

EXHIBIT

ORDER

OF

FINAL

DIMISSAL

AND

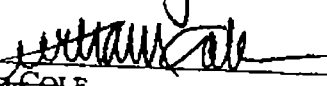
PROFSERVICE

did not indicate any reasons why he believes that the Conditional Order of Dismissal should not become final.

This Court has reviewed Applicant's responses to the Conditional Order of Dismissal in their entirety, in conjunction with the original pleadings, and finds a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final.

IT IS THEREFORE ORDERED that, for the reasons set forth in this Court's Conditional Order of Dismissal, the PCR application is hereby **DENIED AND DISMISSED WITH PREJUDICE**.

AND IT IS SO ORDERED this 15 day of August


J. DERHAM COLE
Chief Administrative Judge
Seventh Judicial Circuit

2017 AUG 15 PM 4:46
M. HOPE BLACKLEY

CLERK OF COURT
SPARTANBURG COUNTY

_____, South Carolina.



ALAN WILSON
ATTORNEY GENERAL

RECEIVED

AUG 21 2017

GENERAL COUNSEL

August 18, 2017

Barton J. Vincent, General Counsel
Attn: Jonathan Eckstrom
South Carolina Department of Corrections
4444 Broad River Rd.
Columbia, SC 29221-1787

Re: William Burnett, #352645 v. State of South Carolina
2016-CP-42-3626

Dear Mr. Vincent:

Enclosed please find the **Final Order of Dismissal** in the above-captioned inmate's post-conviction relief application. Please serve the inmate, William Burnett, #352645 with the order and provide me with an affidavit of service (enclosed).

If you have any questions, please feel free to call: (803) 734-3737.

Sincerely,

For Valerie Garcia Givyanell
Assistant Attorney General

VGG/faj

Enclosures

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 Crystal S. English (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 Allendale)

AFFIDAVIT OF PERSONAL SERVICE

On this 29 day of August 2017, I served the Final Order of Dismissal, on Inmate William Burnett SCDC Inmate #352645 by delivering personally and leaving a copy of the same at ALLENDALE Correctional Institution. Deponent is not a party to this action.

s/ Crystal S. English

SCDC Server

SWORN TO AND SUBSCRIBED BEFORE ME

this 29 day of August, 2017

Virginia Grubbs (L.S.)
Notary Public for South Carolina

My Commission Expires: 12/12/22

ADMISSION OF SERVICE

Service of a copy of the within Final Order of Dismissal is admitted at the South Carolina Department of Corrections (Allendale Correctional Institution), Fairfax SC, Allendale

County, SC this 29th day of August, 2017.

s/ William Burnett
Inmate

SCDC Inmate #: 352645

Spartanburg County

Spartanburg County Court House
180 Magnolia Street
P. O. Box 3483
Spartanburg, SC 29304-3483



Phone (864) 596-2391
Fax (864) 596-2239

M. Hope Blackley
Clerk of Court

August 16, 2017

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF SPARTANBURG

William Leon Burnett

Applicant

#352645

7TH JUDICIAL CIRCUIT

CASE # File # 17-3626

VS
Stee

Respondent

CERTIFICATE OF SERVICE

I certify that, on this date, I served a copy of the
In this action dated 8-15 2017 on Final Dec. Dismissal

8-16-17

By mailing to him/her, at his/her last known address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows:

Valerie Cioknoli

William Burnett

8-16-17

(Date)

[Signature]
(Signature)

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

William Leon Burnett #352645,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE SEVENTH JUDICIAL CIRCUIT

2016-CP-42-3626

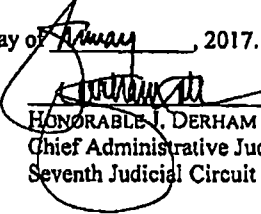
ORDER DENYING MOTION TO ALTER
OR AMEND JUDGMENT

This matter comes before the Court by way of Applicant's Motion to Alter or Amend Judgement pursuant to Rule 59(e), SCRPC, filed September 6, 2017. Based upon careful reconsideration of all of the evidence in this case and upon full consideration of Applicant's motion and supporting memorandum, this Court is not persuaded to alter or amend the judgment.

IT IS THEREFORE ORDERED:

1. That Applicant's motion is denied and dismissed.
2. Applicant shall remain in the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 16 day of January, 2017.



