

Letter To The S.C. Supreme Court Clerk

The Honorable D. Shearouse  
S.C. Supreme Court  
P.O. Box 11330  
Columbia, S.C. 29211

Re: Lonnie Better v. State of South Carolina  
2015-CP-42-3424

Dear Honorable Shearouse,

Enclosed for filing is a notice of appeal in the above case. I received this order at the Perry mailroom on April 7, 2017. Enclosed are the following:

- ① Proof of service of the Notice of Appeal
- ② copy of the order which is to be challenged on appeal
- ③ proof of the receiving of the order by and through the Perry Corr. mailroom
- ④ 243C) Explanation

Lonnie Better #288401

Notice of Appeal From A Post  
Conviction Relief Action

The State of South Carolina  
S.C. Supreme Court

Appeal From Spartanburg County  
Common Pleas Court

J. Mark Hayes II, Circuit Court Judge  
C/A. 2015-CP-42-3424

Lonnie Geter #288401 . . . . . Appellant  
v.  
State of South Carolina . . . . . Respondent

Lonnie Geter appeals the denial of his  
PCR application. J. Mark Hayes II was the  
presiding judge. This appeal is taken from  
the Order dated October 31, 2016. Appellant  
received written notice of entry of this order  
on April 7, 2017.

Lonnie Geter #288401

# Proof of Service of a Notice of Appeal

The State of South Carolina  
S.C. Supreme Court

2015-CP-42-3424

Lonnie Geter #288401 . . . . Appellant  
v.  
State of South Carolina . . . . Respondent

## Proof of Service

I, Lonnie Geter #288401 certify that I have served the Notice of Appeal on the Respondents by placing a copy in the Perry mailroom hands for mailing, postage prepaid addressed as follows:

Valerie Garcia Giovanoli  
Asst. Attorney General  
P.O. Box 11549  
Columbia, S.C. 29211

S.C. Supreme Court  
Clerk  
P.O. Box 11330  
Columbia, S.C. 29211

I, Lonnie Geter #288401 certify and verify under the penalty of perjury that the foregoing is true and correct.

Lonnie Geter #288401

State of South Carolina } S.C. Supreme Court  
County of Spartanburg } C/A 2015-CP-42-3424

Lonnie Beter, #288401  
Petitioner }  
vs } 243(c) Explanation  
State of South Carolina }  
Respondent }

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This matter comes before the Court by way of an application for post-conviction relief (PCR) filed by Lonnie Beter (Petitioner) on August 10, 2015. Petitioner received entry of the Court's judgment on

The PCR court summarily dismissed the action as successive and untimely under the statute of limitations. This explanation will contain sufficient facts, argument and citation to legal authority to show that there is an arguable basis for asserting that the determination by the lower court was improper.

### Procedural History

Petitioner is presently confined in the S.C. Dept of Corrections pursuant to orders of commitment of the Spartanburg Co. Clerk

of Court. Petitioner was indicted for robbery (2002-65-42-4633), burglary first (2002-65-42-4634) and assault & battery of a high and aggravated nature (2002-65-42-4635). Petitioner was thereafter re-indicted at the November 2002 term of the Spartanburg County Grand Jury for burglary 1st (2002-65-42-4634). Jennifer Johnson, Esquire represented petitioner. J. Derham Cole presided over the trial where petitioner was found guilty on all charges on December 6, 2002. Petitioner was sentenced to life on the Burglary, concurrent 15 years for robbery and 10 years for ABHAM.

Petitioner filed a timely notice of appeal. Daniel Stacey represented the petitioner on appeal and filed an Anders brief on Petitioner's behalf. The S.C. Court of Appeals dismissed petitioner's appeal by unpublished opinion *State v. Peter*, Op. No. 2004-UP-413 (S.C. Ct. App. dated June 24, 2004). Remittitur was returned to the circuit court on July 28, 2004.

Petitioner filed his first PCR application on August 19, 2004 (2004-CP-42-2852) and was denied by written order dated September 7, 2007 and filed September 11, 2007 by Judge Hayes.

