

EDDIE DEAN DOGAN, JR. #256596
TYRREI-UNIT-3-B-126 4Y
200 PRISON ROAD
ENDREE S.C. 29335

JUNE 16TH 2017

THE HONORABLE: DANIEL E. SHEAROUSE
CLERK OF S.C. SUPREME COURT
POST OFFICE BOX 11330
COLUMBIA, S.C. 29211

RECEIVED

JUN 19 2017

S.C. SUPREME COURT

Re: EDDIE D. DOGAN, JR. v. STATE
APPELLATE CASE NO. 2017-001164

DEAR MR. SHEAROUSE,

ENCLOSED FOR FILING IS A NOTICE OF APPEAL IN THE ABOVE CASE. ALSO ARE
THE FOLLOWING:

1. PROOF OF SERVICE OF THE NOTICE OF APPEAL ON THE RESPONDENT;
2. A COPY OF THE ORDER WHICH IS TO BE CHALLENGED ON APPEAL;
3. HONORABLE HAYES ATTEMPT NOTICE AGAINST APPELLANT FOR STATE
4. HONORABLE HAYES ORDER OF APRIL 24, 2017 WHICH IS CHALLENGEN
5. APPELLATE'S CHRONOLOGY DATING EVENTS OF RECORD WITH NJARY
6. COURT OF APPEALS ORDER STATING APPELLANT FAILED TO TIMELY APPEAL AS
REQUIRED BY RULE 247(b), WHICH IS ALSO BEING CHALLENGED,

JUNE 16TH 2017
OTHER COUNSEL OF RECORD

DANIEL E. SHEAROUSE, S.C. CLERK
POST OFFICE BOX 11330
COLUMBIA, S.C. 29211

- (1) JENNY ABBOTT KITCHINGS
CLERK OF COURT OF APPEALS
P.O. BOX 11629
COLUMBIA, S.C. 29211

SINCERELY

Eddie D. Dogan, Jr.
EDDIE DEAN DOGAN, JR. #256596
TYRREI-UNIT-3-B-126 4Y
200 PRISON ROAD
ENDREE, S.C. 29335
PRO-3E

THE SUPREME COURT of SOUTH CAROLINA

EDDIE DEAN DOGAN, JR. #256596
TYRCI-UNIT-3-B-1264Y
200 PRISON ROAD
ENDREE, S.C. 29335

RECEIVED

JUN 19 2017

JUNE 16th, 2017

S.C. SUPREME COURT

THE HONORABLE DANIEL E. SHEAROUSE
CLERK of SUPREME COURTS IN S.C.
POST OFFICE BOX 11330
COLUMBIA, S.C. 29211

Re: EDDIE DEAN DOGAN, JR., v. STATE
APPELLATE CASE NO. 2017-001164,

DEAR HONORABLE SHEAROUSE:

ENCLOSED FOR FILING IS A NOTICE OF APPEAL PURSUANT TO RULE 204(h) IN COMPLIANCE WITH RULE 247(a) of SCACR. ON JUNE 9, 2017 I RECEIVED AN WRITTEN ORDER AT TYRCI-MAIL-ROOM, DATED JUNE 7, 2017 AS FILED FOR THE RECORD BY THE CLERK OF SOUTH CAROLINA COURT OF APPEALS, SIGNED FOR ORDER JUNE 12, 2017 AND MADE NOTICE OF APPEAL WITH ORDER(S) TO BE CHALLENGED, WITH PROOF OF SERVICE ATTACHED, SENDING OUT ON JUNE 16th, 2017. BY AND THROUGH TYRCI-MAIL-ROOM PURSUANT TO PS-ID.08(8,3), AND A COPY OF SCDC LEGAL/PRIVILEGED/CERTIFIED MAIL DELIVERY LOG FROM SCDC-OFFICIAL'S FOR PROOF OF NOTICE OF APPEAL ON TIME, HONORABLE HATES SIGNED ORDER APRIL 17, 2017. CLAIMING UNTIMELY §17-28-30(B). I RECEIVED IT AT TYRCI MAIL-ROOM ON MAY 9, 2017. I SENT IN NOTICE OF APPEAL ON MAY 11, 2017. IT WAS FILED IN THE SPTBG. COUNTY CLERK'S OFFICE MAY 18, 2017. SEE EXHIBIT(S) A B C, D, THAT IS APART OF DOGAN DNA APPEAL.

