

The State of South Carolina
In the Court of Appeals

Appeal from York County
Court of Common Pleas

RECEIVED

APR 27 2017

S. Jackson Kimball, III, Circuit Court Judge SC Court of Appeals

Case Number 2016-CP-46-2414

Appellant Case Number 2016-002534

Ralph L. Erwin, _____ Appellant,
V.

South Carolina Department of Probation

Parole and Pardon Services and The

State of South Carolina, _____ Respondents.

APPENDIX

Ralph L. Erwin

140 West Centennial Street

Apartment Number 38-B

Spartanburg, South Carolina 29303

(864) 494-2269

Appellant

Ms. Stephanie H. Burton

308 East Saint John Street

Spartanburg, South Carolina 29302

(864) 327-5000

Attorney for Respondents

INDEX

INDEX

i

Order of October 7, 2014 _____ 1

Order of July 30, 2012 _____ 3

Order of Continuance of August 25, 1992 _____ 8

Transcript of Continuance of October 19, 1992 _____ 10

Exhibit To Complaint _____ 17

Certificate of Appellant _____ 18

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2014 CP-42-03334

1

Ralph L. ERWIN, SCDC #051231

S. C. DEPARTMENT of Probation, Parole, and Pardon
Services and The STATE of South Carolina,

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: the Court

Attorney for : ☐ Plaintiff ☐ Defendant
or
☐ 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. ☐
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit); ☐ Rule 43(k), SCRPC (Settled); ☐ Other
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify
- ☐ **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☒ Statement of Judgment by the Court:

This matter is before this Court on Petitioner's motion to proceed *in forma pauperis* in the filing of a Complaint alleging a cause of action for false imprisonment pursuant to the S. C. Tort Claim allowing Act. The petitioner is not presently incarcerated and the only relief being sought is for an award of actual and punitive monetary damages. "In the absence of a statutory provision allowing the general waiver of filing fees ... motions to proceed *in forma pauperis* may only be granted where specifically authorized by statute or required by constitutional provision" concerning a fundamental right. *Martin v. State*, 321 SC 533 1995

After consideration of the request and review of the complaint, this Court finds that the allegations made do not fit within one of the statutory exceptions providing for a waiver of fees and the cause of action does not concern any fundamental right that requires waiver of the filing fee. The petitioner's motion to proceed *in forma pauperis* should be and is therefore denied.

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:

2

[Signature]
Circuit Court Judge

2053
Judge Code

9/26/14
Date

For Clerk of Court Office Use Only

This judgment was entered on the 7 day of Oct, 2014 and a copy mailed first class or placed in the appropriate attorney's box on this 9th day of Oct, 2014 to attorneys of record or to parties (when appearing pro se) as follows:

Ralph L. Erwin
140 West Centennial Street, Apartment 38-B
Spartanburg, S. C. 29302

ATTORNEY(S) FOR THE PLAINTIFF(S)
Appearing Pro Se

ATTORNEY(S) FOR THE DEFENDANT(S)

M. Hope Blackley
M. Hope Blackley 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.

CLERK OF COURT
SPARTANBURG COUNTY
2014 OCT -7 AM 11:05
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA
COUNTY OF YORK
THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2009CP4604556

Ralph Leroy Erwin

South Carolina State Of

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.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit);
☐ Rule 43(k), SCRPC (Settled); ☐ Other: _____
- ☐ **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.

IS ORDERED AND ADJUDGED:

☒ See attached order; (formal order to follow)

☐ Statement of Judgment by the Court:

Final Order of Dismissal

ORDER INFORMATION

Additional Information for the Clerk:

This order ☒ ends ☐ does not end the case.

INFORMATION FOR THE PUBLIC 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 "NA" 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)
na	na	na

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.

s/ Lee S. Alford
Circuit Court Judge

2113
Judge Code

07/30/2012
Date

4

For Clerk of Court Office Use Only

This judgment was entered on August 1, 2012, and a copy mailed first class or placed in the appropriate attorney's box on August 1, 2012, to attorneys of record or to parties (when appearing pro se) as follows:

Ralph Leroy Erwin ,

ATTORNEY(S) FOR THE PLAINTIFF(S)

Daniel E Grigg Office of the Attorney General P.O. Box 11549 Columbia,
SC 292111549

ATTORNEY(S) FOR THE DEFENDANT(S)

David Hamilton

David Hamilton - Clerk of Court

Court Reporter

5

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

IN THE COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUIT

Ralph Leroy Erwin, #51231,)

2009-CP-46-4556

Applicant,)

v.)