Petitioner filed a timely notice of appeal and a petition for writ of certiorari was filed. Petition was denied on November 19, 2008 by the S.C. Supreme Court. Geter v. State, S.C. Sup. Ct. order

Petitioner's Petition for Habeas Corpus under 28 U.S.C. § 2254 (8:09-1589-PMD-BHH) was denied on June 29, 2010. The Fourth Circuit Court of Appeals dismissed petitioner's appeal on February 15, 2011, Geter v. MacCall, 412 Fed. Appx. 564 (4th Cir. 2011). Petitioner's writ of Cert. with the United States Supreme Court was denied on October 3, 2011, Geter v. MacCall, 132 S.Ct. 151 (2011).

In his current application for PCR, petitioner state that there exist evidence of material facts not previously presented, and heard that requires vacation of the conviction and sentence in the interest of justice, and

that his conviction and sentence was in violation of the Constitution of the United States and Constitution and laws of this State.

In the interest of fairness, counsel should have been appointed under Rule 71.1 (d) when the State moves for dismissal under § 17-27-45(A) and the PCR applicant as in the case at bar raises issues of material fact regarding the applicability of the one-year limitation, Cory v. State, 557 S.E.2d 662

In his current application the petitioner was denied Due Process of law and is held unlawfully for the following reasons:

- ① Failure of trial counsel to request competency hearing to determine petitioner's fitness to stand trial constituted ineffective assistance
- ② After Discovered Evidence [Mental Health Records]
- ③ Trial counsel failed to investigate, develop and present all available, relevant mitigating evidence [see letter] dated September 11, 2007.

Amendment XIV section 1 in part, No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law nor deny to any person within its jurisdiction the equal

equal protection of the laws. The due process clause of the Fourteenth Amendment to the Constitution of the United States protects citizens against state action. When the United States Supreme Court enunciates a rule based upon the Fourteenth Amendment, that rule is binding upon state courts through the Supremacy clause Henry v. City of Rock Hill, 376 U.S. 776, 84 S. Ct. 1042 (1964) (Per Curiam) See also Keeler v. Krauvey, 500 S.E. 2d 123 (S.C. App. 1998).

Petitioner requested copies of his mental health records that his attorney was suppose to use during his criminal proceedings. However, petitioner's record was not fully developed during his criminal proceedings. Competency was an issue at the time of the crime and court proceeding, but was not brought before the court.

Petitioner now file this second PCR application on August 13, 2015 pursuant to the "Discovery rule" in accordance with S.C. Code Ann § 17-27-45(c); McCoy v. State, 401 S.C. 363, 737 S.E. 2d 623 (S.C. 2013). See Also Coates v. State, 575 S.E. 2d 557 (S.C. 2003)

Petitioner received his mental records on or about February 16, 2015 by mail.

Therefore, the issues above and herein are timely filed and a evidentiary hearing should be held with the appointment of counsel to assist the petitioner in this matter because genuine issues of material fact exist to warrant a PCR hearing.

Petitioner avers that he can demonstrate sufficient reason why his claim of due process was not argued in his first PCR. PCR counsel failed to argue this claim because he did not have the mental health records to do so. Petitioner have diligently tried for years to establish his burden of proof by requesting his mental health records from various services. Based on this factual dispute, a hearing is necessary to resolve these critical issues.

The petitioner received his medical records on or about February 16, 2015, thereby invoking the discovery rule, See attached records

Petitioner would show this Court that:  
① parental competency was an important issue in this case but was not explored or argued by counsel, thereby violating petitioner's due process and procedural due process rights.

② Petitioner's competency issues started previously before 1990.

③ Petitioner's trial counsel knew of the petitioner's mental deficiencies but failed to have him evaluated as planned, through an independent examiner.

④ The Spartanburg County Solicitor that prosecuted the case knew that the applicant was mentally challenged, hereby violating his rights to due process.

⑤ The PCR attorney also knew that the petitioner was mentally challenged, but failed to produce the complete mental health records and argue his rights under competency.

⑥ Petitioner have been denied the opportunity to litigate or raise his mental competency issues in the lower court and PCR court.

The trial court received no documentation which caused him to conclude that petitioner was competent to stand trial. The trial court made no effort to determine whether petitioner was competent at the time of the commission of the alleged acts. A decision was made by petitioner's attorney to stand trial. In other words, there was no hearing of any kind to determine the competency of the petitioner.

Petitioner's failure to request a hearing under title 44-23-430 did not constitute a waiver of his right to such a hearing. See Drope v. Missouri, 420 U.S. 162, 95 S. Ct. 896; Blair v. State, 273 S.E. 2d 536

Appointed attorney cannot legally make the decision that the applicant was mentally competent without the mandatory statutory hearing, therefore counsel's waiver of these rights are void.

