

IN THE SUPREME COURT OF SOUTH CAROLINA

RECEIVED

EDDIE DEAN DOGAN, JR., . . . . . PETITIONER

NOV 03 2016

-VS-

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA. . . . . RESPONDENT

APPELLATE CASE NO. 2014-DD2763  
LOWER COURT CASE NOS 2013-CP-42-02608 & 2013-CP-42-02403

NOTICE OF REHEARING

NOTICE FOR REHEARING IS HEREBY GIVEN THAT EDDIE DEAN DOGAN, JR., SEEK A REHEARING ON THE VOTE'S, OF THE S.C. JUSTICE'S DATED OCTOBER 20, 2016, BY MAKING A VOTE ON AN COURTS RECORD NOT COMPLETE, LACKING MONEY ORDER JUDGMENT. FOR THE FILING OF DNA APPLICATION, PURSUANT TO § 8-21-310(1)(a) (SUPP. 2004)., PURSUANT TO RULE 241(a)(b)(1),. SEE EXHIBIT A-1 DATED 4-1-14.,

DENYING Post conviction Relief, BECAUSE OF THE FILING OF TWO (PCRA)'S . .

1. 2013-2403, WHICH SHOULD NOT HAVE BEEN RULED ON BY THE JUSTICES, SEE PETITIONERS EXHIBIT-B; RESPOND OF JUDGE ROGER L. COUCH, DATED OCTOBER 17, 2013, WHICH SUFFICE PETITIONERS CLAIM THAT [ 2013-02403 ] PCR APPLICATION IS VOID AND PREJUDICE PETITIONER CLAIM FOR RELIEF OF INNOCENCE., SEE EXHIBIT B

2. THE ONLY APPLICATION THAT SHOULD HAVE BEEN BEFORE THE JUSTICE FOR A VOTE SHOULD HAVE BEEN THE 2013-CP-42-02608 AND THE SCCA DNA APPLICATION SEE ATTACHED MONEY ORDER FOR THE \$25.00.<sup>00</sup> EXHIBIT A, A-1., APPLICATION PAID FOR DATED APRIL 1, 2014; PURSUANT TO JUDGE HAYES ORDER DATED APRIL 4, 2012. UNDER 8-21-310(1)(a)(SUPP. 2004), WHICH WAS AMENDED TO THE 2013-CP-42-02608. WHICH IS A PIVOTAL ELEMENT TO MY INNOCENCE THAT I HAD TO PAY FORE, THAT THE COURTS HAS NOT VOTED ON..

Eddie D. Dogan Jr  
EDDIE DEAN DOGAN JR. #256596  
TYGER RIVER INST 3-B-126  
200 PRISON Rd.  
ENOREE, S.C. 29335

OCTOBER 28<sup>TH</sup> 2016  
Other Counsel of Record  
South Carolina office of the Attorney General  
ALICIA A. OLIVE, ESQUIRE  
P.O. BOX 11549  
COLUMBIA S.C. 29211

# The Supreme Court of South Carolina

Eddie Dean Dogan Jr., Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2014-002763

Lower Court Case Nos. 2013-CP-42-02403 & 2013-CP-42-02608

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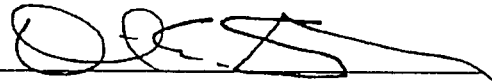
## ORDER

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Based on the vote of the Court, the petition for a writ of certiorari is denied.

FOR THE COURT

BY



CLERK

Columbia, South Carolina

October 20, 2016

cc:

Alicia A. Olive, Esquire

Wanda H. Carter, Esquire

RECEIVED

OCT 20 2016



EXHIBIT B

ALAN WILSON  
ATTORNEY GENERAL

October 17, 2013

The Honorable Roger L. Couch  
Seventh Judicial Circuit  
Spartanburg County Courthouse  
180 Magnolia St.  
Spartanburg, SC 29306

RE: Case No. 2013-CP-42-2403, Eddie Dean Dogan, Jr.

Dear Judge Couch:


I am writing you concerning the above listed matter.

Mr. Dogan, after filing his fifth post-conviction relief application in 2011, was served with an Order Restricting Future Filings. This Order, attached for your review, instructs the Applicant that he must seek the approval of the Administrative Judge for Common Pleas before filing another application and if the Administrative Judge approves, then he is still required to pay the filing fee. The Order also instructs the Clerk of Court not to accept any new applications from Mr. Dogan unless he has complied with the Order.

