

Aug. 30, 17

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

RECEIVED

SEP 01 2017

S.C. SUPREME COURT

"Notice of Appeal"  
"2012-CP-40-7275"

In the Post Conviction case No. 2012-CP-40-7275. I do file Notice to Appeal

Pro-Se Donald W. Jay 244300  
Broad River Inst.  
MLT 1113  
4460 Broad River Rd.  
Columbia, S.C.  
29210

Supreme Court of South Carolina

CASE No. 2012-CP-40-7275  
"Notice of Appeal"

Donald W. Gay #244300  
Applicant,

v.

State of South Carolina,  
Respondent

RECEIVED

SEP 01 2017

S.C. SUPREME COURT

Certificate of Service

The undersigned hereby certifies that ~~that~~ the letter been served upon the Clerk of Court Daniel E. Shearouse by mailing one (1) copy in an envelope properly address this 30<sup>th</sup> of August, 2017, to the address below:

Supreme Court of South Carolina  
Clerk of Court  
Daniel E. Shearouse  
P.O. Box 11330  
Columbia, S.C.  
29211

Donald GAY 244300

Broad River Trust

MLT 1113

4460 Broad River Rd.

Columbia, S.C.  
29210

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RECEIVED

AUG 31 2017

BRCI  
SEP 25 2017 MAILROOM

MAIL ROOM

Supreme Court of South  
Clerk of Court  
Sir Daniel E. Stearns

P.O. Box 11330  
Columbia, South Carolina  
292

STATE OF SOUTH CAROLINA )

COUNTY OF RICHLAND )

GAY Donald W, 00244300 )

Plaintiff, )

vs. )

State )

Defendant. )

IN THE COURT OF COMMON PLEAS  
5th JUDICIAL CIRCUIT

CASE NO.: 2012CP4007275

MOTION AND ORDER INFORMATION  
FORM AND COVER SHEET

2012 FEB 11 AM 10:52  
RICHLAND COUNTY  
FILED  
JULIE W. McBRIDE  
C.C.P. & G.S.

Plaintiff's Attorney:  
(Pro Se Applicant)

GAY Donald W, #244300  
Lee Correctional Institution  
990 Wisacky Highway  
Bishopville, SC 29010

Defendant's Attorney:

Assistant Attorney General Robert D.  
Corney  
Address:  
PO BOX 11549  
Phone: 803-734-3737 Fax 803-253-6283  
E-mail: rcorney@scag.gov

- MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
- FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
- PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

**SECTION I: Hearing Information**

Nature of Motion: \_\_\_\_\_

Estimated Time Needed: \_\_\_\_\_

Court Reporter Needed:  YES /  NO

**SECTION II: Motion/Order Type**

Written motion attached

Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

[Signature]  
Signature of Attorney for  Plaintiff /  Defendant

Jan 28, 2013.  
Date submitted

**SECTION III: Motion Fee**

PAID - AMOUNT: \$ \_\_\_\_\_

EXEMPT: Domestic Violence Cause in Child or Spousal Support

(check reason) Abuse or Abuse and Neglect

Indigent Status  State Agency v. Indigent Party

Sexually Violent Predator Act  Post-Conviction Relief

Motion for Stay in Bankruptcy

Motion for Publication  Motion for Execution (Rule 69, SCRPC)

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: \_\_\_\_\_

**JUDGE'S SECTION**

Motion Fee to be paid upon filing of the attached order.

Other: \_\_\_\_\_

JUDGE CODE \_\_\_\_\_

Date: \_\_\_\_\_

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

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2012CP4007275

Donald Wayne #244300 Gay

State of South Carolina

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: \_\_\_\_\_

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. Mansuit);  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.

**IT IS ORDERED AND ADJUDGED:**  See attached order (formal order to follow)  Statement of Judgment by the Court.

**ORDER INFORMATION**

This order  ends  does not end the case.

Additional Information for the Clerk : \_\_\_\_\_

**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 "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
		\$
		\$
		\$

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.**

Circuit Court Judge \_\_\_\_\_ Judge Code \_\_\_\_\_ Date \_\_\_\_\_

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this 11 February 2013 to attorneys of record or to parties (when appearing pro se) as follows:

Donald Wayne #244300 Gay

Robert Daniel Corney

Donald Wayne #244300 Gay

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter \_\_\_\_\_

Clerk of Court \_\_\_\_\_

*Jeanette W. McBride*

2013 FEB 11 AM 10:58  
RICHLAND COUNTY  
FILED  
JEANETTE W. MCBRIDE  
C. P. & C. S.

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

Donald Wayne Gay, #244300,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS  
FIFTH JUDICIAL CIRCUIT

