

*Hugh W. Welborn*

Attorney at Law  
Post Office Box 173  
913 Carolina Circle  
Anderson, South Carolina 29622

RECEIVED

JUL 01 2016

SC SUPREME COURT

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June 28, 2016

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

In RE: Charlie G. Wood, #338866 vs. State of South Carolina  
Case #: 2015-CP-04-00107

Dear Sir/Madam:

Please find enclosed herewith the original and one (1) copy of the Appellant's Notice of Appeal in connection with the foregoing matter which I ask that you file for record, returning the clocked copy to my office. I also enclose a copy of the Order of Dismissal and the original Proof of Service on Johanna C. Valenzuela, Office of the Attorney General. Please use the enclosed self-addressed envelope to return the clocked copy to my office.

With kind regards,



Hugh W. Welborn

HWW/sba

cc: Office of the Appellate Defense  
Office of the Attorney General  
Client

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT  
APPEAL FROM ANDERSON COUNTY  
COURT OF COMMON PLEAS  
HONORABLE R. SCOTT SPROUSE

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JUL 07 2016

SC SUPREME COURT

2015-CP-04-0107

CHARLIE G. WOOD, #338866

APPELLANT,

vs

STATE OF SOUTH CAROLINA,

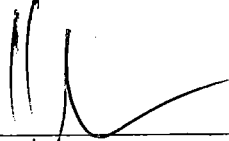
RESPONDENT.

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**NOTICE OF APPEAL**

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Charlie G. Wood, #338866 appeals the denial of his Post Conviction Relief. The Post Conviction Relief Action was heard and denied by the Honorable R. Scott Sprouse, Circuit Court Judge on June 10, 2016, and Order of Dismissal issued on June 17, 2016, and filed on June 27, 2016. The Appellant received Order of Dismissal on June 28, 2016.



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Hugh W. Welborn  
Attorney for the Appellant  
Post Office Box 173  
Anderson, South Carolina 29622  
(864) 226-5787  
Attorney for Charlie G. Wood, #338866

Other Counsel of Record:  
Johanna C. Valenzuela  
Office of Attorney General State of SC  
Post Office Box 11549  
Columbia, South Carolina 29211

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF ANDERSON )  
 )  
 Charlie G. Wood, )  
 S.C.D.C No. 338866 )  
 Applicant, )  
 )  
 v. )  
 )  
 State of South Carolina, )  
 )  
 Respondent. )

IN THE COURT OF COMMON PLEAS  
 FOR THE TENTH JUDICIAL CIRCUIT

2015-CP-04-0107

ORDER OF DISMISSAL  
 (Failure to Prosecute)

**A TRUE COPY**

JUN 27 2016

2016 JUN 24 PM 2:27

CLERK OF COURT

COMMON PLEAS AND  
 GENERAL SESSIONS

FILED-CLERK'S OFFICE  
 ANDERSON SC

This matter comes before the Court by way of an Application for Post-Conviction Relief (PCR) filed January 14, 2015. Respondent made a Return on or about September 29, 2015.

The Court convened an evidentiary hearing into the application on June 10, 2016, at the Anderson County Courthouse. Hugh W. Welborn, Esquire, appeared on behalf of Applicant. Johanna C. Valenzuela, Esquire, of the South Carolina Attorney General's Office, represented Respondent.

Applicant refused to leave the holding cell and did not appear at the scheduled hearing. Applicant's attorney informed the Court he had done all he could to speak with Applicant. The last call Mr. Welborn had with Applicant was on January 29, 2016, after which Applicant refused to speak with Mr. Welborn despite Mr. Welborn's attempts to schedule calls with him. Mr. Welborn was not aware of any complaints Applicant had against him, and Mr. Welborn stated he had done his best to try to work with Applicant. Respondent moved to dismiss this matter due to Applicant's failure to prosecute.<sup>1</sup>

<sup>1</sup> Respondent made note of an informal amendment she had received through Applicant's counsel regarding DNA testing. Respondent stated she would forward counsel's letter to the Solicitor's Office; however, Respondent noted the DNA claim must be brought pursuant to Section 17-28-10, et seq.

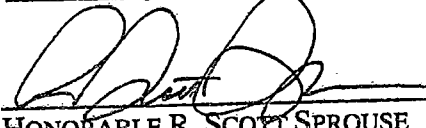
RSS

Applicant has the burden of prosecuting this action, and the trial court may properly dismiss an action for plaintiff's neglect in proceeding with his cause. See, e.g. Don Shevey & Spires, Inc. v. American Motors Realty Corp., 279 S.C. 58, 59, 301 S.E.2d 757, 758 (1983) (dismissing a plaintiff's case where the plaintiff "fail[ed] to proceed in the cause"). Applicant's failure to communicate with his attorney regarding this action indicates a lack of diligence in prosecuting his case. This Court finds Respondent's motion well taken and hereby dismisses this matter with prejudice.

**IT IS THEREFORE ORDERED THAT**

- The above captioned application is dismissed with prejudice for failure of Applicant to prosecute.