 HONORABLE J. DERHAM COLE
 Chief Administrative Judge
 Seventh Judicial Circuit

_____, South Carolina

2017 JAN 16 PM 4:39
M. HOPE BLANCHETT

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

WILLIAM LEON BURNETT, #352645,

Applicant,

v.

STATE OF SOUTH CAROLINA,

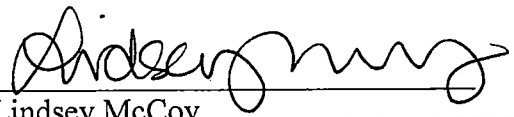
Respondent.

CERTIFICATE OF SERVICE

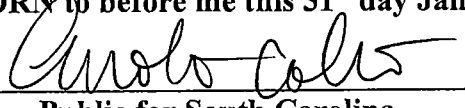
The undersigned hereby certifies that a true copy of the filed **Order Denying Motion to Alter or Amend Judgment** has been served upon the applicant by mailing one (1) copy in the United States mail, postage prepaid, addressed to:

William Leon Burnett, #352645
Allendale Correctional Institution
Post Office Box 1151
Fairfax, South Carolina 29827

This 31st day of January, 2018.


Lindsey McCoy
Legal Assistant

SWORN to before me this 31st day January, 2018.


Notary Public for South Carolina.
My Commission Expires: 5/20/2025

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

COURT OF COMMON PLEAS
7th JUDICIAL CIRCUIT

William Leon Burnett,

C.A. No. 2016-CP-42-03626

Applicant,

V.

Rule 59(e), SCRPC

State of South Carolina,

MOTION TO AMEND
JUDGMENT

Respondent,

CLERK
SPARTANBURG COUNTY COURT
2017 SEP -6 AM 10:15
M. HOPE BLACKLEY

The Applicant, who received "Final Order of Judgment" on 29 August 2017 through Ms. Crystal English, who served him his Order per Rule 4(d) of South Carolina Rules for Civil Procedures (SCRPC) who she to AMEND to make the following known on the record:

1: Applicant properly on his behalf, introduced as an exhibit the letter dated 5 August 2016 from Ms. Tanya Camo, which confirmed that case 2012GS4201425 was dismissed and wasn't put on the record on August 15, 2017;

2: The Attorney General's Respondent failed to carry out proper Due Diligence; and

3: For the foregoing grounds set forth above ask the Court to grant his motion sustained therein and vacate conviction of CSC.

11/11/17

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE COURT OF COMMON PLEAS
7th JUDICIAL CIRCUIT

William Leon Burnett,
Applicant,

C.A. No. 2016-CP-42-03626

V.

CERTIFICATE OF SERVICE

State of South Carolina,
Respondent,

I certify that I have deposited ~~in~~ the MOTION TO AMEND/ALTER JUDGMENT
in the United States Mail Service, (U.S.M.S.), postage prepaid, to the
addressee below:

Ms. M. Hope Blackley
Clerk of Court
7th Judicial Circuit Clerk of Court's Office
180 Magnolia Street
Post Office Box 3483
Spartanburg, South Carolina 29304-3483

2017 SEP -6 AM 10:15
M. HOPE BLACKLEY
SPARTANBURG, SC 29304

August 31, 2017
Fairfax, S.C.

William Leon Burnett
William Leon Burnett, SCD # 358645

Allendale Correctional Institution
Colleton A39

1157 Revolutionary Trail
Post Office Box 1151

Fairfax, South Carolina 29827-7127

cc: file
J. Durham Cole, J,
Mr. Rasheeda Cleveland



POST OFFICE BOX 11549
COLUMBIA, SOUTH CAROLINA 29211-1549

F4 A41

William Leon Burnett, #352645
Allendale Correctional Institution
Post Office Box 1151
Fairfax, South Carolina 29827

10

neopostSM
01/31/2018
US POSTAGE

FIRST-CLASS MAIL

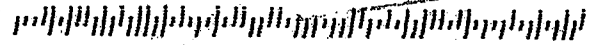
\$00.47⁰



ZIP 29201
041L11237104

RECEIVED
FEB 02 2018
MAILROOM
ACI

2982781151 5007



EXHIBIT

ORDER

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FINAL

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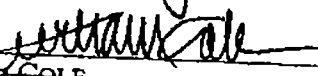
PROOFSERVICE

did not indicate any reasons why he believes that the Conditional Order of Dismissal should not become final.