2012-CP-40-07275

**FINAL ORDER OF DISMISSAL**

2017 AUG 15 PM 2:37  
FILED  
SOUTH CAROLINA  
C.C.H. & C.C.

This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed August 29, 2013. Respondent made its Return and Motion to Dismiss January 29, 2013, 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 filed February 11, 2013, 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. Applicant then filed another application for post-conviction relief on August 29, 2013, challenging the same convictions. Respondent moved to merge the two actions which this Court did by filing an Order of Merger on April 7, 2014. The Order of Merger dismissed the application filed on August 29, 2013, and merged it into this case. This Court then issued an Amended Conditional Order of Dismissal on May 16, 2014, addressing the issues Applicant raised in the second application. Applicant was again given twenty (20) days from the date of service of the Amended Conditional Order of Dismissal to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated June 25, 2014, serving the above-mentioned Amended Conditional Order of Dismissal on the Applicant.

Applicant responded to the Conditional Order of Dismissal and to the Amended Conditional Order of Dismissal by way of letters addressed to the Honorable L. Casey Manning and to the State. In an undated letter to the Court received by the State on February 20, 2013, Applicant states:

“Under review of sentence, was imposed for an offense which defendant was not charge [sic] for in which no sentencing guideline [sic] has been issued by the sentencing commission pursuant to 28 U.S.C. 994(A)(1) and is greater than the sentence specified, if any, under Rule 11(E)(1)(B) or (E)(1)(C) of the Federal Rules of Criminal Procedure.”

In a letter dated February 4, 2013, Applicant argues that his 1996 indictment for murder should have been quashed and that the trial court lack of jurisdiction to hear his case. He also requests that counsel be appointed to represent him in the post-conviction relief action and that a hearing be held.

Applicant next submitted a letter to the Court on May 6, 2014, where he objects to language in the Amended Conditional Order of Dismissal that states he pleaded guilty to murder where he was convicted by a jury.

Applicant then submitted letter to the Court dated May 28, 2014, where Applicant states:

“A ministerial recorder may issue a warrant, but that means to put forward without probable cause in any execution of a warrant. But then gives jurisdiction to General Session, under statue [sic] 22-5-160 and 17-13-140.”

(emphasis supplied by Applicant).

Applicant then filed a document captioned “Summary Judgment,” on August 11, 2014, where he again questions the trial court’s exercise of subject matter jurisdiction over the case. He also alleges that trial counsel was ineffective in numerous capacities.

This Court finds Applicant’s allegations regarding the Federal Sentencing Guidelines are without merit as they have no applicability to Applicant’s sentence. Applicant was sentenced

under S.C. Code § 16-3-10 and is currently challenging a state conviction. Applicant also vaguely argues that the sentence imposed by the court is in excess of what can be proscribed by law. S.C. Code § 16-3-20 provides that "A person who is convicted of or pleads guilty to murder must be punished by death, or by a mandatory minimum term of imprisonment for thirty years to life." It is abundantly clear a murder conviction can carry a life sentence. Applicant's sentence of life imprisonment is proper, and the Federal Sentencing Guidelines have no relevance to Applicant's sentence or this case.

This Court also finds that Applicant's subject matter jurisdiction challenge is without merit. An applicant may challenge the subject matter jurisdiction of the trial court, and such a claim is one that may be raised at any time. See Brown v. State, 343 S.C. 342, 540 S.E.2d 846 (2001), overruled in part by Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005). However, "[c]ircuit courts obviously have subject matter jurisdiction to try criminal matters." Gentry, 363 S.C. 93, 610 S.E.2d 494, 499 (2005); See also S.C. Const. Art. V, § 7. Thus, the Applicant must present evidence that his case is of some class over which the circuit court does not have the authority to preside. Applicant's conviction involved a criminal charge in General Sessions Court. Thus, the circuit court had subject matter jurisdiction over Applicant's case and this allegation is without merit.

Applicant also alleges defects in his indictments. Defects in the indictment do not affect subject matter jurisdiction. See State v. Gentry, 363 S.C. 93, 610 S.E.2d 494 (2005); U.S. v. Cotton, 535 U.S. 625, 122 S.Ct. 1781 (2002). In post-conviction relief, an applicant wishing to challenge the sufficiency of the indictment must do so in the context of ineffective assistance of counsel. A claim of this nature is subject to the procedural bars in the Uniform Post-Conviction

Procedure Act – notably the statute of limitations and successive bars. See S.C. Code §§ 17-27-45, -90 (2003).