The petitioner's allegations for PCR is premised on fundamental and statutory rights. The PCR court must assume facts presented by a petitioner are true and view those facts in the light most favorable to the petitioner. Wilson v. State, 559 S.E. 2d

581 It would be a denial of due process not to give the petitioner a evidentiary hearing on his Federal Constitutional claims.

The petitioner's alleged errors have not been previously and finally litigated or waived in the proceeding resulting in the conviction or in any other proceeding that the petitioner has taken to secure relief from his conviction,

Allegations in petitioner's PCR application must be deemed true until those allegations are controverted by the state. Until allegations contained in verified application for PCR are controverted by the state, they are deemed to be true for purpose of determining whether an evidentiary hearing should be held. Genuine issues of material fact exist in this case. See Mental Health Records

The petitioner has presented clear and convincing evidence to grant a PCR hearing by rebutting the Respondent's/Attorney General's findings of fact and Conclusion of law. Our S.C. Supreme Court has made it abundantly clear that a PCR proceeding is still a constitutionally protected and statutorily provided mechanism to address a denial of fundamental fairness shocking to the universal sense of justice.

The petitioner has objected to the PCR court's entire order and is asserting his 6<sup>th</sup> and 14<sup>th</sup> amendment violation of the Constitution of the United States and the Constitution and laws of this state.

Medina v. Singletary, 116 S.Ct. 2505. Due Process [also] requires that a hearing be held whenever evidence raises a sufficient doubt about the mental competency of an accused to stand trial. Griffin v. Lockhart, 935 F.2d 926. This procedural competency principle operates as a safeguard to ensure that the substantive competency principle is not violated. Claims involving these principle raise similar but distinct issues: the issue is a substantive claim is whether the defendant was in fact competent to stand trial, but the issue in a procedural competency claim is whether the trial court should have conducted an inquiry or hearing. Sheley v. Singletary, 955 F.2d 1434, 1438; United States v. Day, 949 F.2d 973, 982.

A denial of either of these rights may provide the basis for relief. Weisberg v. Minnesota, 29 F.3d at 1276.

Petitioner has made a substantive competency claim by alleging he was tried and convicted while mentally incompetent. By a preponderance of the evidence, the petitioner can show and prove that he was incompetent at the time of trial. The failure of counsel to request a hearing where there was evidence of lack of competence raising a substantial doubt constitute, ineffectiveness.

Due Process prohibits the conviction of a person who is mentally incompetent. Bishop v. U. S., 350 U.S. 961, 76 S. Ct. 44, 100 L. Ed 835; Gedines v. Moran, 509 U.S. 389, 113 S. Ct. 2680. See also Pate v. Robinson, 383 U.S. 375, 86 S. Ct. 836, Jeter v. State, 417 S.E.2d 594

The evidence submitted to the PCR court entitled petitioner to a new PCR hearing on his issues. This evidence raises a "bona fide" doubt as to the petitioner's competence to stand trial. Petitioner has made a sufficient showing to warrant a hearing with the appointment of competent counsel.

Lonnie Jeter #288401

State of South Carolina } S.C. Supreme Court  
County of Spartanburg } #2015-CP-42-3424

Lonnie Geter #288401  
Petitioner,

vs.

State of South Carolina  
Respondent

Certificate of Service

I, Lonnie Geter #288401 certify that I have served the Respondent's with a copy of my Notice of Appeal and Rule 343(c) Explanation by placing a copy in the Perry mailroom hands for mailing, postage prepaid, addressed as follows:

S.C. Supreme Court  
Clerk  
P.O. Box 11330  
Columbia, S.C. 29211

Johnny E. James Jr. Esq.  
Office of Attn General  
P.O. Box 11549  
Columbia, S.C. 29211

I, Lonnie Geter #288401 certify and verify under the penalty of perjury that the foregoing is true and correct.

