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OCT 16 2017

The Honorable Paul S. Spearow S.C. SUPREME COURT  
P.O. Box 11330  
Columbia 29211

RE: Walter McCreary v State of South  
Carolina : 2013-CP-15-0214

Dear Mrs Spearow

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of Service of the notice of Appeal on the Clerk of Court and Attorney General, Respondent[s].
- (2) A Copy of the other Pending Applicant Motion to Alter or amend of the Honorable Perry M Buckner which is to be challenged on appeal.
- (3) I request to Proceed "In Forma Pauperis".
- (4) This appeal is being filed with the Supreme Court because 203,506 and 243, SCCR

10-13-17  
1 U.S.C.S.  
280 S.C.S. 1746

Sincerely  
/s/ Walter McCreary  
P.O. Box 304  
Aiken 29810

cc: Boston Newby, Esq.  
Patricia C Grant

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OCT 16 2017

S.C. SUPREME COURT

The State of South Carolina  
In the Supreme Court  
Appeal from Colleton County  
Court of Common Pleas

Perry M. Boethman, Circuit Court Judge  
2013-CP-15-0214

Walter McDove - - - - - Appellant

State of South Carolina - - - - - Respondent

Notice of Appeal

Walter McDove appeals the order Denying Applicant's Motion to Alter or amend of the Honorable, Perry M. Boethman dated September 19, 2017 filed September 21, 2017. Appellant received written notice of entry of this order Denying applicant's Motion to Alter or Amend on September 29, 2017.

10-13-17  
1 U.S.C. § 1  
28 U.S.C. § 1746

1/31 Walter McDove  
P.O. Box 304  
Abbeville 29810

cc:

Patricia C. Grant  
Clerk of Court  
Colleton County  
Post Office Box 620  
Walterboro S.C. 29488-0028

CHARLESTON SC 294

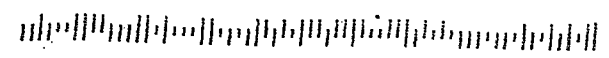
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SEP 29 2017  
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WALTER MCQUNE  
G.C.I. B5-40B  
4556-BROAD RIVER RD  
COLUMBIA SC 29210

29210-4095



STATE OF SOUTH CAROLINA )  
COUNTY OF COLLETON )

IN THE COURT OF COMMON PLEAS )  
FOURTEENTH JUDICIAL CIRCUIT )

Walter McQune, #299880, )  
Applicant, )

2013-CP-15-00214

2017 SEP 27 AM 9:08

PAUL H. HANNA  
COLLETON COUNTY  
COMMON PLEAS

v. )

**ORDER DENYING APPLICANT'S  
MOTION TO ALTER OR AMEND**

State of South Carolina, )

Respondent. )

This post-conviction relief matter came before the Court for a post-conviction relief hearing at the Colleton County Courthouse on August 8, 2017. The Applicant was present and represented by David Mathews, Esquire. The State was represented by Ruston W. Neely of the South Carolina Attorney General's Office. After taking the matter under advisement, this Court issued a Final Order of Dismissal dated September 8, 2017. Prior to being served with the Final Order, Applicant submitted, *pro se*, a timely Motion for Rehearing and/or Motion to Alter or Amend the Judgment on September 13, 2017.

The Applicant raises the following issue in his Rule 59(e) Motion:


1. The Applicant asks this Court to make a specific finding of fact in regards to "the issue that Plead Counsel was ineffective assistance in failing to inform applicant prior to Plead of Guilty that the statement may have been made involuntarily, and, if so, would be inadmissible at trial under Shirley v. State, 306 S.C. 241 (1991). (Motion p. 1)

Having carefully reviewed the entire record in this matter, this Court finds that no basis for altering or amending its prior ruling. Therefore, this Court hereby denies the Applicant's Rule 59 Motion in its entirety, and affirms the previous Order of Dismissal.

This Court advises that if the Applicant desires to secure appellate review of this Order and the

Order of Dismissal, a notice of appeal must be filed and served **within thirty (30) days** of the service of this Rule-59 Order. Applicant and counsel are directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of appeal has been timely filed.

**AND IT IS SO ORDERED** this 19<sup>th</sup> day of September, 2017.

  
\_\_\_\_\_  
Perry M. Buckner  
Presiding Judge  
Fourteenth Judicial Circuit

Walterboro, South Carolina

The State of South Carolina  
In the Supreme Court  
Appellate from Colleton County  
Court of Common Pleas

Perry M. Buckner, Circuit Court Judge  
2013-CV-15-091H

Walter McCreary - - - - - Appellant

State of South Carolina - - - - - Respondent

PROOF OF SERVICE

I Certify that I have served "Notice of Appeal"  
upon Patricia C Grant by depositing it in the U.S.  
mail Postage Pre-paid address as follows

Patricia C Grant  
P.O. Box 690  
Walterboro 29488

10-13-17

/s/ Walter McCreary

1 U.S.C.S.  
20 U.S.C.S. 1416

cc: Dawnal Shearouse  
Austin Newby Esq

Mr. Walter McCrone 299880  
P.O. Box 304  
Athens GA 30610

AUGUSTA, GA 309

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

Legal mail

29211 191000