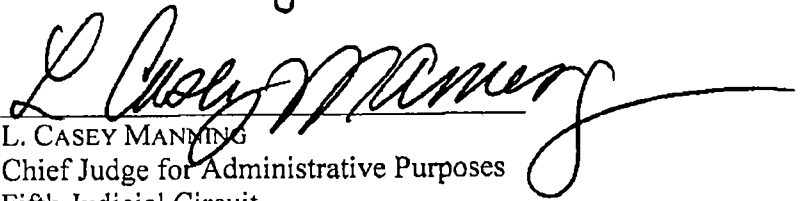
Accordingly, this Court finds the current application fails to state a claim which creates any genuine issue of material fact for this Court to consider.

This Court has reviewed Applicant's responses to the State's Conditional Order of Dismissal and Amended Conditional Order of Dismissal in its entirety, in conjunction with the original pleadings, and finds that a sufficient reason has not been shown why the Amended Conditional Order of Dismissal should not become final. This Court further finds that Applicant's current application is successive to Applicant's previously applications and that Applicant's current application was filed outside the statute of limitations.

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

This Court hereby advises 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. 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 14 day of Aug, 2017

  
L. CASEY MANNING  
Chief Judge for Administrative Purposes  
Fifth Judicial Circuit

  
\_\_\_\_\_, South Carolina



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

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2012CP4007275

Donald Wayne #244300 Gay

State of South Carolina

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: \_\_\_\_\_

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. Non-su);  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.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow).  Statement of Judgment by the Court:

**ORDER INFORMATION**

This order  ends  does not end the case.

Additional Information for the Clerk : \_\_\_\_\_

**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 "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
		\$
		\$
		\$

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.

Circuit Court Judge \_\_\_\_\_ Judge Code \_\_\_\_\_ Date \_\_\_\_\_

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this 15 August 2017 to attorneys of record or to parties (when appearing pro se) as follows:

Donald Wayne #244300 Gay

Jessica Elizabeth Kinard

Donald Wayne #244300 Gay

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter \_\_\_\_\_

Clerk of Court

*Jeanette W. McBride*



present with counsel, Charlie J. Johnson, Esquire. By Order dated on or about June 14, 2004, the application was denied and dismissed with prejudice. Applicant's subsequent Petition for Writ of Certiorari to review the PCR court's decision was denied by the South Carolina Supreme Court on March 26, 2007.

The Applicant filed a second application for PCR on May 23, 2007 (2007-CP-40-3170). The State filed a Return and Motion to Dismiss on October 8, 2007, requesting the Court summarily dismiss the action. In response to that request, the Court issued a Conditional Order of Dismissal provisionally dismissing the action on October 14, 2008. After receiving Applicant's *pro se* objections to summary dismissal, the Court issued a Final Order summarily dismissing the action with prejudice on June 18, 2009. Applicant's subsequent Petition for Writ of Certiorari to the South Carolina Supreme Court for review of the PCR court's decision was denied on or about September 1, 2009.

Applicant then filed a third application for PCR on February 23, 2012 (2012-CP-40-1540). In it, Applicant set forth the following allegations:

Recorder of Columbia is not a Judicial Officer of the State, in the sense of the Constitution; and though he or she exercise judicial authority under the city laws; yet he or she does not come under that clause of the Constitution that requires All Judges to be appointed by the Legislature of the State, and to be Commissioned under the seal thereof.

A warrant issued upon statement of facts not sworn to is unconstitutional.  
All proceedings before Magistrates in Criminal cases shall be commenced on information under oath, plainly and substantially setting forth the offense charge, upon which and only which, shall a warrant of arrest issue.  
A Magistrate cannot verbally authorize a person not a Constable by legal appointment to convey a prisoner to jail. Whenever a Magistrate shall have issued a warrant for the arrest of any person charged with an offense above the grade of a misdemeanor he may select any citizen of the county to execute such warrant upon his endorsement upon the warrant.

Following the State's filing of a Return and Motion to Dismiss, the Honorable James R. Barber, III, issued a Conditional Order of Dismissal on April 10, 2012, provisionally dismissing the action while giving Applicant time to submit his objections to dismissal. Applicant responded by several *pro se* filings challenging the sufficiency of the affidavit and arrest warrant, and the validity of the court's subject matter jurisdiction. By Final Order filed August 1, 2012, Judge Barber dismissed the action with prejudice. During the pendency of that action, Applicant attempted to file a notice of appeal with the South Carolina Supreme Court for review of the Conditional Order. By order filed May 1, 2012, the Court dismissed the appeal as the Conditional Order was not a final, appealable order. The current **fourth** application for post-conviction relief followed.