Because this filed application does not comply with the Order Restricting Future Filings, the State does not intend to respond to the document as a properly filed application, unless instructed by this Court.

Please let me know if you have any questions or concerns about this matter or wish for additional action to be taken on our part.

Sincerely,

  
Suzanne H. White  
Assistant Deputy Attorney General

cc: Mr. Eddie Dean Dogan, Jr., #256596  
The Honorable M. Hope Blackley, Spartanburg Clerk of Court

4 of 9

IN THE SOUTH CAROLINA  
SUPREME COURT

EDDIE DEAN DOGAN, JR. 256596 )  
PETITIONER )  
- VS - )  
STATE OF SOUTH CAROLINA )  
Respondent )

FRAUD UPON THE COURT  
BY GOVERNMENT ASSISTANT  
RULE 60(b)(4) / RULE 12-  
(b)(6), SCRCP, RULE 9-  
(b), SCRCP.

APPELLATE CASE NO. 2014-02763  
LOWER COURT CASE NOS. 2013-02403 & 2013-02608

THE RESPONDENT CITED THIS LANGUAGE IN THE APPENDIX PAGE 15, UNDER RETURN  
AND MOTION TO DISMISS.

THIS MATTER COMES BEFORE THE COURT BY WAY OF TWO APPLICATIONS FILED FOR POST-  
CONVICTION RELIEF, CASE NO. 2013-2403, FILED ON JUNE 4, 2013, AND CASE NO.  
2013-2608, FILED ON JUNE 20, 2013. THE RESPONDENT SUBMITS THAT THE APPLICANTS TWO  
APPLICATIONS VIOLATE THE ORDER RESTRICTING FUTURE FILINGS AND SHOULD BE  
DENIED

ARGUMENT

DOGAN ASK THE JUSTICE'S TO VIEW ALL EXHIBIT'S AND DOCUMENTS THAT WAS  
EXCLUDED FROM THE JUSTICE [IES] FOR A TRUE ADJUDICATION OF THE FULL RECORD  
BEFORE CASTING ITS VOTE SEE; ROZIER v. Ford Motor, 573 F.2d 1332, WHERE THE  
COURT OF APPEALS NOTED ONE COMMENTATOR, DESCRIBED "FRAUD UPON THE COURT"  
"THAT SPECIES OF FRAUD WHICH DOES, OR ATTEMPTS TO, SUBVERT THE INTEGRITY OF THE  
COURT ITSELF, OR IS A FRAUD PERPETRATED BY OFFICERS OF THE COURT SO THAT THE  
JUDICIAL MACHINERY CANNOT PERFORM IN THE USUAL MANNER ITS IMPARTIAL  
TASK OF ADJUDGING CASES THAT ARE PRESENTED FOR ADJUDICATION"

FACT

IF THE COURT'S COMPARE EXHIBIT B, OF JUDGE ROGER L COUCH LETTER AND LANGUAGE  
AND THE ALLEGED 2013-CP-42-02403 FILED APPLICATION, ITS CLEAR THAT IT COULD  
NOT HAVE BEEN FILED AND BECAME PART OF RECORD.

CONCLUSION

DOGAN ONLY ASK THE COURT'S TO REVIEW ALL RECORDS OF THE 2608, ISSUES  
TO BE INCLUDED IN THE RECORD FOR JUST RELIEF, SINCE DOGAN  
REQUESTED TO APPELLATE COUNSEL BENJIMIN J. TRIPP. TO DO UNDER 11.1.(d)  
FOR A CLEAR RULING BASED ON LANGUAGE OF THE S.C. SUPREME COURT  
NEW TRIAL - CONVICTION VACATED.

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

APPELLATE CASE No. 2014-002763

LOWER COURT Nos. 2013-CP-42-02403 & 2013-CP-42-02608

EDDIE DEAN DOGAN, JR. \*256596

PETITIONER

v.

STATE OF SOUTH CAROLINA

Respondent.

Re: FACT on FILE.

EXPLANATION OF APPEAL

RE: 243(C) SCRPC.