JUNE 16th, 2017
OTHER COUNSEL OF RECORD

1/ Eddie Dean Dogan Jr. #256596
EDDIE DEAN DOGAN, JR. #256596
TYRCI-UNIT-3-126-B, 4Y
200 PRISON ROAD
ENDREE, S.C. 29335
Pro-se

- 1) DANIEL E. SHEAROUSE & S.C. CLERK
POST OFFICE BOX 11330
COLUMBIA, SC 29211
- 2) JENNY ABBOTT KITCHINGS
CLERK of COURT of APPEALS
P.O. Box 11629
COLUMBIA, S.C. 29211

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

JUN 19 2017

APPEAL FROM SPARTANBURG COUNTY S.C. SUPREME COURT
COURT OF COMMON PLEAS

HONORABLE J. MARK HAYES II
SPARTANBURG COUNTY

TRIAL COURT CASE NO. 1998 GS-42-3569, 1998 GS-42-3570,
1998 GS-42-5180

APPELLATE CASE NO. 2017-001164

EDDIE DEAN DOGAN, JR. APPELLANT

v.

STATE OF SOUTH CAROLINA RESPONDENT

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT EDDIE DEAN DOGAN, JR. APPEALS THE ORDER OF THE HONORABLE J. MARK HAYES II DATED APRIL 24, 2017, & MAY 9th 2017 & THE COURT OF APPEALS ORDER DATED JUNE 7, 2017, DENYING ME DNA POST-CONVICTION RELIEF BY CITING WRONG STATUTE §17-28-30(B), APPELLANT RECEIVED WRITTEN NOTICE OF ORDER, ON JUNE 12th 2017

June 16th, 2017

other Counsel of Record

DANIEL E. SHEAROUSE S.C. CLERK

POST OFFICE BOX 11330

COLUMBIA, S.C. 29211

(C) JENNY ABBOTT KITCHINGS

CLERK of COURT of APPEALS

P.O. BOX 11629

COLUMBIA, S.C. 29211

Eddie Dean Dogan Jr.

EDDIE D. DOGAN JR. 256596

200 PRISON ROAD

ENOREE, S.C. 29335

PRO-DE



EXHIBIT A
2017-001164

State of South Carolina
Circuit Court Judge, At-Large, Seat 5

J. MARK HAYES, II
JUDGE

180 MAGNOLIA STREET, 2ND FLOOR
SPARTANBURG, SOUTH CAROLINA 29306
TELEPHONE: (864) 562-4144
FAX: (864) 562-4142
E-MAIL: mhayesj@sccourts.org

April 17, 2017

Derrick B. Buisa, Esq.
Deputy Solicitor Seventh Circuit Solicitor's Office
180 Magnolia Street
Spartanburg, South Carolina 29306

Eddie Dean Dogan, Jr. #256596 ✓
Tyger River Inst. 4-B-128 L/Y
Enoree, South Carolina 29335

Re.: Application for DNA Forensic Testing 1998-GS-42-3569-70; 5180

Dear Mr. Buisa and Mr. Dogan:

Please be advised that the application for DNA testing and the State's Response has been reviewed. By way of this letter, I am asking the State to prepare a formal order denying the request as being untimely. The formal order, once signed by the court will be the final order of this court.

In advance, thank you both for your attention and cooperation.

Respectfully,

A handwritten signature in black ink, appearing to read "J. Mark Hayes, II".

J. Mark Hayes, II

CC: Spartanburg Clerk of Court Office

JMHII/smw

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

IN THE COURT OF GENERAL SESSIONS
FOR THE SEVENTH JUDICIAL CIRCUIT

STATE,)

v.)

Order Denying Defendant's Application
for Forensic DNA Testing

Eddie Dean Dogan, Jr.,)
Defendant.)

