

*Hugh W. Welborn*

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

Office (864) 226-5787  
Fax: (864) 224-3738

email to:  
hughwelborn@bellsouth.net

January 31, 2017

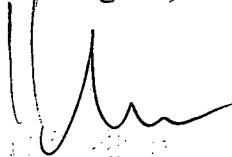
South Carolina Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211

In RE: Wendy Mathis #3388348 vs. State of South Carolina  
Case #: 2013-CP-37-887

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  
Enclosures

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

**RECEIVED**

FEB 03 2017

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

APPEAL FROM OCONEE COUNTY  
COURT OF COMMON PLEAS

HONORABLE LETITIA H. VERDIN

2013-CP-37-0887

WENDY MATHIS, #3388348

APPELLANT,

vs

STATE OF SOUTH CAROLINA,

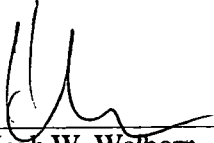
RESPONDENT.

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**NOTICE OF APPEAL**

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Wendy Mathis, #3388348 appeals the denial of his Post Conviction Relief. The Post Conviction Relief Action was heard and denied by the Honorable Letitia H. Verdin, Circuit Court Judge on October 24, 2016, and Order of Dismissal issued on December 28, 2016 and filed on January 20, 2017. The Appellant received Order of Dismissal on January 31, 2017.

  
\_\_\_\_\_  
Hugh W. Welborn  
Attorney for the Appellant  
Post Office Box 173  
Anderson, South Carolina 29622  
(864) 226-5787  
Attorney for Wendy Mathis, #3388348

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

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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

APPEAL FROM OCONEE COUNTY  
COURT OF COMMON PLEAS

HONORABLE LETITIA H. VERDIN

2013-CP-37-0887

WENDY MATHIS, #3388348

APPELLANT,

VS

STATE OF SOUTH CAROLINA,

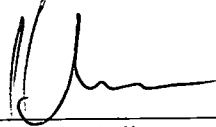
RESPONDENT.

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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 January 31, 2017 addressed to its attorney of record Johanna C. Valenzuela, Office of the Attorney General, Post Office Box 11549, Columbia, South Carolina 29211-1549



---

Hugh W. Welborn  
Attorney for the Appellant  
Post Office Box 173  
Anderson, South Carolina 29622  
(864) 226-5787  
Attorney for Wendy Mathis, #3388348

Anderson, South Carolina

January 31, 2017

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FEB 03 2017

S.C. SUPREME COURT

RECEIVED

FORM 4

FEB 03 2017

STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
CASE NUMBER 2013CP370887  
S.C. SUPREME COURT

FILED OCONEE COUNTY, SC  
REBECCA H. WHITEFIELD  
CLERK OF COURT  
2017 JAN 20 A 8:45

Wendy Mathis

State of South Carolina

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for:  Plaintiff  Defendant  
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**
  - Rule 43(k), SCRPC (Settled);
  - Other: 41 (b)
  - Rule 12(b), SCRPC;
  - Rule 41(a), SCRPC (Vol. Nonsuit);
- ACTION STRICKEN (CHECK REASON):**
  - Rule 40(j) SCRPC;
  - Bankruptcy;
  - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
  - Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
  - Affirmed;
  - Reversed;
  - Remanded;
  - Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order; (formal order to follow)  Statement of Judgment by the Court:

ORDER INFORMATION

This order  ends  does not end the case.  
Additional Information for the Clerk: \_\_\_\_\_

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

2162

12/15/2016

Judge Code

Date

CPFORM-50m  
S.C. SCRPC Form 4C (Revised 3/2013)

A TRUE COPY  
CLERK OF COURT - OCONEE COUNTY

Copies to:

Atty  (P)  (D)  other

DSS  other

Mailed  Boxed  handed

ENTERED  
aw  
COMPUTER

**For Clerk of Court Office Use Only**

This judgment was entered on , and a copy mailed first class or placed in the appropriate attorney's box on , to attorneys of record or to parties (when appearing pro se) as follows:

Hugh W. Welborn

ATTORNEY(S) FOR THE PLAINTIFF(S)

Johanna Valenzuela

ATTORNEY(S) FOR THE DEFENDANT(S)

*Beverly H. Whitfield*

Beverly H. Whitfield Oconee County Clerk of Court  
- Clerk of Court

Court Reporter

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

FILED OCONEE COUNTY, SC  
BEVERLY H. WHITFIELD  
CLERK OF COURT  
2011 JAN 20 A 8:46

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF OCONEE )  
  