State of South Carolina,)

Respondent.)

FINAL ORDER OF DISMISSAL

FILED-RECEIVED
2012 AUG -1 PM 3:51
DAVID HAMILTON
C.C.P. CLERK
YORK COUNTY, SC

This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed October 19, 2009. The Respondent (the State) made its Return and Motion to Dismiss on May 14, 2012, requesting that the Application be summarily dismissed. Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal dated May 16, 2012, provisionally denying and dismissing this action, while giving the Applicant twenty (20) days from the date of service of said Order in which to show why the dismissal should not become final.

In a document titled "Objection to Conditional Order of Dismissal Memorandum in Support thereof" filed June 5, 2012, the Applicant contends this application cannot be successive because he did not receive a hearing on the merits in his prior PCR actions and because of this, there has been no final and complete order from this Court. This Court has reviewed the Applicant's response to the State's motion to dismiss in its entirety, in conjunction with the original pleadings, and finds that a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final.

6

Contrary to the Applicant's assertion, he received an evidentiary hearing in his 1991 PCR case on October 21, 1992, pursuant to which this Court denied and dismissed the application by **written Order** on December 17, 1992, which addressed the issues raised at the hearing (emphasis added). The Applicant has shown no reason why his current issues were not litigated in his first PCR hearing.

Further, S.C. Code § 17-27-90 states "[a]ll 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."

Additionally, this Court finds the current allegations are barred by *res judicata*. *Res judicata* prohibits subsequent actions by the same parties on the same issues. Bell v. Bennett, 307 S.C. 286, 414 S.E.2d 786 (Ct. App. 1992). A final judgment on the merits in a prior action bars subsequent consideration of those issues in a new action. Foran v. USAA Casualty Ins. Co., 311 S.C. 189, 427 S.E.2d 918 (Ct. App. 1993). *Res judicata* also bars any issues that could have been raised in the former action. Id.

The Applicant had a full opportunity to litigate all allegations regarding ineffective assistance of counsel in both the state and federal courts. *See* 1991-CP-46-1632; 2003-CP-46-2824; 6:07-959-RBH-WMC. The Applicant specifically raised the allegation that "the statute of limitations has run out on [his] sentence" in his 2003 PCR application. That action was denied and dismissed as this Court found no merit to his claims. Thus, this issue is precluded from being raised in a subsequent

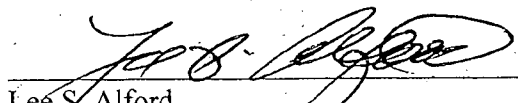
action involving the same parties and the same claim. The public interest in finality of judgments requires that litigation must eventually come to an end. Pursuant to Rule 12(b)(6), SCRCPP, the Court denies and dismisses these claims as barred by *res judicata*.

Accordingly, this Court finds no reason why the Conditional Order of Dismissal should not become final.

IT IS THEREFORE ORDERED that, for the reasons set forth in the Court's Conditional Order of Dismissal, the Application for PCR is hereby denied and dismissed with prejudice.

This Court hereby notifies the Applicant that he must file and serve a Notice of Appeal within thirty (30) days of the service of this Order to secure appellate review. See Rule 203, SCACR. The Applicant's attention is directed to Rule 243, SCACR, for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this 30th day of July, 2012.


Lee S. Alford
Chief Administrative Judge
Sixteenth Judicial Circuit

York, South Carolina.

P 12 of 14

8

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

IN THE COURT OF COMMON PLEAS

91-CP-46-1612

Ralph Leroy Erwin, 51231,)

Applicant,)

vs.)

State of South Carolina.)

Respondent.)

ORDER OF CONTINUANCE

FILED-RECEIVED
BOOK PAGE
AUG 31 2 06 PM 1992
H.H. CARROLL, JR.
J.P.C. & S.S.
YORK COUNTY, S.C.

