Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL CIRCUIT

Case No. 2011-CP-38-01540

**ORDER DENYING MOTION TO ALTER
OR AMEND THE ORDER OF DISMISSAL**

This matter comes before this Court by way of an application for post-conviction relief filed December 20, 2011. In its Return and Motion to Dismiss, Respondent requested that the action be summarily dismissed as filed beyond the statute of limitations and successive to his previous applications for post-conviction relief pursuant to S.C. Code Ann. § 17-27-10 through -160. A Conditional Order of Dismissal was filed on April 10, 2012, giving Applicant twenty (20) days to provide sufficient explanation or reason as to why the dismissal should not become final. Applicant was served with the Conditional Order of Dismissal on May 17, 2013. A Final Order of Dismissal was entered by this Court on January 6, 2014. An Amended Final Order of Dismissal was entered on April 11, 2014, as the FOD was improperly served on Applicant and not Applicant's counsel. Applicant, by and through counsel, filed a document captioned "Motion for Reconsideration and/or Relief from Judgement" on May 19, 2014.

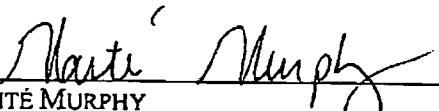
In this Motion, Applicant, for the first time, raises objections to the COD becoming final. This Court finds that Applicant failed to raise these objections in a timely manner. Therefore, this Court hereby denies the Applicant's Motion in its entirety, and affirms the previous Order of Dismissal.

This Court advises that if the Applicant desires to secure appellate review of this Order and the Order of Dismissal, a notice of appeal must be filed and served **within thirty (30) days of the service**

TEST: TRUE COPY
Winniford B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

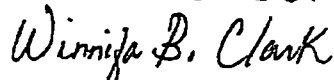
of this Rule 59 Order. Applicant is directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of appeal has been timely filed.

AND IT IS SO ORDERED this 23 day of July, 2015.


MAITÉ MURPHY
Chief Judge for Administrative Purposes
First Judicial Circuit

St. George, South Carolina

ATTEST: TRUE COPY


CLERK OF COURT

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

IN THE COURT OF COMMON PLEAS)
FOR THE FIRST JUDICIAL CIRCUIT)

Gregory D. Benjamin, #234091,)

Case No. 2011-CP-38-1540)

Applicant,)

**AMENDED FINAL ORDER)
OF DISMISSAL)**

v.)

State of South Carolina,)

Respondent.)
_____)

This matter comes before the Court pursuant to an application for post-conviction relief filed December 20, 2011. Respondent made its Return and Motion to Dismiss on or about March 5, 2012, requesting that the Application be summarily dismissed. Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal filed April 10, 2012, provisionally denying and dismissing this action, while giving the Applicant twenty days from the date of service of said Order in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated January 14, 2014, serving the above-mentioned Conditional Order of Dismissal on the Applicant's counsel.

The Applicant made no response to the Conditional Order of Dismissal. This Court has reviewed the original pleadings and finds that a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final.

IT IS THEREFORE ORDERED that, for the reasons set forth in the Court's Conditional Order of Dismissal, this application for post-conviction relief is hereby denied and dismissed with prejudice.


ATTEST: TRUE COPY

Wingja B. Clark

CLERK OF COURT
ORANGEBURG COUNTY, SC

This Court hereby advises the Applicant that he must file and serve a Notice of Appeal within thirty (30) days of the service of this Order to secure appellate review. See Rule 203, SCACR. The Applicant's attention is directed to Rule 243, SCACR, for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this 8th day of April, 2014.



EDGAR W. DICKSON
Judge, First Judicial Circuit

Oranby, South Carolina.

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

GREGORY D. BENJAMIN, #234091,

Applicant,

v.

STATE OF SOUTH CAROLINA,

Respondent.

CERTIFICATE OF SERVICE

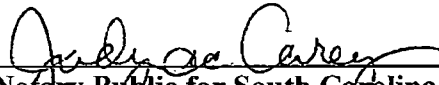
The undersigned hereby certifies that a true copy of the **Amended Final Order of Dismissal** has been served upon the applicant by mailing one (1) copy in the United States mail, postage prepaid, addressed to:

**Clarissa W. Joyner, Esquire
The Law Firm of Clarissa Warren Joyner
1259 Amelia Street, Suite A
Post Office Box 1724
Orangeburg, South Carolina**

This 6th day of May, 2014.


MEGAN E. HARRIGAN
ATTORNEY FOR RESPONDENT

SWORN to before me this 6th day of May, 2014.


Notary Public for South Carolina.
My Commission Expires: 5/11/2014

The Law Firm of Clarissa Warren Joyner
Attorney and Counselor at Law
Post Office Box 1724
Orangeburg, South Carolina 29116-1724

Attn: Janet Johnson
Clerk of the South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina ~~29200~~

29211