PLEASE ACKNOWLEDGE THAT ON THE 2013-CP-42-2608 APPLICATION THAT DOGAN WAS DIRECTED TO PAY FEE, PURSUANT TO COURT ORDER 8-21-310(L)(a)(SUPP. 2004) FILING PROCEDURES, WHICH WAS ORDERED TO BE DISMISSED BY RESPONDENT, DATED 11/27/14, ON DECEMBER 19, 2014. PETITIONER FILED NOTICE OF APPEAL AND CHALLENGED THE RESPONDENT'S DISMISSAL OF PETITIONER 2013-CP-42-2608 APPLICATION THAT WAS ACCOMPANIED WITH A \$25.00 MONEY ORDER 817-28-10-320, DATED 4-9-14, (N.O.A) NOTICE OF APPEAL WAS EXECUTED AND FILED 1-7-15, PURSUANT TO RULE 203 SCRPC, WHICH WAS FILED AND SUBMITTED TO THE PROPER PLACE FOR HEARING. IT BECAME 2014-2763, APPELLATE CASE NUMBER. THE APPELLATE COUNSEL THAT WAS PROVIDED FOR MY APPEAL IS NOT SHOWING CONSTITUTIONAL VALUE IN MY APPEAL, IT IS HOWEVER, APPARENT THAT HE'S WORKING WITH RESPONDENT. THE RESPONDENT IS ARGUING THAT DOGAN MEETS THE REQUIREMENT OF IN RE MAXTON, 478 S.E.2d 679, WHICH HE FAILED TO COMPLY WITH COURT ORDER OF PAYING THE \$25.00 FILING FEE, WHICH IS SUPPORTING OF THE Docketing fee Required by Rule, 224(d) SCACP, WHICH STATES THIS FILING FEE SHALL NOT BE REQUIRED FOR MOTIONS OR PETITIONS, SET BY THE SUPREME COURT ORDER. PETITIONER PAID FILING FEE TO CLERK OF COURT BASED ON 8-21-310(L)(a)(SUPP. 2004) SEE SIGNATURE OF ORDER PAID TO PETITIONER ASK YOUR HONOR TO VIEW EXHIBIT A, AND EXHIBIT A-1. THE RESPONDENT CITED TO THE CLERK'S THIS LANGUAGE CITED IN ORDER: WE DIRECT THE CLERK TO REFUSE TO ACCEPT FURTHER PETITION, UNLESS HE PAYS A \$25.00 FILING FEE, GENERALLY REQUIRED FOR THE FILING OF MOTION WITH THIS COURT SEE RULE 224(d) SCACP. PETITIONER NOW ASK THAT YOUR HONOR VIEW 224(c)(3) FORM AND CONTENT OF MOTION, THAT IS NOT A PART OF THE RECORD FOR PETITIONER BY NO FAULT OF PETITIONER, BUT OF APPELLATE COUNSEL MR. B. J. FRAPP.

§ 17-28-30

**APPLICATION TO PROCEED WITHOUT PAYMENT  
OF COSTS AND AFFIDAVIT  
IN SUPPORT THEREOF**

I, Eddie D. Dozeman Jr., hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Eddie D. Dozeman Jr.  
Signature of Applicant

SWORN to and subscribed before me this 9th  
day of April, 2014

S. Duttan (L.S.)  
Notary Public

My Commission Expires: 2/24

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2015 APR 14 AM 10:39  
M. HOPE BLACKLEY

EXHIBIT - A-1  
2014-CP-42-2608

CLERK  
2015 MAY 26 PM 4:45  
M. HOPE BLACKLEY



Serial Number  
21818987516

POSTAL MONEY ORDER

Iss. Month, Day, Post Office U.S. Dollars and Cents  
2014-04-01 293010 \$25.00  
Amount: TWENTY-FIVE DOLLARS & 00/100 \*\*\*\*\*

Pay to  
Ms. Hope Blackley

Address  
180 Magnolia St.  
P.O. Box 3483

From  
Betsy Jo Macguffee

Address  
110 Brown Street  
Spartanburg, S.C. 29301

Post Office  
0026

Mime  
Spartanburg, S.C. 29301

For Deposit Only  
3483

SEE REVERSE WARNING • NEGOTIABLE IN THE U.S. AND POSSESSIONS  
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THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

APPEAL FROM SUPREME COURT

APPELLATE NO. 2014-DO 2163  
LOWER COURT NOS. 2013-CP-42-02403 & 2013-CP-42-02608

EDDIE DEAN DOGAN, JR. . . . . PETITIONER

v.

STATE OF SOUTH CAROLINA . . . . . RESPONDENT

PROOF OF SERVICE

I CERTIFY THAT I EDDIE DEAN DOGAN, JR., HAVE SERVED THE "REHEARING ON RESPONDENT" BY DEPOSITING A COPY OF IT IN THE UNITED STATES MAIL AT TYGER RIVER INST. POSTAGE PREPAID ON OCT. 28, 2016.