AND IT IS SO ORDERED this 17 day of June, 2016

  
HONORABLE R. SCOTT SPROUSE  
Presiding Judge  
Tenth Judicial Circuit

Walhalla, South Carolina

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ANDERSON SC  
2016 JUN 24 PM 2:27  
COMMON PLEAS AND  
GENERAL SESSIONS

STATE OF SOUTH CAROLINA  
COUNTY OF ANDERSON

Charlie G Wood,  
Plaintiff(s),

-vs-

South Carolina State Of,  
Defendant(s).

IN THE COURT OF COMMON PLEAS  
JUDICIAL CIRCUIT  
CASE NO.: 2015CP0400107  
APPOINTMENT OF COUNSEL OR GAL  
(Select one.)

ORDER  
 AMENDED ORDER

TYPE OF CASE/PROCEEDING: (Check one.)

- Post-Conviction Relief (PCR)/habeas case
- SVP case
- Minor Name Change
- Adoption
- Custody and/or Visitation
- Other: Post Convict Rel 500
- Juvenile
- Abuse and Neglect

It appears Charlie G Wood, who is a litigant in this case, is entitled to court-appointed counsel or a guardian ad litem.

It further appears that: (Select only one.)

- counsel/guardian ad litem has not yet been appointed by the court; therefore, an appointment for counsel/guardian ad litem is necessary.
- counsel or a guardian ad litem was previously appointed by the court but has indicated either a possible conflict of interest, an entitlement to exemption, or other good cause warranting the appointment of new counsel or guardian ad litem based on:
- counsel was previously appointed by the court but has not indicated that the litigant has retained private counsel and is no longer entitled to appointed counsel.
- court appointed counsel has obtained, Esquire as substitute counsel pursuant to Rule 608(h)(2); provided, however, only the member who originally received the appointment and who sought substitute counsel shall receive credit.
- Other: .

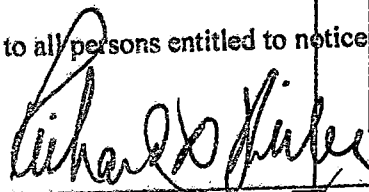
Therefore, it is ordered that Hugh Welborn hereby is appointed as (Select one.)

- counsel
  - lead counsel (if capital PCR case)
  - guardian ad litem
- for the above-named person. Any counsel or GAL previously appointed is/are hereby relieved.

(If Death Penalty PCR Case) It is further ordered that, Esquire, is hereby appointed as second counsel in this capital PCR case.

The clerk of court is directed to forward a copy of this order to all persons entitled to notice.

IT IS SO ORDERED  
January 30, 2015



Circuit Judge

Clerk of Court

FILED-CLERK'S OFFICE  
ANDERSON SC  
2015 JAN 30 A 11:  
COMMON PLEAS  
GENERAL SESSIONS

**A TRUE COPY**  
JAN 30 2015  
Richard M. Hines  
CLERK OF COURT

Plaintiff Attorney:


Defendant Attorney:

South Carolina State Of	

NOTICE: SC Supreme Court Order of September 29, 2006, requires appointed counsel entitled to payment from the Office of Indigent Defense (OID) to register the case online with OID within fifteen (15) days of this appointment at [www.sccid.sc.gov](http://www.sccid.sc.gov), and further directs that reimbursement vouchers be submitted directly to SCCID and not to the trial judge or clerk of court. See SCCID website for further details.

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT  
APPEAL FROM ANDERSON COUNTY  
COURT OF COMMON PLEAS  
HONORABLE R. SCOTT SPROUSE

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SC SUPREME COURT

2015-CP-04-0107

CHARLIE G. WOOD, #338866

APPELLANT,

VS

STATE OF SOUTH CAROLINA,

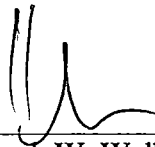
RESPONDENT.

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**PROOF OF SERVICE**

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I certify that I have served the Notice of Appeal on the State of South Carolina by depositing a copy of it in the United States Mail postage prepaid on June 28, 2016, addressed to its attorney of record Johanna C. Valenzuela, Office of the Attorney General, Post Office Box 11549, Columbia, South Carolina 29211-1549



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Hugh W. Welborn  
Attorney for the Appellant  
Post Office Box 173  
Anderson, South Carolina 29622  
(864) 226-5787  
Attorney for Charlie G. Wood, #338866

Anderson, South Carolina

28 June, 2016

*Hugh W. Welborn*

Attorney at Law  
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913 Carolina Circle  
Anderson, South Carolina 29622

Office Telephone:  
(864) 226-5787

Fax:  
(864) 224-3738

June 28, 2016


South Carolina Office of Appellate Defense  
P. O. Box 11589  
Columbia, South Carolina 29211-1589

In RE: Charlie G. Wood, #338866 vs. State of South Carolina  
Case #: 2015-CP-04-00107

Dear Sir or Madam:

In connection with the foregoing matter, please be advised that I was the Court Appointed Attorney and enclose herewith a copy of my appointment. I also enclose copies of all documents you requested for filing a copy of the Appellant's Notice of Appeal in this matter together with a copy of the Order and Proof of Service. I ask that your office assume representation of this indigent Applicant.

Very truly yours,



Hugh W. Welborn

HWW/sba  
Enclosures

cc: South Carolina Supreme Court  
Office of Attorney General  
Client

Hugh W. Welborn  
Attorney At Law  
P.O. Box 173  
Anderson, SC 29622



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South Carolina Supreme Court  
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JUN 30 2016

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