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SEP 14 2017

S.C. SUPREME COURT

SEPTEMBER 12, 2017

RE: (2013-CP-16-1003)

Dear CLERK:

PLEASE FIND FOR FILING
WITHIN YOUR OFFICE

(1) NOTICE OF APPEAL

ATTACHED ~~ORDER~~ (2) CERTIFICATE OF SERVICE
AND BY THIS LETTER, THE APPLICANT GIVES
NOTICE THAT HE HAS CAUSE THE SAME TO BE
SERVED UPON THE RESPONDENT

THANK YOU

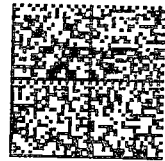
Russell Dawson

LEE CORRECTIONAL INSTITUTION,
#990 WISACKY HIGHWAY
BISHOPVILLE, SC 29010

(1)
COVER LETTER

MR. RUSSELL DAWSON, ⁴⁴161707 RHL ROOM 87
LEE CORRECTIONAL INSTITUTION
990 WISACKY HIGHWAY
BISHOPVILLE, SC 29010

COLUMBIA
SC 290
12 SEP '17
PM 11



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Legal mail

~~THE~~ SUPREME COURT OF SOUTH CAROLINA
POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

OCT 02 2017

29211-133030



STATE OF SOUTH CAROLINA)
COUNTY OF DARLINGTON)

IN THE COURT OF COMMON PLEAS
FOR THE FOURTH JUDICIAL CIRCUIT

Russell Dawson, #161707,)

Case No. 2013-CP-16-1003

Applicant,)

FINAL ORDER OF DISMISSAL

v.)

State of South Carolina,)

Respondent.)

2015 JUL 23 AM 11:41
SCOTT B. SUGGS
CLERK OF COURT/R.M.C.
DARLINGTON COUNTY, S.C.

FILED

This matter comes before the Court pursuant to an Application for Post-Conviction Relief filed May 28, 2013. Respondent made a timely Return and Motion to Dismiss on or about April 21, 2015, requesting the Application be summarily dismissed as successive, untimely, and barred by the doctrine of laches. Pursuant to this motion, the Court reviewed the pleadings in this matter and all of the records attached thereto. The Court issued a Conditional Order of Dismissal, filed on May 7, 2015, provisionally denying and dismissing this action, while giving Applicant twenty (20) days from the date of service of said order to show why the dismissal should not become final. Attached to this final order and incorporated herein by reference is the Affidavit of Personal Service, dated June 3, 2015, of the above-mentioned conditional order on Applicant.

Applicant filed a response to the conditional order on May 4, 2015. In this response, Applicant asserts three objections to the conditional order. First, he claims the conditional order contains errors in the dates relating to his prior collateral actions. Second, he claims he has newly discovered evidence that permits him to a hearing. Third, he requests counsel to help him pursue relief.

The Court has reviewed Applicant's response, as well as the original pleadings and all relevant documents. The Court finds Applicant has not shown a sufficient reason why the application was not successive, untimely, and barred by the doctrine of laches such that the conditional order should not

TRUE CERTIFIED COPY,

Scott B. Suggs

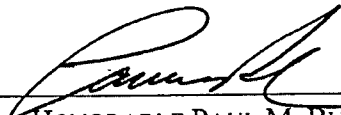
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

become final. The Court finds the conditional order substantially and accurately details the history of Applicant's attempts to litigate his collateral claims. The Court also notes Applicant failed to present any evidence to support his "newly discovered evidence" claim. See Welch v. MacDougall, 246 S.C. 258, 260, 143 S.E.2d 455, 456 (1965) ("It is, therefore, incumbent upon the applicant to make at least a *prima facie* showing entitling him to relief." (citations omitted). Instead, he merely re-alleges his claims against appellate counsel raised in the application. Finally, the Court finds Applicant failed to demonstrate he is entitled to counsel in this action. Overall, Applicant's response to the conditional order lacks any meaningful arguments as to why Applicant is entitled to proceed with a seventh post-conviction relief action.

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

This Court notes Applicant must file and serve a notice of intent to appeal within thirty (30) days from receipt of this order to secure the appropriate appellate review. Applicant's attention is directed to Rules 203 and 243, SCACR, for appropriate procedures for appeal

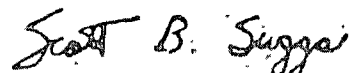
IT IS SO ORDERED THIS 17th DAY OF July, 2015.


THE HONORABLE PAUL M. BURCH
Chief Judge for Administrative Purposes
Fourth Judicial Circuit

Chesterfield, South Carolina

Page 2 of 2

TRUE CERTIFIED COPY,


CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

SCOTT B. SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.
2015 JUL 23 AM 11:41

FILED

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Post Office Box 21787 - Columbia, South Carolina 29221

Pursuant to Rule 4(d)(2) of the South Carolina Rules of Civil Procedure, the Director of the South Carolina Department of Corrections has designated S. RANDOLPH (Server) as his duly authorized agent for the purpose of making service of the process on the below named individual.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

AFFIDAVIT OF PERSONAL SERVICE

On this 3rd day of JUNE 2015, I served the **Conditional Order of Dismissal**, on Inmate **Russell Dawson, SCDC Inmate # 161707**, by delivering personally and leaving a copy of the same at **Kirkland Correctional Institution, Columbia S.C.**. Deponent is not a party to this action.

s/ [Signature]
SCDC Server

SWORN TO AND SUBSCRIBED BEFORE ME

this 3rd day of JUNE, 2015

[Signature] (L.S.)

Notary Public for South Carolina

My Commission Expires: Sept 11, 2021

ADMISSION OF SERVICE

Service of a copy of the within **Conditional Order of Dismissal** is admitted at the South Carolina Department of Corrections (KIRKLAND Correctional Institution), COLUMBIA, RICHLAND County, SC this 3rd day of JUNE, 2015.

s/ [Signature]
Inmate
SCDC Inmate #: 161707

STATE OF SOUTH CAROLINA)
COUNTY OF DARLINGTON)
Russell Dawson, SCDC #161707,)
Applicant,)
v.)
State of South Carolina,)
Respondent.)

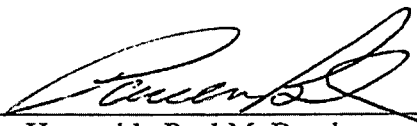
IN THE COURT OF COMMON PLEAS
OF THE FOURTH JUDICIAL CIRCUIT
Case Number: ~~2014-CP-16-109~~
2013CP16-1003

ORDER

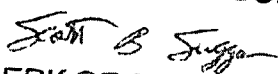
This matter is before the Court on Applicant's Motion to Alter or Amend. After carefully reviewing all evidence before me and my prior order in the above-referenced matter, the Applicant's Motion Pursuant to Rule 59(e), SCRCP, is hereby DENIED.

THEREFORE, Applicant's Motion to Alter or Amend is hereby DENIED.

AND IT IS SO ORDERED.


The Honorable Paul M. Burch
Judge, Fourth Judicial Circuit

Chesterfield, South Carolina
September 29, 2015

TRUE CERTIFIED COPY,

CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

FILED
2015 OCT -2 AM 10:46
SCOTT B. SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.