This matter comes before the Court by way of an Application for Post-Conviction Relief dated October 7, 1991. The Respondent made its Return and Motion to Dismiss on January 2, 1992. The Applicant thereafter filed objections to the State's Return and Motion to Dismiss dated January 10, 1992. An evidentiary hearing was convened in the York County Courthouse on June 15, 1992, at which time the Applicant was present in Court and represented by Paul A. Knox, Esquire. The Respondent was represented by Lisa G. Jefferson of the Attorney General's Office. At the hearing, counsel for Applicant moved to amend the Application for Post-Conviction Relief to allege the Applicant is being denied due process of law by the board policies and procedures of the South Carolina Department of Probation, Parole, and Pardon Services in regard to the frequency with which the Applicant is being considered for parole and with regard to the inability of the Applicant to fully participate in the work release program. The Respondent had no objection to the motion to amend. Counsel for both parties moved to continue this matter in order to do additional legal research on this issue and to secure the attendance of a necessary

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WAB

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witness from the South Carolina Department of Probation, Parole, and Pardon Services to address the history of that agency's policies on these issues.

Thus, this Court finds both Motions are well taken and that this matter should be continued until the next term of court for post-conviction relief matters in the Sixteenth Judicial Circuit.

IT IS THEREFORE ORDERED:

1. That the Motion to Amend the Application for Post-Conviction Relief is granted;
2. That this post-conviction relief matter shall be continued and re-scheduled; and
3. That the Applicant be remanded to the custody of the Respondent.

AND IT IS SO ORDERED this 25th day of August,
1992. #292

William H. Ballenger
WILLIAM H. BALLENGER
Presiding Judge
Sixteenth Judicial Circuit

Walhalla, South Carolina.

STATE OF SOUTH CAROLINA)

COUNTY OF YORK)

) IN THE COURT OF COMMON PLEAS

RALPH LEROY ERVIN)

VS.)

91-CP-46-1612

STATE OF SOUTH CAROLINA)
_____)- - -
ORIGINAL TRANSCRIPT OF THE POST-CONVICTION RELIEF HEARING
HELD IN ABOVE-REFERENCED CAUSE
- - -YORK, SOUTH CAROLINA
MONDAY, OCTOBER 19, 1992
- - -

BEFORE: THE HONORABLE THOMAS J. ERVIN, CIRCUIT COURT JUDGE

A P P E A R A N C E S:

FOR THE STATE:

LISA G. JEFFERSON, ESQUIRE

FOR THE PLAINTIFF:

PAUL A. KNOX, ESQUIRE

1 MS. JEFFERSON: MAY IT PLEASE THE COURT. THIS IS
2 THE MATTER OF RALPH ERVIN VERSUS STATE, 91-CP-46-1612. I AM
3 LISA JEFFERSON HERE ON BEHALF OF THE STATE WITH STATE'S
4 WITNESS CARL LUMBAR. THE STATE IS READY TO PROCEED IN THIS
5 MATTER. THE APPLICANT, I UNDERSTAND, IS PRESENT WITH HIS
6 ATTORNEY, PAUL KNOX.

7 YOUR HONOR, BECAUSE OF THE RECENT DECISION IN PRUITT
8 VERSUS STATE, WE WOULD ASK THE COURT TO ASK MR. KNOX TO PUT
9 FORTH ON THE RECORD THE SPECIFIC GROUNDS UPON WHICH HE IS
10 PROCEEDING SO THAT WE CAN BE SURE WHICHEVER SIDE PREPARES AN
11 ORDER TO ADDRESS EACH, AS REQUIRED BY THAT DECISION.

