

The Supreme Court of South Carolina
Daniel Shearouse, Clerk
P.O. Box 11330
Columbia, SC. 29211

RECEIVED

MAY 03 2017

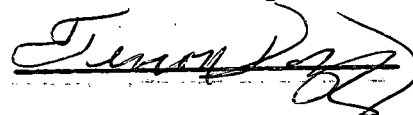
RE: Dizzely v State
2015-CP-22-00845

S.C. SUPREME COURT

Dear Clerk:

Enclosed please find two copies of the Notice of Appeal,
for filing, please return stamp filed copy to me.

Sincerely



RECEIVED

MAY 03 2017

**THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT**

S.C. SUPREME COURT

**APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas**

**Michael G. Nettles, Circuit Court Judge
case No. 2015-CP-22-00845**

Terron Dizzley.....APPELLANT

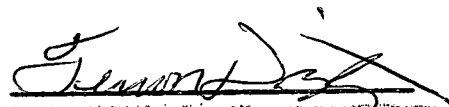
**v.
v.**

State of South Carolina.....Respondent

NOTICE OF APPEAL

Terron Dizzley appeals the denial of motion to be relieved as counsel following a hearing on February 10, 2017. A stamp filed copy was sent to me on April 8, 2017 and the Order was filed on March 28, 2017 in Georgetown County Court.

April 27, 2017



**Terron Dizzley, # 359480
386 Redemption Way
McCormick, SC 29899**

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

MAY 03 2017

S.C. SUPREME COURT

APPEAL FROM GEORGETOWN COUNTY
Court of Court Pleas

Michael G. Nettles, Circuit Court Judge

Case No. 2015-CP-22-00845

Terron Dizzley,.....Appellant

v.

State of South Carolina.....Respondent

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State by mailing a copy of it to Alan Wilson P.O. Box 11549, Columbia, South Carolina 29211 on April 27, 2017.

Sworn To and Subscribed Before Me

This 26 day of April 2017

J C Franklin
NOTARY PUBLIC OF SOUTH CAROLINA

MY COMMISSION EXPIRES 12-16-2019

Terron Dizzley
Terron Dizzley


this PCR action. Applicant equivocally stated that he would rather proceed with appointed counsel than proceed *pro se*, but ultimately renewed his request to proceed *pro se*. This Court informed Applicant that he was entitled to be represented by counsel, but that he was not entitled to choose appointed counsel. This Court also informed Applicant of his right to retain counsel of his choice.

Both Applicant and his Counsel requested that the hearing be continued. This Court finds no good cause to relieve Applicant's appointed counsel at this juncture. Instead, this Court grants Applicant's request for a continuance and orders that Applicant be ready to proceed, with or without Falk, at the next PCR term of court for the Fifteenth Judicial Circuit – the week of May 22 thru 26, 2017. If at that time Applicant wishes to proceed *pro se*, he may renew his request to relieve Falk and proceed *pro se*.

It is therefore **ordered** that:

1. Motion to be Relieved is **DENIED**.
2. For good cause shown, the post-conviction relief hearing is **CONTINUED** to the next term of post-conviction relief court, at which time Applicant **must** proceed with Counsel Falk or *pro se*.
3. Applicant is remanded to the custody of the Respondent during the pendency of this case.

AND, IT IS SO ORDERED this 24 day of March, 2017.


MICHAEL G. NETTLES
Presiding Judge
Seventh Judicial Circuit

Holmes, South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)
Terron Dizzley)
Appellant)
v.)
State of South Carolina)
Respondent)

IN THE SUPREME COURT
OF SOUTH CAROLINA
Case NO. 2015-CP-22-845

REQUEST FOR REPRESENTATION
ON APPEAL

RECEIVED

MAY 03 2017

S.C. SUPREME COURT

On behalf of the request of the above-named Applicant, to be represented by South Carolina Commission of Indigent Defense. The Appellant would show unto this Court that:

1. The applicant-appellant was informed that he may request assistance from the SCCID Appellate Division in perfecting his appeal.
2. A timely Notice of Appeal has been filed pro-se by Appellant.

At this time, the Applicant-Appellant request the aid of the SCCID Appellate Division in perfecting his appeal to the South Carolina Supreme Court.

April 26 2017


Terron Dizzley

STATE OF SOUTH CAROLINA)

COUNTY OF GEORGETOWN)

Terron Dizzley, #359480,)

Applicant,)

v.)

State of South Carolina,)

Respondent.)