In making its decision, the Court had before it the available records of the Richland County Clerk of Court regarding the subject convictions, and/or the Applicant's records from the South Carolina Department of Corrections, the Applicant's application, and the *Respondent's Return and Motion to Dismiss*.

In his current Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

9. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) Subject-Matter Jurisdiction
- (b) Ineffective Assistance of Counsel
- (c) \_\_\_\_\_

CASE LAW

Ministerial Recorders who is not Notary Public, minister of Gospel or accepted Jewish Rabbi, is not authorized to perform marriage ceremony in this State

~~(Case Op. Atty. Gen. No. 61-66, p. 149)~~

In South Carolina a Notary public may not take an Affidavit on which an Arrest Warrant may be based.

~~(Case Op. Atty. Gen. No. 2631, p. 35)~~

26-1-100

A Notary public shall exercise no power or Jurisdiction in criminal cases.

~~(See Jur. Notaries § 21, Subject-Matter Jurisdiction)~~

Ministerial Recorder is not authorize to sign or endorse any Affidavit or Arrest Warrants since Legislature didn't appoint them.

2- Newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(B)

3- Fraud, misrepresentation, or other misconduct of an adverse party

~~State v. Johnson 510 S.E.2d 423 (S.C. 1998)~~ A court lacks Subject Matter Jurisdiction to convict and sentence a defendant for a offense for which he was not indicted.

was indicted on 16-3-10.  
not indicted on 16-3-20(A)-sentence under  
meaning of indictment 16-3-40 by stabbing  
or ~~stabbing~~ thrusting.

Error!

Reference source not found.

#### Findings of Fact and Conclusions of Law

##### Timeliness – S.C. Code §17-27-45(a)

This Court agrees with the Respondent that this Application for Post-Conviction Relief should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. §17-27-10 to -160.

S.C. Code Ann. §17-27-45(a) reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). For the purposes of this Return, the Applicant's conviction/sentence was finalized on the date of his conviction or the date of the Remittitur from any direct appeal, whichever was later. The remittitur from Applicant's unsuccessful direct appeal was issued February 9, 2001. Therefore, the current application would have had to been filed on or before February 10, 2002. **This Application was filed on October 29, 2012, which was well beyond the statutory time for filing.**

#### SUCCESSIVE

The application should 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." [Emphasis in original]. Id., 305 S.C. at 450, 409 S.E.2d at 394. If the Applicant could have raised these allegations in

a previous application, then the Applicant may not raise those grounds in successive applications. Id. The Applicant bears the burden of showing that the allegations could not have been raised previously. Land, 274 S.C. 243, 262 S.E.2d 735 (1980).

The Applicant could have raised the new grounds for relief in his prior post-conviction relief application. The Applicant has failed to present any reasons why he could not have raised the current allegations in his previous post-conviction relief applications, including those that he now alleges are so-called "newly-discovered" evidence claims. Accordingly, the application is successive in nature and must be dismissed. A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, S.C. Code Ann. §17-27-70(c) (1985) authorizes the Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings ... that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law." Therefore, this Court finds that the application for post-conviction relief is summarily dismissed for the reasons explained above.<sup>2</sup>

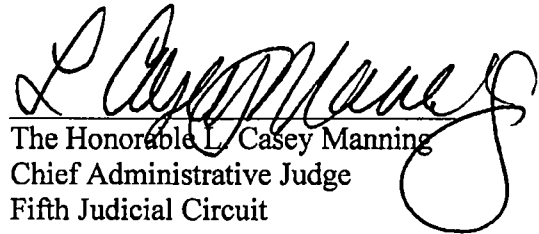
Based upon its review of the pleadings in this matter, this Court does not see the need to appoint counsel to represent the Applicant and expresses its intent to summarily dismiss this matter unless the Applicant advises this Court with specific reasons, factual or legal, why it should not dismiss the matter in its entirety. The Applicant is granted thirty (30) days from the date of service of this Order upon him to show why this Order should not become final. The Applicant shall file any reasons he may have with the Richland County Clerk of Court and shall serve opposing counsel at the following address:

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<sup>2</sup> This Court reserves judgment at this time on Respondent's "Motion to Restrict Future Filings" to allow Applicant the opportunity to respond to the request. After receiving Applicant's responses to this Conditional Order, if any, this Court will make a final determination on the necessity and appropriateness of such a restriction.

Assistant Attorney General  
Robert D. Corney  
Office of the Attorney General  
P.O. Box 11549  
Columbia, SC 29211

AND IT IS SO ORDERED this 7 day of february, 2013.

  
The Honorable L. Casey Manning  
Chief Administrative Judge  
Fifth Judicial Circuit

Columbia, South Carolina