12 THE COURT: MR. KNOX, ARE YOU READY TO PROCEED?

13 MR. KNOX: YES, SIR. THANK YOU, VERY MUCH. YES.
14 SIR. YOUR HONOR, ~~I HAVE HAD AN OPPORTUNITY TO DISCUSS THE~~
15 ~~CASE WITH THE DEFENDANT HERE, AND OF COURSE HE HAS INFORMED~~
16 ~~ME THAT HIS POST-CONVICTION RELIEF APPLICATION IS NOT ONE~~
17 ~~WHICH ATTACKS THE ORIGINAL CONVICTION, WHICH I BELIEVE IS~~
18 ~~ABOUT 1961. SO HE IS NOT ATTACKING THAT.~~

19 ~~HIS ISSUE IS, RATHER -- REVOLVES AROUND THE EX POST FACTO~~
20 ~~PROVISION OF THE CONSTITUTION. HE BELIEVES THAT THE PORTION~~
21 ~~OF THE ACT -- I BELIEVE IT'S SPECIFICALLY 21-21 -- 24-21-645,~~
22 WHICH REQUIRED THAT VIOLENT OFFENDERS SUCH AS HIMSELF BE
23 PAROLED -- BE CONSIDERED FOR -- HAVE PAROLE CONSIDERATION
24 ELIGIBILITY ON TWO YEARS AS IT APPLIES TO HIM BY THE EX POST
25 FACTO LAW, BECAUSE I BELIEVE AT THE TIME THAT HE -- HIS

MARK HAGOOD, RPR - 4TH JUDICIAL CIRCUIT COURT REPORTER

1 PAROLE WAS REVOKED IN 1985. I BELIEVE THE -- THE
2 CONSIDERATION SHOULD HAVE BEEN -- THE PAROLE HEARING SHOULD
3 HAVE BEEN ONE YEAR RATHER THAN TWO YEARS. SO, THE EFFECT OF
4 THE -- THE -- UNDER THIS CRIME ACT WAS TO -- AS IT APPLIED TO
5 HIM, INCREASE HIS -- HIS PAROLE ELIGIBILITY DATE FROM ONE
6 YEAR TO TWO YEARS.

7 THE COURT, HASN'T THE SUPREME COURT OF SOUTH
8 CAROLINA ALREADY ADDRESSED THAT ISSUE?

9 MS. JEFFERSON: YES, SIR. THE CASE OF GUNTER
10 VERSUS STATE, WHICH IS STILL CURRENTLY A LAW IN SOUTH
11 CAROLINA, THAT HAS BEEN ADDRESSED, AND IT WAS RULED AT THAT
12 TIME THAT THE CHANGE IN THE STATUTE SO THAT THE FREQUENCY OF
13 CONSIDERATION FOR PAROLE IS AFFECTED, NOT THE ELIGIBILITY
14 REQUIREMENT. IT IS NOT AN EX POST FACTO VIOLATION.

15 AND, YOUR HONOR, I WOULD JUST TAKE THE OPPORTUNITY -- I
16 ADVISE MR. KNOX OF THIS. THIS IS NOT AN EXHIBIT. IT'S JUST
17 FOR THE COURT'S INFORMATION. AS RECENTLY AS YESTERDAY -- AND
18 I'VE CLIPPED IT ALL TOGETHER FOR THE COURT'S CONVENIENCE --
19 THE COURT -- THE SUPREME COURT OF SOUTH CAROLINA HAS DENIED
20 CERTIORARI IN A CASE WHERE THEY WERE ASKED IN A PETITION FOR
21 CERT TO ADDRESS GUNTER AND TO CONSIDER REVERSAL OF GUNTER
22 BASED ON THE RECENT FEDERAL DECISION, PARTICULARLY, AIKEN
23 VERSUS SENONO, AND CERT WAS DENIED IN THAT CASE. AND I WOULD
24 JUST HAND THAT UP FOR YOUR INFORMATION.

25 MR. KNOX: YES, SIR. I UNDERSTAND THAT TO BE --

MARK HAGOOD, RPR - 4TH JUDICIAL CIRCUIT COURT REPORTER

1 THE COURT: DO YOU HAVE A COPY OF THE GUNTER,
2 G-U-N-T-E-R, CASE?

3 MR. KNOX: YES, SIR. I HAVE A COPY OF THAT CASE,
4 SIR, AND I UNDERSTAND THAT IS CORRECT, THAT THE POSITION OF
5 GUNTER IS CONTRARY TO THE POSITION OF THE -- THE PETITIONER.
6 HE, HOWEVER, CITES FEDERAL CASES. THE CASE THAT -- THAT HE
7 POINTS OUT SPECIFICALLY IS ADKINS VERSUS SNOW, 11TH CIRCUIT
8 COURT, FEBRUARY 1991, I BELIEVE IT IS. HE CITES THAT
9 INDICATING HIS POSITION. AND I UNDERSTAND WHAT GUNTER IS IN
10 TERMS OF THEIR DECISION.