IN THE COURT OF COMMON PLEAS
OF THE FIFTEENTH JUDICIAL CIRCUIT

2015-CP-22-00845

**ORDER GRANTING CONTINUANCE
AND
DENYING MOTION TO
BE RELIEVED AS COUNSEL**

ALMA WHITE
CLERK OF COURT

2017 MAR 29 PM 1:10

FILED
GEORGETOWN COUNTY, S.C.

This matter was called for an evidentiary hearing on February 10, 2017. Applicant was present with his appointed counsel, James K. Falk, Esquire, ("Falk"). On or about December 29, 2016, Applicant filed a *pro se* motion to relieve his appointed counsel and requested new counsel. Subsequently, Falk filed a motion to be relieved as counsel pursuant to Applicant's request. This Court notes that Applicant requested his prior PCR counsel, Jeremy Thompson, Esquire, ("Thompson") to relieve himself from the instant case. On August 9, 2016, Thompson filed a motion to be relieved as counsel pursuant to Applicant's request. The motion was granted and Falk was appointed to represent Applicant.

This Court inquired into Applicant's knowledge of the law and ability to proceed *pro se*. Applicant was sworn and testified that he was not knowledgeable in the law sufficient to represent himself, but that he would prefer another attorney. Applicant complained that the Georgetown County Clerk of Court refused to accept his *pro se* Rule 29 (b), SCRCrimP, motion in his criminal case because he is represented by counsel in

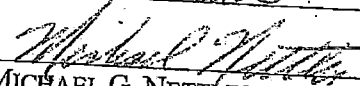
this PCR action. Applicant equivocally stated that he would rather proceed with appointed counsel than proceed *pro se*, but ultimately renewed his request to proceed *pro se*. This Court informed Applicant that he was entitled to be represented by counsel, but that he was not entitled to choose appointed counsel. This Court also informed Applicant of his right to retain counsel of his choice.

Both Applicant and his Counsel requested that the hearing be continued. This Court finds no good cause to relieve Applicant's appointed counsel at this juncture. Instead, this Court grants Applicant's request for a continuance and orders that Applicant be ready to proceed, with or without Falk, at the next PCR term of court for the Fifteenth Judicial Circuit – the week of May 22 thru 26, 2017. If at that time Applicant wishes to proceed *pro se*, he may renew his request to relieve Falk and proceed *pro se*.

It is therefore **ordered** that:

1. Motion to be Relieved is **DENIED**.
2. For good cause shown, the post-conviction relief hearing is **CONTINUED** to the next term of post-conviction relief court, at which time Applicant **must** proceed with Counsel Falk or *pro se*.
3. Applicant is remanded to the custody of the Respondent during the pendency of this case.

AND, IT IS SO ORDERED this 24 day of March, 2017.


MICHAEL G. NETTLES
Presiding Judge
Seventh Judicial Circuit

Hence, South Carolina



Georgetown County Fifteenth Judicial Circuit Public Index



[Georgetown County Home Page](#)
[South Carolina Judicial Department Home Page](#)
[SC.GOV Home Page](#)

Switch View

Terron Gerhard Dizzley #359480 VS South Carolina State of

Case Number:	2015CP2200845	Court Agency:	Common Pleas	Filed Date:	09/09/2015
Case Type:	Common Pleas	Case Sub Type:	Post Convict Rel 500	File Type:	PCR
Status:	PCR	Assigned Judge:	Clerk Of Court C P, G S, And Family Court		
Disposition:		Disposition Date:		Disposition Judge:	
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			

Case Parties

Click the icon to show associated parties.

Name	Address	Race	Sex	Year Of Birth	Party Type	Party Status	Last Updated
Dizzley #359480, Terron Gerhard					Plaintiff		01/30/2017
Falk, James Kristian	PO Box 1058 Charleston SC 29402				Plaintiff Attorney		09/23/2016
Falk, James Kristian	PO Box 1058 Charleston SC 29402				Plaintiff Attorney		09/23/2016
Dizzley #359480, Terron Gerhard					Plaintiff		01/30/2017
Giovanoli, Valerie Garcia (Inactive)	PO Box 11549 Columbia SC 292111549				Defendant Attorney		04/04/2017
Hastings, Caitlin Bazan (Inactive)	1220 Senate Street Columbia SC 29201				Defendant Attorney		04/04/2017
James, Johnny Ellis Jr.	PO Box 11549 Columbia SC 29211				Defendant Attorney		04/04/2017
South Carolina State of					Defendant		03/28/2016
Kinard, Jessica Elizabeth (Inactive)	PO Box 11549 Columbia SC 29211				Defendant Attorney		06/22/2016
South Carolina State of					Defendant		03/28/2016
James, Johnny Ellis Jr.	PO Box 11549 Columbia SC 29211				Defendant Attorney		04/04/2017
Thomas, Joshua L. (Inactive)	PO Box 516 Greenwood SC 29648				Defendant Attorney		03/28/2016
Thompson, Jeremy Adam (Inactive)	PO Box 12891 Columbia SC 29211				Plaintiff Attorney		09/23/2016