ADDRESSED TO ATTORNEY OF RECORD ALICIA A. DLIVE, ESQ., P.O. BOX 11549 COLUMBIA, S.C. 29211 BY PERSONALLY DELIVERING A COPY OF SAME TO DANIEL SHEAROUSE CLERK OF COURT, P.O. BOX 11330, COLUMBIA, S.C. 29211. ON OCT 28, 2016

Eddie D. Dogan Jr.  
Eddie D. DOGAN, JR. 256596  
TYGER RIVER INST. 126 B-44  
200 PRISON RD  
ENOREE, S.C. 29335

this 28<sup>th</sup> DAY of OCTOBER 2016

THE SUPREME COURT OF SOUTH CAROLINA

EDDIE DEAN DOGAN, Jr. #256596  
TYGER RIVER INSTITUTION, 3-13-12644  
200 PRISON Rd.  
ENOREE, S.C. 29335

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NOV 03 2016

S.C. SUPREME COURT

OCTOBER 28<sup>th</sup> 2016

THE HONORABLE: DANIEL E. SHEAROUSE  
CLERK OF SUPREME COURT IN S.C.  
P.O. BOX 11330  
COLUMBIA, S.C. 29211

Re: STATE v. DOGAN  
APPELLATE CASE NO. 2014-002763  
LOWER COURT CASE NOS 2013-CP-42-02403 & 2013-CP-42-02608

DEAR MR. SHEAROUSE,

ENCLOSED FOR FILING IS A REHEARING OF OPINION THAT WAS VOTED ON DATED OCTOBER 20, 2016, RECEIVED AT TYGER RIVER MAIL-ROOM ON OCTOBER 26, 2016, AND REPLIED TO VOTE ON OCTOBER 28<sup>th</sup>, PURSUANT TO SCACR RULE 221(a)(c).

ALSO ENCLOSED ARE THE FOLLOWING:

- 1) PROOF OF SERVICE OF THE REHEARING OF OPINION ON THE RESPONDENT
  - 2) A COPY OF THE VOTE ORDER WHICH IS TO BE CHALLENGED
  - 3) EXPLANATION BRIEF PURSUANT TO RULE 241(b)(1), MONEY JUDGMENT ORDER
  - 4) DESIGNATION OF MATTER TO BE ENCLOSED IN THE RECORD ON APPEAL RULE 209(A)(b) SCACR
- PLEASE SEND ME A STAMPED FILE COPY BACK FOR MY PERSONAL FILE OF RECORD.

CC:

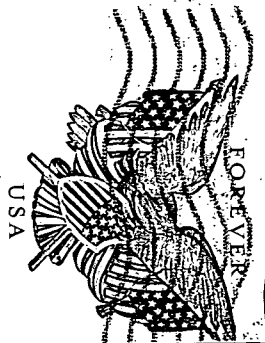
ATTORNEY GENERAL OFFICE  
ALICIA A. OLIVE ESQ.  
P.O. BOX 11549  
COLUMBIA, S.C. 29211

SINCERELY,

Eddie D. Dogan Jr. #256596  
TYGER RIVER 126 44  
200 PRISON RD.  
ENOREE, S.C. 29335  
PETITIONER OF RECORD

MR. EDDIE DEAN DOGMA, JR. 2565 1/2  
TYGER RIVER INST - 3-13-126 4/Y  
200 PRISON ROAD  
ENDREE, S.C. 29335

GREENVILLE SC 29608  
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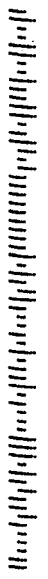
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NOV 0 1 2016

TYRGI MAILROOM

Honorable: DANIAL E. SHEAROUSE  
CLERK of SUPREME COURT  
Post office Box 1133D  
COLUMBIA, SOUTH CAROLINA  
29211

95211-1333D



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THE DEPARTMENT OF CORRECTIONS HAS  
NOT INSPECTED OR CENSORED THIS ITEM.  
THEREFORE, THE DEPARTMENT DOES NOT ASSUME  
RESPONSIBILITY FOR ITS CONTENT.  
TYGER RIVER CORRECTIONAL INSTITUTION,  
S.C. DEPARTMENT OF CORRECTIONS.