11 THE DEFENDANT FURTHER BELIEVES THAT ANY PAROLE RULES AND
12 REGULATIONS WHICH INCREASE THE PERIOD OF HIS PAROLE
13 ELIGIBILITY HERE DATES FROM ONE TO TWO YEARS ARE ALSO
14 CONTRARY TO THE EX POST FACTO LAW. AND I BELIEVE THAT ALSO
15 HE -- HIS POSITION IS TO THAT, IT IS THAT THE -- UNDER THIS
16 CRIME ACT, ALSO PRECLUDES HIM FROM BEING CONSIDERED FOR THE
17 PRE-RELEASE PRIVILEGES ALSO, YOUR HONOR. HE ALSO ADDS THAT
18 AS A VIOLATION OF HIS EX POST FACTO RIGHTS, TOO. SINCE THIS
19 CRIME OCCURRED BEFORE THAT -- BEFORE THE -- UNDER THIS CRIME
20 ACT AND GUNTER, WE ALSO TAKE THE POSITION AGAINST THAT TOO.

21 THE COURT: GUNTER HELD THAT THE STANDARDS
22 GOVERNING THE DEFENDANT'S PAROLE ELIGIBILITY WERE NOT
23 CHANGED, BUT ONLY THE FREQUENCY WITH WHICH A DEFENDANT COULD
24 BE CONSIDERED FOR PAROLE. THERE WAS NO EX POST FACTO
25 VIOLATION IN THE APPLICATION, SOUTH CAROLINA CODE, SECTION

MARK HAGOOD, RPR - 4TH JUDICIAL CIRCUIT COURT REPORTER

14

1 24-21-645.

2 MS. JEFFERSON: YOUR HONOR, I DO HAVE THE COURT'S
3 INFORMATION. OBVIOUSLY, THE COURT IS VERY FAMILIAR WITH A
4 COPY OF THE GUNTER DECISION, WHICH DOES ALSO ADDRESS THE
5 SECOND ISSUE --

6 THE COURT: I THOUGHT IT DID.

7 MS. JEFFERSON: -- AS TO ELIGIBILITY FOR WORK
8 RELEASE, AND MAKES THE SAME RULING AS FAR AS EX POST FACTO
9 VIOLATIONS, AS SET FORTH IN THE LEGAL ARGUMENT IN THE STATE'S
10 RETURN.

11 MR. KNOX: YES, SIR. THAT'S THE POSITION OF THE
12 DEFENDANT IN THIS CASE.

13 THE COURT: GUNTER ALSO ADDRESSES THE CONCERNS THAT
14 YOU RAISE ABOUT SUPERVISED FURLOUGH.

15 MR. KNOX: YES, SIR, IT DOES.

16 THE COURT: OR WORK RELEASE, WOULD CERTAINLY BE
17 COVERED UNDER THAT SAME ANALYSIS. AND...

18 MS. JEFFERSON: YOUR HONOR, I NEED TO ALSO PLEASE
19 POINT OUT FOR THE COURT'S INFORMATION THAT SECTION 24-13-610,
20 WHICH CREATED THE EXTENDED WORK RELEASE PROGRAM, DID NOT GO
21 INTO EFFECT UNTIL 1977, WHICH WAS AFTER THE APPLICANT'S CRIME
22 IN 1961; AND THEREFORE, AS APPLIED TO THE FACTS OF THIS CASE,
23 THERE COULD BE NO EX POST FACTO VIOLATION BECAUSE HE DIDN'T
24 HAVE THE RIGHT TO IT AT THE TIME HE COMMITTED THE CRIME.