Actions

Name	Description	Type	Motion Roster	Begin Date	Documents

					Completion Date	
South Carolina State of	Letter/Asst AG Johnny James Jr replaces Valerie Giovanoli	Filing		04/04/2017-11:15		
	Verification/Verified	Filing		03/29/2017-16:46		
Dizzley #359480, Terron Gerhard	Ord Grant Contin Next Term/Denying Mot to Relieved Counsel	Order		03/29/2017-13:08		
Dizzley #359480, Terron Gerhard	Order/Form 4/Mot to WDraw Counsel Denied/Continuance Granted	Order		02/16/2017-13:18		
Dizzley #359480, Terron Gerhard	Motion to be Relieve as Counsel/Cert of Ser/Exh1&2/Falk	Filing		01/30/2017-10:06	02/16/2017-10:06	
South Carolina State of	Letter/Asst AG Valerie Giovanoli replaces Caitlin Hastings	Filing		12/12/2016-15:07		
South Carolina State of	Return (Transcript Not Scanned In Pocket)	Filing		12/07/2016-13:08		
South Carolina State of	Affidavit Of Service S/C/Return/James Falk/12-5-16	Filing		12/07/2016-13:08		
	Verification/Verified	Filing		09/26/2016-10:20		
Dizzley #359480, Terron Gerhard	Order of Appointment for PLT	Order		09/23/2016-11:58		
Dizzley #359480, Terron Gerhard	Order/Relieving Counsel	Order		09/23/2016-11:53		
Dizzley #359480, Terron Gerhard	Motion Filing Fee Waived	Filing		08/12/2016-10:29		
Dizzley #359480, Terron Gerhard	Cert Of Service/Mot Relieved as Counsel/T Dizzley/8-9-16	Filing		08/12/2016-10:19		
Dizzley #359480, Terron Gerhard	Cert Serv/Mot Relieved Counsel/C Hastings/8-9-16	Filing		08/12/2016-10:19		
Dizzley #359480, Terron Gerhard	Affidavit of Indigency/Attachment C	Filing		08/12/2016-10:18		
Dizzley #359480, Terron Gerhard	Appl to Proceed Wout Payment of Costs&Affi in Supp/Att B	Filing		08/12/2016-10:17		
Dizzley #359480, Terron Gerhard	Motion to be Relieve As Counsel/Attachment A/Thompson	Motion		08/12/2016-10:16	08/12/2016-10:16	
South Carolina State of	Correspondence Atty Hastings Replaces Atty Kinard	Filing		06/22/2016-09:27		
South Carolina State of	Corresp Joshua Thomas no longer w/AG/Jessica Kinard is Atty	Filing		03/28/2016-08:38		
	Verification/Verified	Filing		09/10/2015-08:52		
Dizzley #359480, Terron Gerhard	Post Conviction Relief/Verification	Filing		09/09/2015-14:27		

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GEORGETOWN)
)
TERRON DIZZLEY, #359480)
 Plaintiff,)
 vs.)
)
STATE OF SOUTH CAROLINA)
 Defendant.)

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT
 CASE NO.: 2015 -CP-22-845
**MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET**

Plaintiff's Attorney: <u>Jeremy A. Thompson, Bar No. 76091</u> Address: <u>P.O. Box 12891</u> <u>Columbia, SC 29211</u> Phone: <u>803-779-2555</u> Fax <u>803-779-2556</u> E-mail: <u>jeremyatlaw@yahoo.com</u> Other: _____	Defendant's Attorney: <u>Caitlin Bazan Hastings, Asst. Attorney General, Bar</u> No. _____ Address: <u>Office of the Attorney General</u> <u>P.O. Box 11549, Columbia, SC 29211</u> Phone: <u>803-734-3737</u> Fax <u>803-734-4113</u> E-mail: _____ Other: _____
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input checked="" type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
SECTION I: Hearing Information	
Nature of Motion: _____ Estimated Time Needed: _____ Court Reporter Needed: <input type="checkbox"/> YES/ <input type="checkbox"/> NO	
SECTION II: Motion/Order Type	
<input type="checkbox"/> Written motion attached <input checked="" type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
_____ Signature of Attorney for <input checked="" type="checkbox"/> Plaintiff / <input type="checkbox"/> Defendant	<u>September 20, 2016</u> Date submitted
SECTION III: Motion Fee	
<input type="checkbox"/> PAID - AMOUNT: \$ _____ <input checked="" type="checkbox"/> EXEMPT: (check reason)	
<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCP) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: _____ <input type="checkbox"/> Other: _____	
JUDGE'S SECTION <input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____
CLERK'S VERIFICATION	
Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____	