This Court has reviewed Applicant's responses to the Conditional Order of Dismissal in their entirety, in conjunction with the original pleadings, and finds a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final.

IT IS THEREFORE ORDERED that, for the reasons set forth in this Court's Conditional Order of Dismissal, the PCR application is hereby **DENIED AND DISMISSED WITH PREJUDICE.**

AND IT IS SO ORDERED this 15 day of August


J. DERHAM COLE
Chief Administrative Judge
Seventh Judicial Circuit

2017 AUG 15 PM 4:46
M. HOPE BLACKLEY
CLERK OF COURT
SPARTANBURG COUNTY

_____, South Carolina.



ALAN WILSON
ATTORNEY GENERAL

RECEIVED

AUG 21 2017

GENERAL COUNSEL

August 18, 2017

Barton J. Vincent, General Counsel
Attn: Jonathan Eckstrom
South Carolina Department of Corrections
4444 Broad River Rd.
Columbia, SC 29221-1787

Re: William Burnett, #352645 v. State of South Carolina
2016-CP-42-3626

Dear Mr. Vincent:

Enclosed please find the **Final Order of Dismissal** in the above-captioned inmate's post-conviction relief application. Please serve the inmate, William Burnett, #352645 with the order and provide me with an affidavit of service (enclosed).

If you have any questions, please feel free to call: (803) 734-3737.

Sincerely,

For Valerie Garcia-Giovanelli
Assistant Attorney General

VGG/jaj

Enclosures

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 Crystal S. English (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 Allendale)

AFFIDAVIT OF PERSONAL SERVICE

On this 29 day of August 2017, I served the Final Order of Dismissal, on Inmate William Burnett SCDC Inmate #352645 by delivering personally and leaving a copy of the same at ALLENDALE Correctional Institution. Deponent is not a party to this action.

s/ Crystal S. English

SCDC Server

SWORN TO AND SUBSCRIBED BEFORE ME

this 29 day of August, 2017

Virginia Shreds (I.S.)
Notary Public for South Carolina

My Commission Expires: 12/12/22

ADMISSION OF SERVICE

Service of a copy of the within Final Order of Dismissal is admitted at the South Carolina Department of Corrections (Allendale Correctional Institution), Fairfax SC, Allendale

County, SC this 29th day of August, 2017.

s/ William Burnett
Inmate
SCDC Inmate #: 352645

Spartanburg County

Spartanburg County Court House
180 Magnolia Street
P. O. Box 3483
Spartanburg, SC 29304-3483



Phone (864) 596-2391
Fax (864) 596-2239

M. Hope Blackley
Clerk of Court

August 16, 2017

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF SPARTANBURG

William Lee Burnett
Applicant #352645

7TH JUDICIAL CIRCUIT

CASE # 2016 PUA 3626

VS
State
Respondent

CERTIFICATE OF SERVICE

I certify that, on this date, I served a copy of the
In this action dated 8-15 2017 on

Final Dec. Dismissal
8-16-17

By mailing to him/her, at his/her last known address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows:

Valerie Ciokinski
William Burnett

8-16-17
(Date)

[Signature]
(Signature)

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

William Leon Burnett #352645,

Applicant,

v.

State of South Carolina,
Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE SEVENTH JUDICIAL CIRCUIT

2016-CP-42-3626

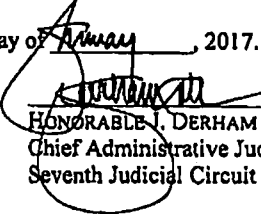
ORDER DENYING MOTION TO ALTER
OR AMEND JUDGMENT

This matter comes before the Court by way of Applicant's Motion to Alter or Amend Judgement pursuant to Rule 59(e), SCRCP, filed September 6, 2017. Based upon careful reconsideration of all of the evidence in this case and upon full consideration of Applicant's motion and supporting memorandum, this Court is not persuaded to alter or amend the judgment.

IT IS THEREFORE ORDERED:

1. That Applicant's motion is denied and dismissed.
2. Applicant shall remain in the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 16 day of January, 2017.


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 Chief Administrative Judge
 Seventh Judicial Circuit

_____, South Carolina

2018 JAN 16 PM 4:39
M. HOPE BLACKBURN

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

WILLIAM LEON BURNETT, #352645,

Applicant,

v.