25 MR. KNOX: EXCUSE ME. I DIDN'T HEAR THAT SECTION

MARK HAGOOD, RPR - 4TH JUDICIAL CIRCUIT COURT REPORTER

1 NUMBER --

2 MS. JEFFERSON: YES, SIR. 24-13-610 WENT INTO
3 EFFECT IN 1977.

4 THE COURT: THAT WAS AFTER THE DATE OF HIS
5 CONVICTION?

6 MS. JEFFERSON: THAT'S CORRECT, YOUR HONOR. HIS
7 CONVICTION WAS 1961.

8 THE COURT: SO FOR ALL OF THOSE REASONS, THE
9 APPELLATE'S APPLICATION IS DENIED. AND I WOULD ASK, MS.
10 JEFFERSON, IF YOU WOULD, PLEASE, TO PREPARE THE COURT A
11 FORMAL WRITTEN ORDER ENUMERATING THE -- THE HOLDING IN GUNTER
12 VERSUS STATE. THANK YOU, VERY MUCH.

13 MS. JEFFERSON: ALL RIGHT. THANK YOU, YOUR HONOR.

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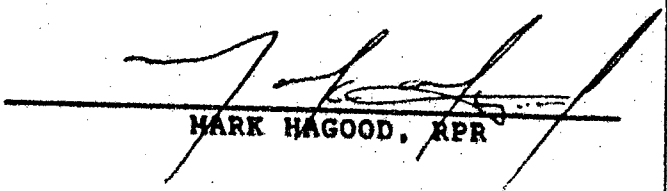
16 010
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA

COUNTY OF FLORENCE

I, MARK HAGOOD, RPR, OFFICIAL COURT REPORTER FOR THE STATE OF SOUTH CAROLINA AT LARGE, DO HEREBY CERTIFY THAT I REPORTED THE PROCEEDINGS HEREINABOVE SET FORTH; AND THAT THE FOREGOING PAGES NUMBERED FROM 3 THROUGH 6, INCLUSIVE, CONSTITUTE A TRUE AND CORRECT TRANSCRIPTION OF MY STENOGRAPHIC REPORT.

WITNESS MY HAND AT FLORENCE, SOUTH CAROLINA, THIS 12TH DAY OF FEBRUARY, 1993.


MARK HAGOOD, RPR

17

State of South Carolina
Department of Probation, Parole and Pardon Services

NIKKI R. HALEY
Governor



JERRY B. ADGER
Director

(Exhibit)

FINANCIAL SUMMONS

Name: Ralph L. Erwin

SID# 00076575

You are hereby ordered to report to the Spartanburg County Courthouse on April 13, 2016 at 8:15 AM in the East Courtroom.

Our records indicate that you are behind on your payments as follows (Please note, the amounts shown include payments also for this month):

\$ _____ on Supervision Fee (pay at the Probation Office)

\$ 2,040.00 on Intensive Supervision Fee (pay at the Probation Office)

\$ _____ on GPS Fee (pay at the Probation Office)

\$ _____ on Drug Test Fee (pay at the Probation Office)

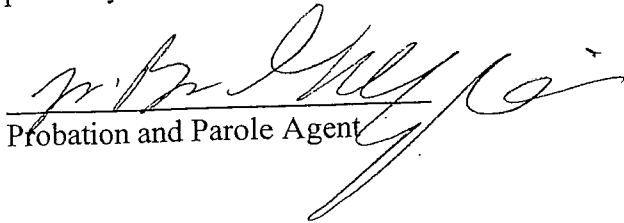
\$ _____ on Public Service Fee (pay at the Probation Office)

\$ _____ on Restitution (DACOR, BORA - pay at the Probation Office)

\$ _____ on Fine (pay to the Clerk of Court) on Indictment number _____

\$ _____ on Surcharge (includes Public Defender Fund, pay to the Clerk of Court) on Indictment number _____

You must pay the **full amount shown**. If you fail to pay or if you fail to report to the Courthouse on the above time and date, a **warrant may be issued for your arrest**. If you pay prior to your ordered date, you must bring me the receipt showing the arrearage paid.


Probation and Parole Agent

Original to the offender/Copy for the file

Certificate of Appellant

The undersigned hereby Certifies That
The Record on Appeal Contains All Material
Proposed To be included by Any of The Parties
And Not Any Other Material.

April 25 2017

Ralph L. Erwin
Ralph L. Erwin
140 West Centennial Street
Apartment Number 38-B
Spartanburg, South Carolina
29303

(864)494-2269

Appellant

RECEIVED

APR 27 2017

SC Court of Appeals