

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

APPEAL FROM GREENVILLE COUNTY
COURT OF COMMON PLEAS

PERRY H. GRAVELY, CIRCUIT COURT JUDGE
CASE NO. 2015-CP-23-4911

ANTHONY MAURICE LOUNDS

APPELLANT

V.

STATE OF SOUTH CAROLINA

RESPONDENT

NOTICE OF APPEAL

Appellant appeals the Honorable PERRY H. GRAVELY'S FINAL ORDER OF DISMISSAL dismissing Appellant's application for POST-CONVICTION RELIEF. ON SEPTEMBER 7, 2016, the Honorable PERRY H. GRAVELY signed an order dismissing Appellant's application for post conviction relief with prejudice. Applicant, received written notice of entry of this order on October 3, 2016. A copy of the Honorable PERRY H. GRAVELY'S ~~order~~ Final order of Dismissal is attached.

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OCT 11 2016

S.C. SUPREME COURT

ANTHONY M. LOUNDS # 207456
MCCORMICK CORR. INST F2 B-125
386 Redemption way
MCCORMICK, SOUTH CAROLINA
29899.

THE STATE OF SOUTH CAROLINA

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ANTHONY MAURICE LOUNDS

APPELLANT

✓

STATE OF SOUTH CAROLINA

RESPONDENT

CERTIFICATE OF SERVICE

I, ANTHONY MAURICE LOUNDS do hereby certify on this October 4, 2016, I served upon the below named individuals copies of the NOTICE OF APPEAL by depositing copies of the same via U.S. mail in an envelope addressed as set forth herein below:

GREENVILLE COUNTY CLERK'S OFFICE

GREENVILLE COUNTY COURTHOUSE

305 EAST NORTH STREET

GREENVILLE, SC 29601

PATRICK SCHMECKPEPER

PO BOX 11549

Columbia, SC 29211

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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)
)
 Anthony Maurice Lounds,)
 S.C.D.C. No. 227456,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 FOR THE THIRTEENTH JUDICIAL CIRCUIT

C.A. No. 2015-CP-23-4911

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S.C. SUPREME COURT

FINAL ORDER

ENTERED COMPUTER

FILED-CLERK OF COURT
 GREENVILLE CO. S.C.
 PAUL B. WICKENSINGER
 16 SEP 26 PM 2:49

This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed August 7, 2015, and amended October 13, 2015. The State made its Return and Motion to Dismiss requesting that the Application be summarily dismissed on or about February 26, 2016.

Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, a Conditional Order of Dismissal was signed by the Honorable Robin B. Stilwell on March 8, 2016, and filed on March 9, 2016, provisionally denying and dismissing this action, while giving the Applicant twenty (20) 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 March 24, 2016, serving the above-mentioned Conditional Order of Dismissal on the Applicant.

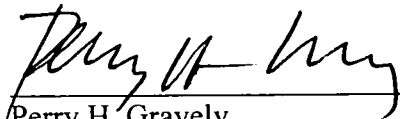
In a document captioned "Applicant's Responds to Conditional Order of Dismissal," filed March 21, 2016, Applicant argues his failure to file within the time period mandated by the statute of limitations should be excused pursuant to S.C. Code § 17-27-45(C) (hereinafter, "the Discovery Rule"). Applicant has failed to present sufficient reasons why the Conditional Order

of Dismissal should not become final. In order for the Discovery Rule to apply, the new evidence presented must be material. The court found in its Conditional Order that the "new evidence" offered by Applicant was not material to the issue of guilt or innocence, and probably would not change the result of a new trial if had.

IT IS THEREFORE ORDERED that, for the reasons set forth in the Court's Conditional Order of Dismissal, the Application for PCR is hereby **DENIED AND DISMISSED WITH PREJUDICE**.

This Court hereby advises the Applicant that he must file and serve a Notice of Appeal within 30 days of the service of this Order to secure appellate review. See Rule 203, SCACR. 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 7th day of Sept, 2016.



Perry H. Gravely
Chief Administrative Judge
Thirteenth Judicial Circuit

Greenville, South Carolina.

ANTHONY M. LOUNDS # 227456
McCORMICK CORR. INST. F2B-125
386 Redemption Way
McCORMICK SC 29899

DANIEL SHEAROUSE
CLERK OF COURT
SOUTH CAROLINA SUPREME COURT
POST OFFICE BOX 11330
Columbia, South Carolina 29211

OCT 13 2016

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MCCI
MAIL ROOM

THE DEPARTMENT OF CORRECTIONS HAS NOT
INSPECTED OR CONSIDERED THIS ITEM. THEREFORE,
THE DEPARTMENT OR CONSIDERED THIS ITEM. THEREFORE,
TAKES NO RESPONSIBILITY.
MCCORMICK CORR. INST.
S.C. DEPARTMENT OF CORRECTIONS