STATE OF SOUTH CAROLINA,

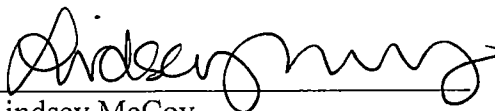
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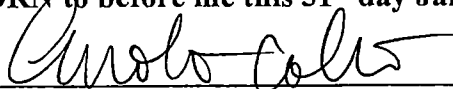
William Leon Burnett, #352645
Allendale Correctional Institution
Post Office Box 1151
Fairfax, South Carolina 29827

This 31st day of January, 2018.



Lindsey McCoy
Legal Assistant

SWORN to before me this 31st day January, 2018.



Notary Public for South Carolina.
My Commission Expires: 5/20/2025

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

COURT OF COMMON PLEAS
7th JUDICIAL CIRCUIT

William Leon Burnett,

C.A. No. 2016-CP-42-03626

Applicant,

V.

Rule 59(e), SCRPC

State of South Carolina,

MOTION TO AMEND
JUDGMENT

Respondent,

CLERK OF COURT
SPARTANBURG COUNTY
2017 SEP - 6 AM 10: 15
M. HOPE BLACKLEY

The Applicant, who received "Final Order of Judgment" on 29 August 2017 through Ms. Crystal English, who served him his Order per Rule 4(d) of South Carolina Rules for Civil Procedures (SCRPC) who she to AMEND to make the following known on the record:

1: Applicant properly on his behalf, introduced as an exhibit the letter dated 5 August 2016 from Ms. Tanya Camo, which confirmed that case 2012GS4201425 was dismissed and wasn't put on the record on August 15, 2017;

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11/11/17

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE COURT OF COMMON PLEAS
7th JUDICIAL CIRCUIT

William Leon Burnett,
Applicant,

C.A.No. 2016-CP-42-03626

v.

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Spartanburg, South Carolina 29304-3483

2017 SEP -6 AM 10:15
M. HOPE BLACKLEY
SPARTANBURG, SC

August 31, 2017
Fairfax, S.C.

William Leon Burnett
William Leon Burnett, SDC# 352645

Allendale Correctional Institution
Colleton A39
1151 Revolutionary Trail
Post Office Box 1151
Fairfax, South Carolina 29827-7127

cc: file
J. Durham Cole., J,
Mr. Reisheda Cleveland



POST OFFICE BOX 11549
COLUMBIA, SOUTH CAROLINA 29211-1549

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William Leon Burnett, #352645
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Post Office Box 1151
Fairfax, South Carolina 29827

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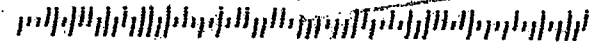
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EXHIBIT

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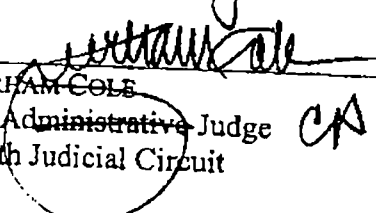
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Chief Administrative Judge
Seventh Judicial Circuit

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CLERK OF COURT
SPARTANBURG COUNTY

_____, South Carolina.



ALAN WILSON
ATTORNEY GENERAL

RECEIVED

AUG 21 2017

GENERAL COUNSEL

August 18, 2017

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2016-CP-42-3626

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Sincerely,

For Valerie Garcia-Giovannelli
Assistant Attorney General

VGG/faj

Enclosures

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Post Office Box 21787 - Columbia, South Carolina 29221

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COUNTY OF Allendale)

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Virginia Grubb (I.S.)
Notary Public for South Carolina

My Commission Expires: 12/12/22

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County, SC this 29th day of August, 2017.
s/ William Burnett
Inmate
SCDC Inmate #: 352645

Spartanburg County

Spartanburg County Court House
180 Magnolia Street
P. O. Box 3483
Spartanburg, SC 29304-3483



Phone (864) 596-2391
Fax (864) 596-2239

M. Hope Blackley
Clerk of Court

August 16, 2017

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF SPARTANBURG

William Lee Burnett
Applicant #352645

7TH JUDICIAL CIRCUIT

CASE # 2016 PUA 3626

VS
Stee
Respondent

CERTIFICATE OF SERVICE

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In this action dated 8-15 2017 on 8-16-17

By mailing to him/her, at his/her last known address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows:

Valerie Ciokushi
William Burnett

8-16-17
(Date)

[Signature]
(Signature)

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

William Leon Burnett #352645,

Applicant,

v.