1998-GS-42-3569-70; 5180

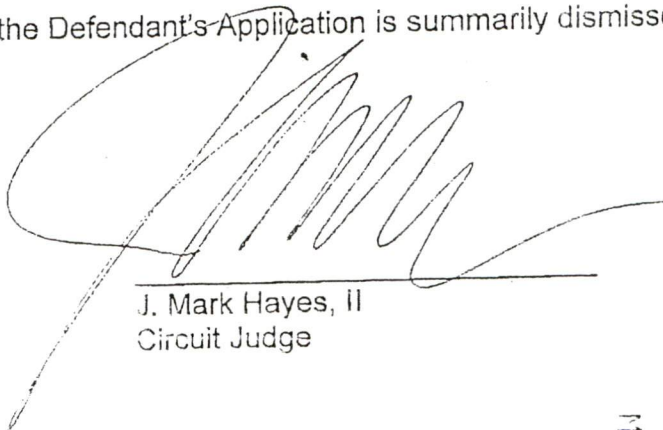
This matter came before the court on an application by the Defendant for forensic DNA testing pursuant to 17-28-40, Code of Laws of South Carolina, 1976, as amended. The State responded pursuant to 17-28-50(B) and asked that the Court to deny the application.

It appears that the Defendant was convicted of Kidnapping, Criminal Sexual Conduct in the First Degree, and Contributing to the Delinquency of a Minor on March 2, 1999. He received an aggregate sentence of forty-five (45) years. It further appears that on March 8, 2017, the Defendant filed his application for testing under the Access to Justice Post-Conviction DNA Testing Act. Pursuant to 17-28-30(B), the application must be filed no later than seven years from the date of sentencing. The Defendant's application is therefore inappropriate due to not being timely filed.

Pursuant to 17-28-50(C), Code of Laws of South Carolina, 1976, as amended, the Court considered the application and related documents. The Court is satisfied on the basis of the application and the response of the State that the applicant is not entitled to DNA testing.

IT IS ORDERED THAT the Defendant's Application is summarily dismissed as being untimely.

IT IS SO ORDERED.



J. Mark Hayes, II
Circuit Judge

April 21, 2017

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2017 APR 24 PM 5:07
M. HOPE BLACKLEY

THE SOUTH CAROLINA COURT OF APPEALS

EDDIE DEAN DOGAN, Jr., #256596
TYRCI UNIT- 3-B-126 4Y
200 PRISON ROAD
ENDREE, SOUTH CAROLINA, 29335

MAY 26, 2017

HONORABLE JENNY ABBOTT KITCHINGS
CLERK OF COURT OF APPEALS
POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA, 29211

Re: EDDIE D. DOGAN, Jr. v. STATE
APPELLATE CASE NO. 2017-001164

DEAR CLERK KITCHINGS:

THIS REPLY IS BASED ON THE REQUESTED INFORMATION THAT YOU ASK FOR ON MAY 22ND, 2017. I RECEIVED A LETTER STATING THAT THERE WAS SOME DEFICIENCY OR DEFICIENCIES, PURSUANT TO MY FILING THE NOTICE OF APPEAL, AND THE PROOF OF SERVICE, AND YOU STATED THAT IT SHOULD BE CORRECTED WITHIN TEN (10) DAYS OF THIS LETTER, DATED MAY 19TH 2017. AS OF THIS MAY 26, 2017, ATTACHED TO THIS REQUEST ARE THREE (3) DOCUMENTS THAT CORROBORATE'S MY CLAIM AND IS SUFFICIENT PURSUANT TO SERCIV. PRO. 4(3), PS-10.08(8.3), and GA-DI.03(18),
PROOF OF SERVICE LEGAL mail sent out Log ACCESS TO COURT

CHRONOLOGY DATING EVENTS

- APRIL 17, 2017. Letter from Judge HAYES II, Denying DUA Application for untimely for STATE
- APRIL 25, 2017 Received Letter at TYRCI-Mail Room.
- APRIL 28 2017 APPELLANT served RULE 59(e) on STATE and S.C. Supreme Ct.
- APRIL 24, 2017 Judge HAYES II, SIGNATURE on ORDER
- *MAY 9TH 2017 APPELLATE RECEIVED, Judge HAYES APRIL 24. ORDER of Dismissed as untimely see Letter head stamp of Received at TYRCI mail Room
- MAY 9TH 2017. Log in at TYRCI mail room. along with official NAME AS RECEIVER
- MAY 9TH 2017 M. HOPE BLACKLEY Clock-stamp of RECEIVING AND SENDING ORDER

copy

EXHIBIT C-1
2017-001164

- # MAY 11, 2017. FILED NOTICE & APPEAL ON STATE.,
- MAY 18, 2017 The filing of NOTICE OF APPEAL from MAY 11~~th~~ 2017, Clock stamp MAY 18, 2017 COPY FOR RECORD, SENT BY (STATE) CLERK M. HOPE BLACKLEY And The SIGNATURE of B. MATHU CLERK.
- MAY 22, 2017. Your Request. Stating some Deficiency, IN Filing (Proof of Service)