Lonnie Geter #288401

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF SPARTANBURG )  
 )  
 Lonnie Geter, )  
 S.C.D.C. No. 288401, )  
 )  
 Applicant, )  
 )  
 v. )  
 )  
 State of South Carolina )  
 )  
 Respondent. )  
 )  
 )

IN THE COURT OF COMMON PLEAS  
 FOR THE SEVENTH JUDICIAL CIRCUIT

Case No.: 2015-CP-42-3424

**CONDITIONAL ORDER OF DISMISSAL**

CLERK OF COURT  
 SPARTANBURG COUNTY  
 2015 OCT 31 PM 1:22  
 HOPE BLACKLEY

This matter comes before the Court by way of an application for post-conviction relief ("PCR") filed by Lonnie Geter ("Applicant") on August 10, 2015. Respondent made its Return, requesting the Application be summarily dismissed.

**I. PROCEDURAL HISTORY**

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. Applicant was indicted at the October 2002 term of the Spartanburg County Grand Jury for robbery (2002-GS-42-4633), burglary in the first degree (2002-GS-42-4634), and assault and battery of a high and aggravated nature (2002-GS-42-4635). Applicant was thereafter re-indicted at the November 2002 term of the Spartanburg County Grand Jury for burglary in the first degree (2002-GS-42-4634). Jennifer Johnson, Esquire represented Applicant. Applicant proceeded to trial before the Honorable J. Derham Cole and a jury. The jury found Applicant guilty as indicted on December 6, 2002. Judge Cole sentenced Applicant to life imprisonment for burglary, first degree, and to concurrent

terms of 15 years for robbery, and 10 years for assault and battery of a high and aggravated nature.

Applicant filed a timely notice of appeal. Daniel T. Stacey, Esquire, filed an Anders brief<sup>1</sup> on Applicant's behalf. The South Carolina Court of Appeals dismissed Applicant's appeal by unpublished opinion. State v. Geter, Op. No. 2004-UP-413 (S.C. Ct. App. dated June 24, 2004). The remittitur was returned to the circuit court on July 28, 2004.

**2004-CP-42-2852**

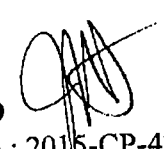
Applicant filed his first application for post-conviction relief on August 19, 2004 (2004-CP-42-2852), alleging:

1. Ineffective assistance of trial counsel;
2. Denial of due process;
3. Ineffective assistance of appellate counsel; and
4. Lack of subject-matter jurisdiction.

Respondent made its return on February 1, 2005. An evidentiary hearing into the matter was convened on March 24, 2006 before the Honorable J. Mark Hayes, II. Applicant was present at the hearing and was represented by David L. Walsh, Esquire. Colleen E. Dixon, Esquire of the South Carolina Attorney General's Office, represented Respondent. Jennifer Johnson, Esquire, testified. The hearing was not completed until the Court reconvened on May 21, 2007. Applicant was again present at the second hearing and was represented by Mr. Walsh. S. Prentiss Counts, Esquire, of the South Carolina Attorney General's Office, represented Respondent. Jennifer Johnson, Esquire, again testified, and Applicant testified on his own behalf. By written Order dated September 7, 2007, and filed September 11, 2007, Judge Hayes denied and dismissed the application.

<sup>1</sup> Anders v. California, 386 U.S. 738 (1967).

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HONORABLE J. MARK HAYES, II  
CLERK OF COURT



Applicant filed a timely notice of appeal and a petition for writ of certiorari was filed by Elizabeth A. Franklin, Esquire. Respondent made its return on June 6, 2008. On November 19, 2008, the South Carolina Supreme Court denied the petition. Geter v. State, S.C. Sup. Ct. Order dated November 19, 2008. The remittitur was returned to the Circuit Court on December 5, 2008.

**8:09-1589-PMD-BHH**

Applicant subsequently filed a *pro se* Petition for Habeas Corpus under 28 U.S.C. § 2254 on June 9, 2009 (C.A. No. 8:09-1589-PMD-BHH). In his Petition, Applicant set forth the following grounds for relief:

1. "Petitioner was denied due process of law at trial when the Court refused to submit the lesser included offense of 2<sup>nd</sup> degree burglary because of prior burglary convictions."
2. "The Court of General Sessions lacked subject-matter jurisdiction to try Petitioner on the Amended burglary-first degree indictment & /or his defense counsel was ineffective for failing to object to the amended burglary-first degree indictment and for failing to inform him that the indictment had been amended to materially change the aggravating circumstances."
3. "Petitioner was denied effective assistance of Counsel. Counsel admitted Petitioner's guilty in her closing argument, counsel failed to subject the State's case to a meaningful adversarial testing."