State of South Carolina,
Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE SEVENTH JUDICIAL CIRCUIT

2016-CP-42-3626

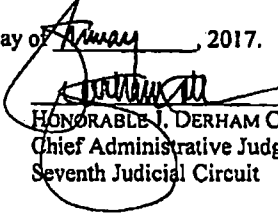
ORDER DENYING MOTION TO ALTER
OR AMEND JUDGMENT

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1. That Applicant's motion is denied and dismissed.
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STATE OF SOUTH CAROLINA
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WILLIAM LEON BURNETT, #352645,

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v.

STATE OF SOUTH CAROLINA,

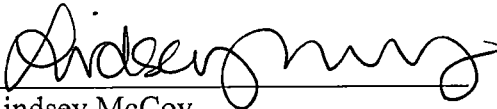
Respondent.

CERTIFICATE OF SERVICE

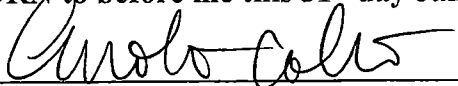
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William Leon Burnett, #352645
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Post Office Box 1151
Fairfax, South Carolina 29827

This 31st day of January, 2018.


Lindsey McCoy
Legal Assistant

SWORN to before me this 31st day January, 2018.


Notary Public for South Carolina.
My Commission Expires: 5/20/2025

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

COURT OF COMMON PLEAS
7th JUDICIAL CIRCUIT

William Leon Burnett,

C.A. No. 2016-CP-42-03686

Applicant,

v.

Rule 59(e), SCRPC

State of South Carolina,

MOTION TO AMEND
JUDGMENT

Respondent,

CLERK OF COURT
SPARTANBURG COUNTY
2017 SEP -6 AM 10:15
M. HOPE BLACKLEY

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11/11/11

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE COURT OF COMMON PLEAS
7th JUDICIAL CIRCUIT

William Leon Burnett,
Applicant,

C.A.No. 2016-CP-42-03626

v.

CERTIFICATE OF SERVICE

State of South Carolina,
Respondent,

I certify that I have deposited ~~in~~ the NOTICE TO AMEND/ALTER JUDGMENT
in the United States Mail Service, (U.S.M.S.), postage prepaid, to the
addressee below:

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7th Judicial Circuit Clerk of Court's Office
180 Magnolia Street
Post Office Box 3483
Spartanburg, South Carolina 29304-3483

2017 SEP -6 AM 10:15
M. HOPE BLACKLEY
SPARTANBURG, SOUTH CAROLINA

August 31, 2017
Fairfax, S.C.

William Leon Burnett
William Leon Burnett, SDC# 352645

Allendale Correctional Institution
Colleton A39

1151 Revolutionary Trail
Post Office Box 1151

Fairfax, South Carolina 29827-7127

cc: file
J. Durham Cole, J,
Mr. Raisheda Cleveland



POST OFFICE BOX 11549
COLUMBIA, SOUTH CAROLINA 29211-1549

F4 A41

William Leon Burnett, #352645
Allendale Correctional Institution
Post Office Box 1151
Fairfax, South Carolina 29827

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neopostSM
01/31/2018
US POSTAGE

FIRST-CLASS MAIL

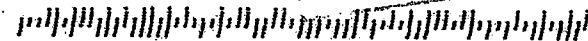
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ZIP 29201
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RECEIVED
FEB 02 2018
MAILROOM
ACI

2982731151 8007



EXHIBIT

ORDER

OF

FINAL

DIMISSAL

AND


PROFSERVICE

did not indicate any reasons why he believes that the Conditional Order of Dismissal should not become final.

This Court has reviewed Applicant's responses to the Conditional Order of Dismissal in their entirety, in conjunction with the original pleadings, and finds a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final.

IT IS THEREFORE ORDERED that, for the reasons set forth in this Court's Conditional Order of Dismissal, the PCR application is hereby **DENIED AND DISMISSED WITH PREJUDICE**.