Wendy Mathis, )  
 )  
 )  
Applicant, )  
 )  
 )  
v. )  
 )  
State of South Carolina, )  
 )  
 )  
Respondent. )

IN THE COURT OF COMMON PLEAS  
IN THE TENTH JUDICIAL CIRCUIT

Case No.: 2013-CP-37-0887

**ORDER OF DISMISSAL**

FILED O CONEE COUNTY SC  
BEVERLY H. WHITEHEAD  
CLERK OF COURT  
JAN 20 A 8:49

This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed on December 20, 2013. Respondent made its Return on or about August 24, 2015.

An evidentiary hearing was scheduled for October 24, 2016, at the Oconee County Courthouse before the undersigned. Applicant did not appear. Hugh Welborn, Esquire, was present to represent Applicant. Senior Assistant Deputy Attorney General Johanna C. Valenzuela represented Respondent.


At the hearing, Applicant's attorney stated Applicant was no longer incarcerated and he had not heard from his client.

Applicant has the burden of prosecuting her action, and this Court may properly dismiss an action for a plaintiff's neglect in proceeding with his cause. Don Shevey & Spires, Inc. v. Am. Motors Realty Corp., 279 S.C. 58, 301 S.E.2d 757 (1983). This Court hereby grants Respondent's motion and dismisses this matter with prejudice.

**IT IS THEREFORE ORDERED:**

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

AND IT IS SO ORDERED this 28 day of Dec., 2016.



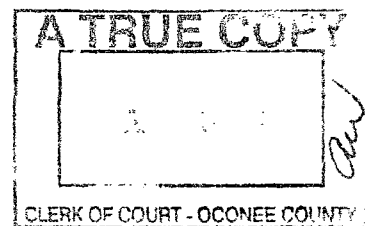
LETITIA H. VERDIN  
Presiding Judge  
Tenth Judicial Circuit

Greenmill South Carolina

FILED OCONEE COUNTY, SC  
BEVERLY H. WHITEFIELD  
CLERK OF COURT  
2011 JAN 20 A 8:46

Page 2 of 2

A TRUE COPY



CLERK OF COURT - OCONEE COUNTY

*Hugh W. Welborn*

Attorney at Law  
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Anderson, South Carolina 29622

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(864) 226-5787  
Fax:  
(864) 224-3738

E-mail address:  
hughwelborn@bellsouth.net

January 31, 2017

Johanna C. Valenzuela  
Assistant to Attorney General  
P. O. Box 11549  
Columbia, South Carolina 29211-1549

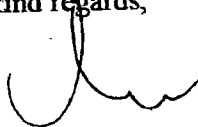
In RE: Wendy Mathis #3388348 vs. State of South Carolina  
Case #: 2013-CP-37-887

Dear Walt:

Please find enclosed herewith a copy of the Appellant's Notice of Appeal, Proof of Service and Order of Dismissal in connection with the foregoing matter. I also enclose copies of correspondence to the Appellate Defense Office and the Supreme Court. I have also forwarded copies of all documents to my client.

If you have any questions, please do not hesitate to contact my office.

With kind regards,



Hugh W. Welborn

HWW/sba  
Enclosures

cc: South Carolina Supreme Court  
Office of Appellate Defense

RECEIVED

FEB 03 2017

S.C. SUPREME COURT

*Hugh W. Welborn*

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January 31, 2017

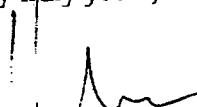
South Carolina Office of Appellate Defense  
P. O. Box 11589  
Columbia, South Carolina 29211-1589

In RE: Wendy Mathis #3388348 vs. State of South Carolina  
Case #: 2013-CP-37-887

Dear Sir or Madam:

In connection with the foregoing matter, please be advised that I was the Court Appointed Attorney and have been unable to find 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

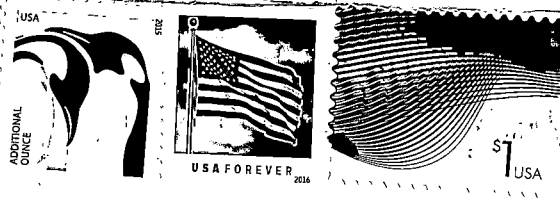
cc: South Carolina Supreme Court  
Office of Attorney General  
Client

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S.C. SUPREME COURT

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Attorney At Law  
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Anderson, SC 29622



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

