

# The Supreme Court of South Carolina

Dwayne Frederick, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2017-000776

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## ORDER

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By order dated May 11, 2017, petitioner's notice of appeal was dismissed pursuant to Rule 243(c), SCACR. Because petitioner has filed four applications for post-conviction relief (PCR), all of which have been denied, petitioner was also directed to file a response indicating why the Court should not place restrictions on certain future filings. Petitioner has submitted a response in which he requests restrictions not be imposed because the claims he has made in his PCR applications are meritorious and non-repetitive.<sup>1</sup> However, a review of petitioner's filings indicates otherwise.<sup>2</sup> Accordingly, we hereby prohibit petitioner from filing any further PCR actions, habeas corpus actions or any other action, motion or petition in the circuit court challenging the convictions and sentences resulting from petitioner's 2005 guilty pleas, including a motion under Rule 29, SCRCrimP, without first obtaining permission from this Court.

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<sup>1</sup> To the extent petitioner requests by way of this response that we reconsider the dismissal of the notice of appeal, that request is denied.

<sup>2</sup> For instance, in both of his last two applications petitioner alleged insufficient DNA evidence, indefinite/inconsistent sexual assault accounts, indefinite identity of suspect(s), challenge of victim's credibility and reputation, unclear time frame, insufficient evidence of first degree burglary (this allegation was also raised in petitioner's first application), ineffective assistance of sentencing counsel, and ineffective assistance of appellate counsel. Petitioner has also repeatedly raised the issue of lack of a mental health evaluation prior to his plea. While petitioner most recently added an allegation of lack of subject matter jurisdiction based on the date on which the grand jury met to indict him, that claim is without merit.

*J. Beatty* C.J.  
*John Kittling* J.  
*Ray G. Heam* J.  
*John Cannon* J.  
*Lee Jones* J.

Columbia, South Carolina

August 04, 2017

cc:

Jessica Elizabeth Kinard, Esquire  
Dwayne Lamont Frederick, #288077  
The Honorable Jeanette W. McBride