CONCLUSION

THE ABOVE DATES IS ACCURATE AND CORRECT FOR EACH EVENT. THEREFORE, WITHOUT ANY DELAY MAY WE GO FORWARD WITH THE PROCEEDING OF THIS APPEAL TO RULE IN MY FAVOR AND REVERSE / REMAND MY CASE BACK TO THE LOWER COURT'S BECAUSE THE HONORABLE J. MARK HAYES II, CITED WRONG CODE OF STATUTE TO DISMISS APPELLATE DNA APPLICATION §17-28-30(B) DOES NOT FIT APPELLATE'S BILL, BUT, §17-28-30(A) DOES BECAUSE APPELLATE PLED NOT GUILTY, THERE ISNT A TIME LIMITATION.

ON THIS MAY 26, 2017, APPELLATE HAS COMPLIED WITH THE REQUEST, ASKED FOR BY HONORABLE CLERK JENNY ABBOTT KITCHINGS, BY RESPONDING THROUGH THE TYRCI-MAIL-ROOM, SENDING THIS TO BE ATTACHED TO RECORD & FILING(S) WITH THREE (3) DOCUMENT(S), AT SC COURT OF APPEALS, P.O. BOX 11629, COLUMBIA, S.C. 29211

1st Eddie D. Dogan
EDDIE DEAN DOGAN, Sr. #256596
TYRCI-3-B-126 4Y
200 PRISON ROAD
ENDREE, SOUTH CAROLINA
29335

Sworn To and subscribed before me
This 26th DAY of MAY, 2017.
Paul [Signature] (L.S.)
NOTARY Public for SC. / SCDC

MY COMMISSION EXPIRE Dec. 10, 2024

The South Carolina Court of Appeals

Eddie Dean Dogan, Jr., Appellant,

v.

The State of South Carolina, Respondent.

Appellate Case No. 2017-001164

The Honorable J. Mark Hayes, II
Spartanburg County
Trial Court Case No. 1998GS4203569, 1998GS4203570,
1998GS4205180

ORDER

Appellant has failed to timely serve the notice of appeal upon the State, as required by Rule 247(b) of the South Carolina Appellate Court Rules. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:
Eddie Dean Dogan, Jr., #256596
Robert Michael Dudek, Esquire
John Benjamin Aplin, Esquire
Alan McCrory Wilson, Esquire

FILED

June 7, 2017

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

JUN 19 2017

APPEAL FROM SPARTANBURG COUNTY
COURT OF COMMON PLEAS
HONORABLE J. MARK HAYES II
SPARTANBURG COUNTY

S.C. SUPREME COURT

TRIAL COURT CASE NO. 1998 GS-42-3569, 1998 GS-42-3570
1998 GS-42-5180

APPELLATE CASE NO. 2017-001164

EDDIE DEAN DOGAN, JR., APPELLANT

v.

STATE OF SOUTH CAROLINA, RESPONDENT

PROOF OF SERVICE

THE APPELLANT IN THE ABOVE CASE, EDDIE D. DOGAN, JR., HEREBY
SWEARS THAT HE HAS SERVED THE NOTICE OF APPEAL ON THE
RESPONDENT BY DEPOSITING A COPY OF IT IN THE UNITED
STATES MAIL WITH PROPER FIRST CLASS POSTAGE AFFIXED
TO THE ADDRESS AS FOLLOWS:

June 16TH, 2017

JENNY ABBOTT KITCHINGS
CLERK OF COURT OF APPEALS
P.O. Box 11629
COLUMBIA, S.C. 29211

DANIEL E. SHEAROUSE
CLERK OF S.C. SUPREME COURT
P.O. Box 11330
COLUMBIA, S.C. 29211

Eddie D. Dogan Jr
EDDIE D. DOGAN JR
TYRC1-UNIT 3-B-126 47
200 PRISON ROAD
ENOREE, S.C. 29335

Mr. Eddie W. Deagan Jr. # 256576

T.R.C.I. - Unit - 3 B - 126 44

200 Prison Road

Emoree, S.C. 29335

GREENVILLE SC 256

15 JUN 2017 PM 02



Daniel E. Shearduse S.C. Clerk
P. O. Box 11330
Columbia S.C. 29211

29211-133030