Respondent filed its Return and Motion for Summary Judgment on October 15, 2009. On February 9, 2010, the Honorable Bruce Howe Hendricks, United States Magistrate Judge, issued a Report and Recommendation ordering that Respondent's motion for summary judgment be granted. Geter v. McCall, 8:09-1589-PMD-BHH, 2010 WL 2640216 (D.S.C. 2010). The Honorable Patrick Michael Duffy, United States District Judge, accepted the Report and Recommendation for summary judgment and denied Applicant's Petition on June 29, 2010. Geter v. McCall, 8:09-1589-PMD-BHH, 2010 WL 2640221 (D.S.C. 2010). Applicant gave

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HONORABLE BRUCE HOWE HENDRICKS  
UNITED STATES MAGISTRATE JUDGE  
COURT REPORTER  
ACKLEY

notice of his appeal to the Fourth Circuit Court of Appeals and filed his brief on August 9, 2010. The Fourth Circuit Court of Appeals dismissed Applicant's appeal on February 15, 2011. Geter v. McCall, 412 Fed.Appx. 564 (4th Cir. 2011). Applicant thereafter filed a petition for writ of certiorari with the United States Supreme Court, which was denied on October 3, 2011. Geter v. McCall, 132 S.Ct. 151 (2011).

### Current Application

In his current application, Applicant alleges he is being held unlawfully for the following reasons:

1. Ineffective Assistance of Counsel, in that:
  - a. "Failure of trial counsel to request competency hearing to determine Applicant['s] fitness to stand trial constituted ineffective assistance by failing to preserve the issues for direct review;"
2. "Brady Violation;"
3. "Sham Process"
  - a. "two (2) documents or any document claiming authority over an individual that does not [truly] exist or is just for show makes a sentence void. See S.C. Code Ann. 16-17-735"
4. "After Discovered Evidence"
5. Ineffective Assistance of PCR Counsel, in that:
  - a. "Counsel failed to investigate, develop, and present all available, relevant, admissible, and mitigating evidence. [See letter] dated September 11, 2007. Counsel admitted that he failed to object on all possible grounds to inflammatory and irrelevant evidence."

Also before this Court are the Spartanburg County Clerk of Court records, Applicant's records from the South Carolina Department of Corrections, Applicant's prior PCR records, and the records of this current PCR action.

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M. HOEHLACKLEY  
CLERK OF COURT  
SPARTANBURG COUNTY, SC

## II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

### Failure to State a Claim

The Court finds the Application must be dismissed for failure to state a claim cognizable under the Post-Conviction Procedure Act, S.C. Code Ann. §17-27-10 to -160. An Applicant may commence a post-conviction relief action on the following grounds:

1. That the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this State;
2. That the court was without jurisdiction to impose sentence;
3. That the sentence exceeds the maximum authorized by law;
4. That there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
5. That his sentence has expired, his probation, parole or conditional release [was] unlawfully revoked, or he is otherwise unlawfully held in custody or other restraint; or
6. That the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding or remedy....

S.C. Code Ann. § 17-27-20.

Applicant's third allegation is not a claim cognizable under the PCR act. Section 17-735 is a criminal statute and does not provide a ground for collateral attack independent from the PCR act. Therefore, Applicant's third allegation shall be summarily dismissed.

Furthermore, ineffective assistance of PCR counsel, Applicant's fifth allegation, is not a ground for relief and not a sufficient claim to warrant a successive application. There is no constitutional right to appointed counsel for collateral review of a conviction. Pennsylvania v. Finley, 481 U.S. 551 (1987). The Sixth Amendment right to effective assistance of counsel does not extend to state post-conviction relief actions. Coleman v. Thompson, 501 U.S. 722 (1991).

2016 OCT 31 PM 1:32  
STATE ARCHIVE  
CLERK OF SUPERIOR COURT

Once a PCR applicant obtains a complete adjudication on the merits of his original application, including an appeal, he may not make successive applications based on ineffective assistance of PCR counsel. Aice, 305 S.C. at 452, 409 S.E.2d at 395. Therefore, Applicant's fifth allegation shall be summarily dismissed.

