

The Supreme Court of South Carolina

Jeffrey Bates,

Petitioner,

v.

State of South Carolina,

Respondent.

The Honorable Edgar W. Dickson
Dorchester County
Trial Court Case No. 2008-CP-18-00673

ORDER

For good cause shown, the request for an extension until May ¹⁴~~17~~, 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 Shenda L. Shealy
Chief Deputy Clerk

Columbia, South Carolina

April 16, 2012

cc: Appellate Defender Breen R. Stevens
Assistant Attorney General Mary S. Williams

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Dorchester County

Edgar W. Dickson, Circuit Court Judge

RECEIVED

APR 13 2012

S.C. Supreme Court

JEFFREY BATES,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE PETITION FOR WRIT OF
CERTIORARI AND APPENDIX

(3)

Counsel for Jeffrey Bates respectfully requests a **final extension of thirty (30) days until May 14, 2012** in which to file the petition for writ of certiorari and appendix in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a final request for an extension. In support of this request, counsel shows:

1. The petition for writ of certiorari and appendix is due to be served and filed with the Court today. The Court has granted two previous extensions.
2. Counsel for Mr. Bates respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously

granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

3. On April 12, 2012, counsel filed the amended initial brief of appellant and designation of matter in the case of State v. Brandon Simmons in the Court of Appeals and had an oral argument in the case of State v. Edward Twyman in the Court of Appeals. On April 9, 2012, counsel filed the petition for writ of certiorari and appendix in the case of Dana Merritt v. State in this Court. On April 6, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Joseph Cobb in the Court of Appeals. On April 4, 2012, counsel filed the petition for writ of certiorari and appendix in the case of Timothy Hester v. State in this Court. On March 26, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Samuel Dingle in the Court of Appeal. On March 23, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Brandon Rogers in the Court of Appeals. On March 19, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Bernaldino Ocasio in the Court of Appeals. On March 16, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Christopher Watson in the Court of Appeals. On March 12, 2012, counsel filed the petition for writ of certiorari and appendix in the case of Claude Jones v. State in this Court. On March 5, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Allen Capers and the brief of petitioner in the case of State v. Jason Black in this Court.

4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

5. Counsel for the Attorney General's office consents to this request as shown by signature below.

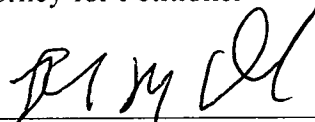
WHEREFORE, the undersigned counsel would respectfully request a **final thirty (30) day extension until May 14, 2012**, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Breen R. Stevens
Appellate Defender

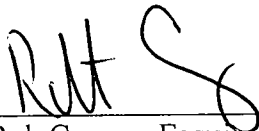
Attorney for Petitioner



Robert M. Dudek
Chief Appellate Defender

This 13th day of April, 2012.

I Consent:



Rob Corney, Esquire

The Supreme Court of South Carolina

Jeffrey Bates,

Petitioner,

v.

State of South Carolina,

Respondent.

The Honorable Edgar W. Dickson
Dorchester County
Trial Court Case No. 2008-CP-18-00673

ORDER

For good cause shown, the request for an extension until April 13, 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 Shirley J. Shealy
Clerk

Columbia, South Carolina *Chief Deputy*

March 16, 2012

cc: Appellate Defender Breen R. Stevens
Assistant Attorney General Mary S. Williams

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Dorchester County

Edgar W. Dickson, Circuit Court Judge

RECEIVED
MAR 14 2012
S.C. Supreme Court

JEFFREY BATES,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE PETITION FOR WRIT OF
CERTIORARI AND APPENDIX

Counsel for Jeffrey Bates respectfully requests an extension of thirty (30) days in which to file the petition for writ of certiorari and appendix in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a second request for an extension. In support of this request, counsel shows:

1. The petition for writ of certiorari and appendix is due to be served and filed with the Court today.
2. Counsel for Mr. Bates respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously

granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

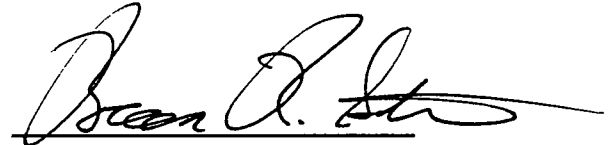
3. On March 12, 2012, counsel filed the petition for writ of certiorari and appendix in the case of Claude Jones v. State in this Court. On March 5, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Allen Capers and the brief of petitioner in the case of State v. Jason Black in this Court. On February 29, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Randy Blythe in the Court of Appeals. On February 22, 2012, counsel filed the Motion to Supplement the Appendix in the case of Damon Jackson v. State in this Court. On February 21, 2012, counsel filed the petition for writ of certiorari and appendix in the case of Christopher Strobe v. State and the petition for writ of certiorari and Brief of Appellant Pursuant to White v. State in the case of Labrontae Agnew v. State in this Court. On February 16, 2012, counsel had an oral argument in the case of State v. Shawn Miller in the Court of Appeals. On February 13, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Stanqwaner Wiggins in the Court of Appeals. On February 9, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Rico Brown in the Court of Appeals. On February 7, 2012, counsel had an oral argument in the case of State v. Joey Ellis in this Court. On February 6, 2012, counsel filed the initial brief of appellant and designation of matter in the case of State v. Ronald McCauley in the Court of Appeals.

4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

5. Counsel for the Attorney General's office has been informed of this request.

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 based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Breen R. Stevens", written over a horizontal line.

Breen R. Stevens
Appellate Defender

Attorney for Petitioner

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Dorchester County

Edgar W. Dickson, Circuit Court Judge

JEFFREY BATES,

PETITIONER,


V.

STATE OF SOUTH CAROLINA,

RESPONDENT

CERTIFICATE OF SERVICE

I certify that a true copy of the motion for an extension of time in which to file the petition for writ of certiorari and appendix in the above case has been served upon Rob Corney, Esquire, this 15th day of March, 2012.



Breen R. Stevens
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 15th day
of March, 2012.



(N.S.)
Notary Public for South Carolina

My Commission Expires: December 4, 2017.

The Supreme Court of South Carolina

Jeffrey Bates,

Petitioner,

v.

State of South Carolina,

Respondent.

The Honorable Edgar W. Dickson
Dorchester County
Trial Court Case No. 2008-CP-18-00673

ORDER

The request for an extension until March 14, 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 *Shonda L. Shealy*
Clerk

Chief Deputy
Columbia, South Carolina

February 14, 2012

cc: Appellate Defender Breen R. Stevens
Assistant Attorney General Mary S. Williams



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

February 13, 2012

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FEB 13 2012

S.C. Supreme Court

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

Re: Jeffery Bates v. The State

Dear Mr. Shearouse:

The petition for writ of certiorari and appendix in this case are due to be served and filed with the Court February 13, 2012. However, because of my heavy workload at this time, I am requesting an extension for 30 days, in which to serve and file the petition.

By copy of this letter, I am informing Brian Petrano, of the Attorney General's Office, of my request.

Sincerely,

Breen R. Stevens
Appellate Defender

BRS/pds

cc: Brian Petrano, Esquire



SCCID

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Post Office Box 11589
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Telephone: (803) 734-1343
Facsimile: (803) 734-1397

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

December 13, 2011

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

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.

Jeffrey Bates v. State of South Carolina

12/13/2011

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

RECEIVED

DEC 13 2011

S.C. Supreme Court



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

COPY

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
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Facsimile: (803) 734-1397

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

RECEIVED

NOV 17 2011

October 27, 2011

S.C. Supreme Court

RECEIVED

OCT 27 2011

SC Court of Appeals

Ms. Cheri L. Young
Circuit Court Reporter
P O Box 1154
Aiken, SC 29802

Dear Ms. Young:

Please provide us with the following transcript:

Jeffrey Bates v. State of South Carolina Case #: 08-CP-18-00673

County: Dorchester Date of Trial: December 8, 2010

Presiding Judge: Edgar W. Dickson

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,

Loriene French
Legal Services Coordinator

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

The Brooks Law Offices, LLC

Charles T. Brooks, III
Attorney

309 Broad Street
Sumter, South Carolina 29150
Post Office Box 3512, Sumter, SC 29151
Post Office Box 291226, Columbia, SC 29229
OFFICE: (803) 418-5708
FAX: (803) 934-9618 TOLL FREE: (877) 770-8792
Email: cbrooks@ctbrooks.com

Irma R. Brooks
Attorney

September 28, 2011

South Carolina Supreme Court
PO Box 11330
Columbia, SC 29211

RE: Jeffrey Wayne Bates v State of South Carolina
Case No. 2008-CP-18-0673

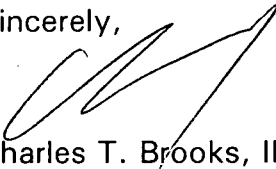
Dear Sir or Madam:

Enclosed herewith you will find the **Notice of Appeal, Order of Dismissal**, along with a **Proof of Service** in reference to the above named Applicant.

If you have any questions or concerns, please contact my office at the number stated above.

With kind regards, I am

Sincerely,



Charles T. Brooks, III
CTB/jlb

Enclosed as stated

Cc: Mary S. Williams, Office of Attorney's General
South Carolina Office of Appellate Defense
Jeffrey Wayne Bates, 235301

RECEIVED

SEP 28 2011

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas
Honorable Edgar W. Dickson., Circuit Court Judge

Case No: 2008-CP-18-0673

Jeffrey Wayne Bates.,..... Appellant
S.C.D.C. No.: 235301

v.

The State.....Respondent

NOTICE OF APPEAL

Jeffrey Wayne Bates appeals his Denial for Post Conviction Relief in this case. The Order of Dismissal was imposed and signed by the Honorable Edgar W. Dickson, on September 12, 2011, which I, Charles T. Brooks, III, received on September 28, 2011

September 28, 2011



Charles T. Brooks, III
309 Broad Street
Post Office Box 3512
Sumter, South Carolina 29151
(803) 418-5708
Attorney for Appellant

Other Counsel on Record:
Mary S. Williams, Esquire
Assistant Attorney General
Post Office Box 11549
Columbia, SC 29211-1549
(803) 734-3970

RECEIVED RECEIVED

SEP 30 2011

SEP 30 2011

S.C. SUPREME COURT

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas
Honorable Edgar W. Dickson, Circuit Court Judge

Case No: 2008-CP-18-0673

Jeffrey Wayne Bates.....Appellant
S.C.D.C. No.: 235301

v.

The State.....Respondent

PROOF OF SERVICE

I, the undersigned, do hereby certify that on this 28th day of September, 2011, I served the foregoing Notice of Appeal, Order of Dismissal, as well as Proof of Service in this matter by depositing a true copy of it in the United States Mail, postage prepaid, on September 28, 2011 addressed to the following as indicated below:

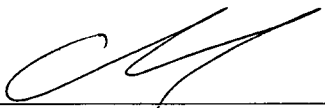
South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

South Carolina Office of Appellate Defense
1330 Lady Street, Suite 401
PO Box 11589
Columbia, SC 29211-1589

Office of Attorney's General
Attn: Robert Corney, for Mary Williams
Post Office Box 11549
Columbia, South Carolina 29211-1549

Jeffrey W. Bates, 235301
Lieber Correctional Institution
Post Office Box 205
Ridgeville. South Carolina, 29472

Dated: September 28, 2011


Charles T. Brooks, III
Attorney for the Appellant
309 Broad Street
Sumter, South Carolina 29150
(803) 418-5708

STATE OF SOUTH CAROLINA

FILED - RECORDED

COUNTY OF DORCHESTER

2011 SEP 26 4:21 PM IN THE COURT OF COMMON PLEAS

Jeffrey Bates, #235301,

CHERYL STALA
CLERK OF COURT
DORCHESTER COUNTY

2008-CP-18-0673

CERTIFIED COPY
2011 SEP 26 PM 3:14
Cheryl Stala
CLERK OF COURT
DORCHESTER COUNTY

Applicant,

v.

State of South Carolina,

Respondent.