AND IT IS SO ORDERED this 15 day of August


J. DERHAM COLE
Chief Administrative Judge
Seventh Judicial Circuit

CLERK OF COURT
SPARTANBURG COUNTY
2017 AUG 15 PM 4:46
M. HOPE BLACKLEY

_____, South Carolina.



ALAN WILSON
ATTORNEY GENERAL

RECEIVED

AUG 21 2017

GENERAL COUNSEL

August 18, 2017

Barton J. Vincent, General Counsel
Attn: Jonathan Eckstrom
South Carolina Department of Corrections
4444 Broad River Rd.
Columbia, SC 29221-1787

Re: William Burnett, #352645 v. State of South Carolina
2016-CP-42-3626

Dear Mr. Vincent:

Enclosed please find the **Final Order of Dismissal** in the above-captioned inmate's post-conviction relief application. Please serve the inmate, William Burnett, #352645 with the order and provide me with an affidavit of service (enclosed).

If you have any questions, please feel free to call: (803) 734-3737.

Sincerely,

For Valerie Garcia Giovannelli
Assistant Attorney General

VGG:jaj

Enclosures

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 Crystal S. English (Server) as his duly authorized agent for the purpose of making service of the process on the below named individual.

STATE OF SOUTH CAROLINA)

AFFIDAVIT OF PERSONAL SERVICE

COUNTY OF Allendale)

On this 29 day of August 2017, I served the Final Order of Dismissal, on Inmate William Burnett SCDC Inmate #352645 by delivering personally and leaving a copy of the same at ALLENDALE Correctional Institution. Deponent is not a party to this action.

s/ Crystal S. English

SCDC Server

SWORN TO AND SUBSCRIBED BEFORE ME

this 29 day of August, 2017

Virginia Grells (I.S.)

Notary Public for South Carolina

My Commission Expires: 12/12/22

ADMISSION OF SERVICE

Service of a copy of the within Final Order of Dismissal is admitted at the South Carolina Department of Corrections (Allendale Correctional Institution), Fairfax SC, Allendale

County, SC this 29th day of August, 2017.

s/ William Burnett
Inmate

SCDC Inmate #: 352645

Spartanburg County

Spartanburg County Court House
180 Magnolia Street
P. O. Box 3483
Spartanburg, SC 29304-3483



Phone (864) 596-2391
Fax (864) 596-2239

M. Hope Blackley
Clerk of Court

August 16, 2017

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF SPARTANBURG

William Lee Burnett
Applicant #352645

7TH JUDICIAL CIRCUIT

CASE # File # 17-3626

VS
Stee
Respondent

CERTIFICATE OF SERVICE

I certify that, on this date, I served a copy of the
In this action dated 8-15 2017 on

Final Dec. Dismissal
8-16-17

By mailing to him/her, at his/her last known address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows:

Valerie Ciokinski
William Burnett

8-16-17
(Date)

[Signature]
(Signature)

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

William Leon Burnett #352645,

Applicant,

v.

State of South Carolina,
Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE SEVENTH JUDICIAL CIRCUIT

2016-CP-42-3626

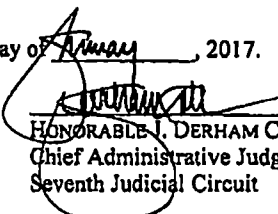
ORDER DENYING MOTION TO ALTER
OR AMEND JUDGMENT

This matter comes before the Court by way of Applicant's Motion to Alter or Amend Judgement pursuant to Rule 59(e), SCRCP, filed September 6, 2017. Based upon careful reconsideration of all of the evidence in this case and upon full consideration of Applicant's motion and supporting memorandum, this Court is not persuaded to alter or amend the judgment.

IT IS THEREFORE ORDERED:

1. That Applicant's motion is denied and dismissed.
2. Applicant shall remain in the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 16 day of January, 2017.


 HONORABLE J. DERHAM COLE
 Chief Administrative Judge
 Seventh Judicial Circuit

_____, South Carolina

2017 JAN 16 PM 4:39
M. HOPE BLANCHETT

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

WILLIAM LEON BURNETT, #352645,

Applicant,

v.

STATE OF SOUTH CAROLINA,

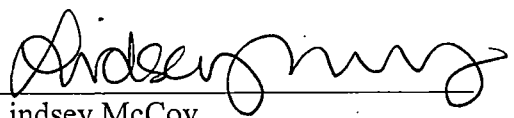
Respondent.

