

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT

Alfonso Howard, #333399,
Applicant,

2011-CP-07-2946

v.

**ORDER DENYING APPLICANT'S
MOTION TO ALTER OR AMEND**

State of South Carolina,
Respondent.

2016 OCT 27 PM 1:50
JERRI ANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

This post-conviction relief matter came before the Court for a post-conviction relief hearing at the Beaufort County Courthouse on April 2, 2013. The Applicant was present and represented by Scott Lee, Esquire. The State was represented by Ashleigh Wilson, Assistant Deputy Attorney General. After taking the matter under advisement, this Court issued a Final Order of Dismissal dated September 14, 2016. The Applicant was served with the Final Order on September 30, 2016, and he submitted, through counsel, a timely Motion for Rehearing and/or Motion to Alter or Amend the Judgment on October 5, 2016.

The Applicant raises the following issues in his Rule 59 Motion:

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PmB

1. "[Trial] Counsel's failure to properly and fully challenge the issue of probable cause at the April 23, 2007 Schmerber hearing;" (Motion p. 1)
2. "[Trial] Counsel's failure to raise and preserve the issue of suppressing DNA evidence after it was revealed that the SLED DNA lab had contaminated samples related to the case;" (Motion p. 1)
3. "[Trial] Counsel's failure to move for and obtain a ruling on the admissibility of Applicant's prior conviction;" (Motion p. 1)
4. "[Trial] Counsel's failure to properly raise, renew, and preserve the issue [...] of compensation from SCCID;" (Motion p. 2)


5. “[Trial] Counsel’s failure to properly investigate the case, including potentially exculpatory witnesses; and” (Motion p. 2)
6. “[Trial] Counsel’s failure to properly investigate co-defendant Lorenzo Hicks’ prior mental health history.” (Motion p. 2)

Having carefully reviewed the entire record in this matter, this Court finds that no basis for altering or amending its prior ruling. Therefore, this Court hereby denies the Applicant’s Rule 59 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 of this Rule 59 Order. Applicant and counsel are 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 12 day of October, 2016.

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Perry M. Buckner
Presiding Judge
Fourteenth Judicial Circuit

Walterboro, South Carolina