### Newly Discovered Evidence

Applicant generally alleges his allegations constitute newly-discovered evidence such that he should be entitled to an evidentiary hearing. This Court finds this allegation must be denied and dismissed because Applicant has failed to make a prima facie showing that he is entitled to relief. An applicant requesting a new trial based on after-discovered evidence after a conviction must show that the evidence:

- (1) Is such as would probably change the result if a new trial was had;
- (2) Has been discovered since the trial;
- (3) Could not by the exercise of due diligence have been discovered before the trial;
- (4) Is material to the issue of guilt or innocence; and,
- (5) Is not merely cumulative or impeaching.

Hayden v. State, 278 S.C. 610, 611, 299 S.E.2d 854, 855 (1983) (citing State v. Cassey, S.C. 325, 256 S.E.2d 737 (1979)). Applicant has failed to allege facts sufficient to support his claim of newly discovered evidence. Applicant merely recites the law itself, restating the kinds of facts necessary to make a prima facie showing that evidence is after-discovered. Applicant provides no factual support whatsoever for his allegation of newly discovered evidence. Further, Applicant has failed to provide any reason why these allegations "could not by the exercise of due diligence have been discovered before the trial." Before the Court will hold an evidentiary hearing, Applicant must make a prima facie showing that he is entitled to relief. Welch v. MacDougall, 246 S.C. 258, 143 S.E.2d 455 (1965); Blandshaw v. State, 245 S.C. 385, 140

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M. HOPE BLANKLEY  
STATE ARCHIVES



no genuine issue of material fact and the moving party is entitled to judgment as a matter of law." Therefore, the Court finds this application must be summarily dismissed for failure to file within the time mandated by the Uniform Post-Conviction Procedure Act.

### Successive

The Court finds this application must also be summarily dismissed because it is successive to the previous application for post-conviction relief. Successive applications for post-conviction relief are disfavored. Land v. State, 274 S.C. 243, 262 S.E.2d 735 (1980). S.C. Code Ann. § 17-27-90 (1985) states:

All grounds for relief available to an applicant under this chapter must be raised in his original, supplemental, or amended application. Any ground finally adjudicated or not so raised, or knowingly, voluntarily, and intelligently waived in the proceeding that resulted in the conviction or sentence or in any other proceeding the applicant has taken to secure relief, may not be the basis for a subsequent application, unless the court finds a ground for relief asserted which for sufficient reason was not asserted or was inadequately raised in the original, supplemental, or amended application.

Under this statute, successive post-conviction relief applications are forbidden unless an applicant can point to a "sufficient reason" why new grounds for relief were not raised or were not properly raised in previous applications. Aice v. State, 305 S.C. 448, 409 S.E.2d 392 (1991). Any new ground raised in a subsequent application is limited to those grounds that "could not have been raised . . . in the previous application." Id. at 450, 409 S.E.2d at 394. If Applicant could have raised these allegations in a previous application, then he may not raise those grounds in successive applications. Id. Applicant bears the burden of showing the allegations could not have been raised previously. Land v. State, 274 S.C. 243, 262 S.E.2d 735 (1980).

Applicant could have raised these grounds for relief in his prior post-conviction relief application. Applicant has failed to present any reasons why he could not have done so.

Accordingly, this Court finds this application must be summarily dismissed because it is successive to Applicant's previous application for PCR.

**CONCLUSION**

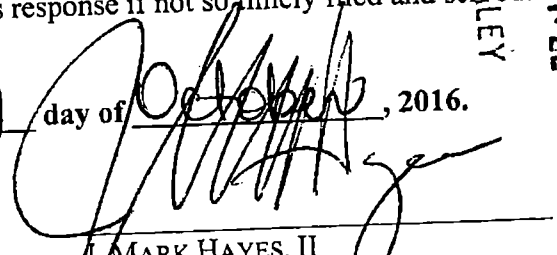
Pursuant to S.C. Code Ann. § 17-27-70(B), the Court intends to dismiss this Application with prejudice unless Applicant provides specific reasons, factual or legal, why the Application should not be dismissed in its entirety. Applicant is granted twenty (20) days from the date of service of this Order upon him to show why this Order should not become final. Applicant shall file any reasons he may have with the Spartanburg County Clerk of Court and shall serve opposing counsel at the following address:

Office of the Attorney General  
Johnny E. James, Jr., Esquire  
Post-Conviction Relief Division  
P.O. Box 11549  
Columbia, SC 29211

Applicant is cautioned that his response to this order must be actually received by the Spartanburg County Clerk of Court and opposing counsel within twenty (20) days and that the Court will not consider any issues raised in his response if not so timely filed and served.