ORDER OF DISMISSAL

This matter comes before the Court by way of an Application for Post-Conviction Relief filed April 1, 2008. An evidentiary hearing into the matter was convened on December 8, 2010, at the Orangeburg County Courthouse. The Applicant was present at the hearing and was represented by Charles T. Brooks, III, Esquire. The Respondent was represented by Mary S. Williams of the South Carolina Attorney General's Office.

In addition to testimony at hearing, this Court had before it the records of the Dorchester County Clerk of Court, the guilty plea transcript, the Applicant's records from the South Carolina Department of Corrections, and the prior PCR records.

PROCEDURAL HISTORY

The records before this Court indicate that the Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Dorchester County Clerk of Court's orders of commitment. The Dorchester County Grand Jury indicted the Applicant at the February 2002 term of General Sessions for Murder (02-GS-18-0195), Armed Robbery (02-GS-18-0251), and Burglary in the First Degree (02-GS-18-0252). Gene W. Dukes, Esquire represented the Applicant. On July

25, 2003, the Applicant pled guilty as indicted. The Honorable Diane S. Goodstein sentenced the Applicant to two thirty-five (35) year terms for murder and burglary and thirty (30) years for armed robbery. The sentences were to run concurrently. The Applicant did not appeal his conviction or sentence.

The Applicant subsequently filed an application for post-conviction relief (PCR) on January 5, 2004 (2004-CP-18-0008). In his first application, Applicant set forth the following grounds for relief:

1. Ineffective assistance of counsel.
 - a. "My attorney broke the rule of attorney-client privilege."
 - b. "My attorney only visited me twice before my plea hearing."
 - c. "My attorney allowed me to plead guilty while I was heavily medicated and not able to understand the proceedings or the consequences of my actions."
 - d. "My attorney never informed me that I had a right to a direct appeal."
2. "An illegal sentence has been imposed upon me."
 - a. "I was sentenced to thirty-five years and the maximum penalty prescribed by the statute for murder with no aggravating circumstances is 30 years."
 - b. "I was sentenced to thirty years for grand larceny which exceeds the maximum."
3. "I was sentenced on the same day I plead guilty to murder."
 - a. "Judge should have waited twenty-four hours for my sentencing proceeding."

An evidentiary hearing was convened on November 7, 2005, at the Dorchester County Courthouse, at which the Applicant was present and represented by Christopher Lizzi, Esquire. At the hearing, Applicant withdrew his application with prejudice. The Honorable B. Hicks Harwell, Jr., denied and dismissed Applicant's application by written Order on November 18, 2005, finding Applicant's request to withdraw free and voluntary and made without threat or coercion. The Applicant did not appeal the denial of his PCR application.

In his application for post-conviction relief (PCR), Applicant alleges that he is being held in



custody unlawfully for the following reasons:

1. "The Applicant did not knowingly and voluntarily withdraw his PCR application.
2. "Counsel failed to file a notice of intent to appeal."
3. "The Court lacked subject matter jurisdiction of the murder conviction."

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 at the post-conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80.

Applicant contends that his prior PCR attorney should have appealed his withdrawal because Applicant was not competent to withdraw his application. At PCR hearing, Applicant stated that he had not taken his medication for schizophrenia, thorazine, when he withdrew his application on November 7, 2005. Applicant further testified that thorazine had not been the right medication and that he now takes different medications for his condition. Applicant contends that he should therefore be allowed to proceed with his allegations in the present application.

The withdrawal transcript reflects that the court thoroughly informed Applicant that he would not have a second PCR application if he chose to withdraw his case, and Applicant indicated that he understood. (Nov. 7, 2005, Tr. p. 3, line 8 – p. 4, line 10.) Applicant denied any history of emotional problems. (Nov. 7, 2005, Tr. p. 4, lines 23-25.) Applicant affirmed that he had met with his PCR counsel both the morning of the withdrawal and on a prior occasion. (Nov. 7, 2005, Tr. p. 5, lines 12-17.) Applicant denied taking any medication which would interfere with his understanding and

assured the court that he knew what he was doing. (Nov. 7, 2005, Tr. p. 5, lines 1-5.) PCR Counsel and Applicant volunteered information on Applicant's medication, thorazine, and that Applicant had been found competent while on the medication. (Nov. 7, 2005, Tr. p. 5, lines 18-24.) In granting Applicant's motion to withdraw, Judge Harwell noted,

...I feel that he's competent and that he understands the colloquy that I've had with him. He impresses me as a person with the ability to understand and knows what he's doing. And it is free and voluntary and he's had competent counsel who is experienced, I know personally, in criminal defense as well as PCR's. ...