CERTIFICATE OF SERVICE

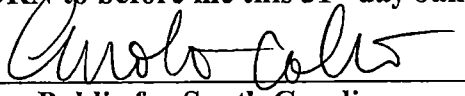
The undersigned hereby certifies that a true copy of the filed **Order Denying Motion to Alter or Amend Judgment** has been served upon the applicant by mailing one (1) copy in the United States mail, postage prepaid, addressed to:

William Leon Burnett, #352645
Allendale Correctional Institution
Post Office Box 1151
Fairfax, South Carolina 29827

This 31st day of January, 2018.


Lindsey McCoy
Legal Assistant

SWORN to before me this 31st day January, 2018.


Notary Public for South Carolina.
My Commission Expires: 5/20/2025

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

COURT OF COMMON PLEAS
7th JUDICIAL CIRCUIT

William Leon Burnett,

C.A. No. 2016-CP-42-03626

Applicant,

v.

Rule 59(e), SCRPC

State of South Carolina,

MOTION TO AMEND
JUDGMENT

Respondent,

CLERK
SPARTANBURG COUNTY
2017 SEP - 6 AM 10:15
M. HOPE BLACKLEY

The Applicant, who received "Final Order of Judgment" on 29 August 2017 through Ms. Crystal English, who served him his Order per Rule 4(d) of South Carolina Rules for Civil Procedures (SCRPC) who she to AMEND to make the following known on the record:

1: Applicant properly on his behalf, introduced as an exhibit the letter dated 5 August 2016 from Ms. Tanja Camo, which confirmed that case 2012GS4201465 was dismissed and wasn't put on the record on August 15, 2017;

2: The Attorney General's Respondent failed to carry out proper Due Diligence; and

3: For the foregoing grounds set forth above ask the Court to grant his motion sustained therein and vacate conviction of CSC.

11/11/17

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE COURT OF COMMON PLEAS
7th JUDICIAL CIRCUIT

William Leon Burnett,
Applicant,

C.A.No. 2016-CP-42-03626

V.

CERTIFICATE OF SERVICE

State of South Carolina,
Respondent,

I certify that I have deposited ~~in~~ the MOTION TO AMEND/ALTER JUDGMENT
in the United States Mail Service, (U.S.M.S.), postage prepaid, to the
addressee below:

Ms. M. Hope Blackley
Clerk of Court
7th Judicial Circuit Clerk of Court's Office
180 Magnolia Street
Post Office Box 3433
Spartanburg, South Carolina 29304-3433

SPARTANBURG COUNTY
2017 SEP -6 AM 10:15
M. HOPE BLACKLEY

August 31, 2017
Fairfax, S.C.

William Leon Burnett
William Leon Burnett, SODE# 352645
Attendale Correctional Institution
Colleton A39
1151 Revolutionary Trail
Post Office Box 1151
Fairfax, South Carolina 29827-7127

cc: file
J. Durham Cole., J,
Mr. Reisheda Cleveland



POST OFFICE BOX 11549
COLUMBIA, SOUTH CAROLINA 29211-1549

F4 A41

William Leon Burnett, #352645
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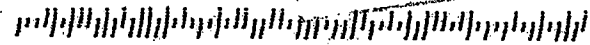
\$00.47⁰



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RECEIVED
FEB 02 2018
MAILROOM
ACI

2962781151 5007



EXHIBIT

ORDER

OF

FINAL

DIMISSAL

AND


PROOF SERVICE

did not indicate any reasons why he believes that the Conditional Order of Dismissal should not become final.

This Court has reviewed Applicant's responses to the Conditional Order of Dismissal in their entirety, in conjunction with the original pleadings, and finds a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final.

IT IS THEREFORE ORDERED that, for the reasons set forth in this Court's Conditional Order of Dismissal, the PCR application is hereby **DENIED AND DISMISSED WITH PREJUDICE.**

AND IT IS SO ORDERED this 15 day of August


J. DERHAM COLE
Chief Administrative Judge
Seventh Judicial Circuit

CS

2017 AUG 15 PM 4:16
M. HOPE BLACKLEY

CLERK OF COURT
SPARTANBURG COUNTY

_____, South Carolina.



ALAN WILSON
ATTORNEY GENERAL

RECEIVED

AUG 21 2017

GENERAL COUNSEL

August 18, 2017

Barton J. Vincent, General Counsel
Attn: Jonathan Eckstrom
South Carolina Department of Corrections
4444 Broad River Rd.
Columbia, SC 29221-1787

Re: William Burnett, #352645 v. State of South Carolina
2016-CP-42-3626

Dear Mr. Vincent:

Enclosed please find the **Final Order of Dismissal** in the above-captioned inmate's post-conviction relief application. Please serve the inmate, William Burnett, #352645 with the order and provide me with an affidavit of service (enclosed).