STATE OF SOUTH CAROLINA)
)
COUNTY OF GEORGETOWN)
)
TERRON DIZZLEY, #359480,)
)
Applicant,)
)
v.)
)
STATE OF SOUTH CAROLINA,)
)
Respondent.)
_____)

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT

CASE NO.: 2015-CP-22-845

ORDER RELIEVING COUNSEL

THIS MATTER comes before the Court by way of a motion to be relieved as counsel filed by counsel for the Applicant in this matter. Counsel asserts that the attorney/client relationship has deteriorated and that he and the Applicant have reached a fundamental impasse regarding how best to present the Applicant's case. Through correspondence written by the Applicant to counsel, which the Applicant indicated he had also sent to the Attorney General's Office and the Georgetown County Clerk of Court's Office, included in the motion, the Applicant joins in the request. The Applicant also asserts that he is indigent and he requests that this Court appoint him a new attorney to represent him in this matter.

Based on the foregoing, this Court concludes that the motion to be relieved as counsel should be granted. Attorney Jeremy A. Thompson is hereby relieved as counsel for the Applicant. Additionally, based on this Court's review of the Applicant's Application to Proceed without Payment of Costs and Affidavit in Support Thereof and his Affidavit of Indigency, this Court concludes that the Applicant is indigent and that new counsel should be appointed to represent the Applicant. Accordingly, this Court hereby directs the Georgetown County Clerk of Court's Office to appoint new counsel to represent the Applicant in this matter upon the filing of this Order.

JAC

IT IS SO ORDERED.

Benjamin H. Culbertson

Benjamin H. Culbertson
Chief Administrative Judge
Court of Common Pleas
Fifteenth Judicial Circuit

This 9 day of Sept, 2016.
Conway, South Carolina.

STATE OF SOUTH CAROLINA)

COUNTY OF GEORGETOWN)

Terron Dizzley, #359480,)

Applicant,)

v.)

State of South Carolina,)

Respondent.)

IN THE COURT OF COMMON PLEAS
OF THE FIFTEENTH JUDICIAL CIRCUIT

2015-CP-22-00845

**ORDER GRANTING CONTINUANCE
AND
DENYING MOTION TO
BE RELIEVED AS COUNSEL**

FILED
GEORGETOWN COUNTY, SC
2017 MAR 28 PM 1:10
ALMA WHITE
CLERK OF COURT

This matter was called for an evidentiary hearing on February 10, 2017. Applicant was present with his appointed counsel, James K. Falk, Esquire, ("Falk"). On or about December 29, 2016, Applicant filed a *pro se* motion to relieve his appointed counsel and requested new counsel. Subsequently, Falk filed a motion to be relieved as counsel pursuant to Applicant's request. This Court notes that Applicant requested his prior PCR counsel, Jeremy Thompson, Esquire, ("Thompson") to relieve himself from the instant case. On August 9, 2016, Thompson filed a motion to be relieved as counsel pursuant to Applicant's request. The motion was granted and Falk was appointed to represent Applicant.

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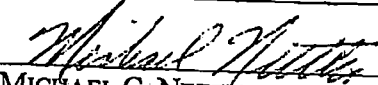
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AND, IT IS SO ORDERED this 24 day of May, 2017.


MICHAEL G. NETTLES
Presiding Judge
Seventh Judicial Circuit

H. H. H. H. H., South Carolina

The South Carolina Court of Appeals

The State, Respondent,

v.

Terron Gerhard Dizzley, Appellant

Appellate Case No. 2014-001339

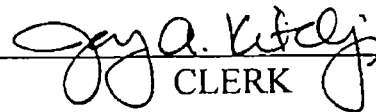
The Honorable Roger L. Couch
Georgetown County
Trial Court Case No. 2009GS2200778

ORDER

It appears that Terron Gerhard Dizzley, with full understanding of all possible consequences of this action and with agreement of counsel, wishes to withdraw and dismiss this matter. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

FOR THE COURT

BY


CLERK

Columbia, South Carolina

cc:

Alan McCrory Wilson, Esquire

Donald J. Zelenka, Esquire

Jeremy Adam Thompson, Esquire

Terron Gerhard Dizzley

FILED