(Nov. 7, 2005, Tr. p.7, lines 6-12.) Applicant was also found competent at the time of his guilty plea. (July 25, 2003, Tr. p. 4, line 15 – p. 11, line 21.)

After due deliberation, consideration of the testimony presented, and review of the transcripts and other supporting materials, I find that Applicant has failed to carry his burden of demonstrating that the procedural bars of successiveness and statute of limitations should not be applied in his case. Incompetence, if found, may toll the statute of limitations. Ferguson v. State, 382 S.C. 615, 677 S.E.2d 600 (2009). In the present case, Applicant has failed to demonstrate that he was incompetent when he withdrew his application or in the years that elapsed between the withdrawal of 2004-CP-18-0008 and the filing of the present application. Applicant bears the burden of showing that he was incompetent at the time of his withdrawal by a preponderance of the evidence. Given the transcript of the prior proceedings and findings of competence contained therein, I do not find Applicant's PCR hearing testimony, without more, satisfies this burden. Applicant's PCR testimony stands in contrast to his statements in prior proceedings and lacks credibility. Further, no expert testimony has been offered to support Applicant's claim of incompetence. I therefore find that Applicant has failed to

demonstrate that the procedural bars of successiveness and the statute of limitations should not be applied to his case.

Further, where the PCR court granted Applicant's motion to withdraw his application, Applicant was not entitled to appellate review. Rush v. State, 368 S.C. 144, 628 S.E.2d 42 (2006). I therefore find that Applicant is not entitled to a belated appeal of his first PCR application.

Even if Applicant's claims were not barred by the statute of limitations and as successive, the application would be without merit. Applicant claims that two lawyers should have been appointed to represent him. However, there is no evidence that this case was a capital case; therefore appointment of two attorneys was not required. Applicant further states that he was told that he could face the death penalty. In the plea transcript, the plea judge reviewed with him the potential sentence he faces. (July 25, 2003, Tr. p. 11, line 22 – p. 12, line 13.) The plea court specifically told him that he faced from thirty years to life and that the death penalty was not applicable in Applicant's case. Therefore, any misapprehension Applicant may have had was cured during the plea colloquy. See Wolfe v. State, 326 S.C. 158, 485 S.E.2d 367 (1997). Based on the facts recited at plea, which Applicant agreed to, there is no evidence to support a lesser offense. Finally, Applicant's claims regarding subject matter jurisdiction are without merit. See State v. Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005) (defects in indictment do not affect subject matter jurisdiction).

Other Allegations

No other allegations were raised at the PCR hearing. Therefore, any additional allegations are deemed waived because no evidence was presented.

CONCLUSION

FILED - RECORDED

2011 SEP 26 PM 2:11

CHERYL CRANFORD
CLERK OF COURT

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 advises Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order to secure the appropriate appellate review. His attention is also directed to South Carolina Appellate Court Rule 243 for appropriate procedures after notice has been timely filed.

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.

AND IT IS SO ORDERED this 12th day of Sept., 2011.



EDGAR W. DICKSON
Presiding Judge
First Judicial Circuit

Orangeburg, South Carolina.



CHARLES T. BROOKS, III
THE BROOKS' LAW OFFICES, LLC
309 BROAD STREET
POST OFFICE BOX 3512
SUMTER, SOUTH CAROLINA, 29151

COLUMBIA SC 292
29 SEP 2011 PM 2 T



South Carolina Supreme Court
PO Box 11330
Columbia, SC 29211

*Jeffery
Wayne
Bates*

29211+1330