2016 OCT 31 PM 1:22  
M. HAYES  
CLERK

AND IT IS SO ORDERED this 31 day of October, 2016.

  
\_\_\_\_\_  
J. MARK HAYES, II  
Chief Administrative Judge  
Seventh Judicial Circuit

Spartanburg, South Carolina

# Spartanburg County

Spartanburg County Court House  
180 Magnolia Street  
P. O. Box 3483  
Spartanburg, SC 29304-3483



Phone (864) 596-2591  
Fax (864) 596-2239

**M. Hope Blackley**  
Clerk of Court

**RECEIVED**  
APR 07 2017  
P.C.I. MAILROOM

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF SPARTANBURG

7<sup>TH</sup> JUDICIAL CIRCUIT

Lonnie Coates # 258401

CASE # 20150042-3421

Applicant

CERTIFICATE OF SERVICE

Shel vs

Respondent

I certify that, on this date, I served a copy of the

Original Ad. Business

In this action dated 10-31-16 on 10-31-16

By mailing to him/her, at his/her last known address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows:

Cathy Howard  
Alicia Olive  
Lonnie Coates

10-31-16

(Date)

Corie Jeff

(Signature)

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
Post Office Box 21787 - Columbia, South Carolina 29221

Pursuant to Rule 4(d)(2) of the South Carolina Rules of Civil Procedure, the Director of the South Carolina Department of Corrections has designated Daniel Harouff (Server) as his duly authorized agent for the purpose of making service of the process on the below named individual.

STATE OF SOUTH CAROLINA )  
COUNTY OF Greenville )

AFFIDAVIT OF PERSONAL SERVICE

On this 7th day of April 2017, I served the Conditional Order of Dismissal, on Inmate Lonnie Geter, SCDC Inmate #288401, by delivering personally and leaving a copy of the same at Perry Correctional Institution. Deponent is not a party to this action.

s/ [Signature]  
SCDC Server

SWORN TO AND SUBSCRIBED BEFORE ME

this 7th day of April, 2017

Tamara Cunwell (L.S.)  
Notary Public for South Carolina

My Commission Expires: September 25 2023

ADMISSION OF SERVICE

Service of a copy of the within Conditional Order of Dismissal is admitted at the South Carolina Department of Corrections ( Perry Correctional Institution), Greenville County, SC this 7th day of April, 2017.

s/ Lonnie Geter  
Inmate  
SCDC Inmate #: 288401

J/m Lonnie Coher

SCPC # 28849

Q4B 101



ALAN WILSON  
ATTORNEY GENERAL

October 25, 2016

**RECEIVED**

APR 24 2017

P.C.I. MAILROOM

The Honorable M. Hope Blackley  
Spartanburg County Clerk of Court  
P.O. Box 3483  
Spartanburg, SC 29304-3483

**Re: Lonnie Geter v. State of South Carolina**  
**2015-CP-42-3424**

Dear Ms. Blackley

Enclosed please find the original **Return and Motion to Dismiss** of the Respondent, in the above-captioned case, for filing in your office.

Sincerely,

Johnny E. James, Jr.  
Staff Attorney

JEJ/ah

**Enclosure**

Application  
Clerk's Records  
SCDC Records  
Direct Appeal Records  
2004 PCR & PCR Appeal Records  
2009 Federal Habeas Records

cc: Lonnie Geter, #288401

**RECEIVED**

APR 27 2017

**S.C. SUPREME COURT**

Perry



RECEIVED

MAR 29 2017

GENERAL COUNSEL

ALAN WILSON  
ATTORNEY GENERAL

March 23, 2017

Barton J. Vincent, General Counsel  
Attn: Jonathan Eckstrom  
South Carolina Department of Corrections  
4444 Broad River Road  
Columbia, South Carolina 29221-1787

Re: Lonnie Geter v. State of South Carolina  
2015-CP-42-3424

Dear Mr. Eckstrom:

Enclosed please find the **Conditional Order** dismissing the above-captioned inmate's post-conviction relief application. Please serve the inmate, **Lonnie Geter, #288401**, with the order and provide me with an affidavit of service (enclosed).

If you have any questions, please feel free to call: (803) 734-3737.

Sincerely,

Valerie Garcia Giovanoli  
Assistant Attorney General

VGG/ah  
Enclosures