If you have any questions, please feel free to call: (803) 734-3737.

Sincerely,

For Valerie Garcia Giovannelli
Assistant Attorney General

VGG/faj

Enclosures

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 Crystal S. English (Server) as his duly authorized agent for the purpose of making service of the process on the below named individual.

STATE OF SOUTH CAROLINA)

AFFIDAVIT OF PERSONAL SERVICE

COUNTY OF Allendale)

On this 29 day of August 2017, I served the Final Order of Dismissal, on Inmate William Burnett SCDC Inmate #352645 by delivering personally and leaving a copy of the same at ALLENDALE Correctional Institution. Deponent is not a party to this action.

s/ Crystal S. English
SCDC Server

SWORN TO AND SUBSCRIBED BEFORE ME

this 29 day of August, 2017

Virginia Shultz (I.S.)
Notary Public for South Carolina

My Commission Expires: 12/12/22

ADMISSION OF SERVICE

Service of a copy of the within Final Order of Dismissal is admitted at the South Carolina Department of Corrections (Allendale Correctional Institution), Fairfax SC, Allendale

County, SC this 29th day of August, 2017.
s/ William Burnett
Inmate
SCDC Inmate #: 352645

Spartanburg County

Spartanburg County Court House
180 Magnolia Street
P. O. Box 3483
Spartanburg, SC 29304-3483



Phone (864) 596-2391
Fax (864) 596-2239

M. Hope Blackley
Clerk of Court

August 16, 2017

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF SPARTANBURG

William Lee Burnett
Applicant #352645

7TH JUDICIAL CIRCUIT

CASE # File # 17-3624

VS
Stee
Respondent

CERTIFICATE OF SERVICE

I certify that, on this date, I served a copy of the Final Div. Decree
In this action dated 8-15 2017 on 8-16-17

By mailing to him/her, at his/her last known address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows:

Valerie Cioccolini
William Burnett

8-16-17
(Date)

[Signature]
(Signature)

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

William Leon Burnett #352645,

Applicant,

v.

State of South Carolina,
Respondent.

IN THE COURT OF COMMON PLEAS
FOR THE SEVENTH JUDICIAL CIRCUIT

2016-CP-42-3626

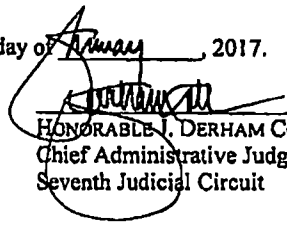
ORDER DENYING MOTION TO ALTER
OR AMEND JUDGMENT

This matter comes before the Court by way of Applicant's Motion to Alter or Amend Judgement pursuant to Rule 59(e), SCRPC, filed September 6, 2017. Based upon careful reconsideration of all of the evidence in this case and upon full consideration of Applicant's motion and supporting memorandum, this Court is not persuaded to alter or amend the judgment.

IT IS THEREFORE ORDERED:

1. That Applicant's motion is denied and dismissed.
2. Applicant shall remain in the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 14 day of January, 2017.



 HONORABLE J. DERHAM COLE
 Chief Administrative Judge
 Seventh Judicial Circuit

_____, South Carolina

2018 JAN 16 PM 4:39
 M. HOPE BLANCHETT

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

WILLIAM LEON BURNETT, #352645,

Applicant,

v.

STATE OF SOUTH CAROLINA,

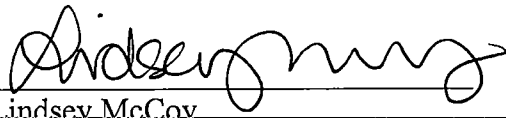
Respondent.

CERTIFICATE OF SERVICE

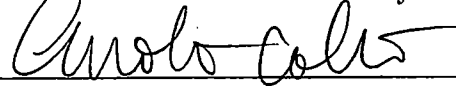
The undersigned hereby certifies that a true copy of the filed **Order Denying Motion to Alter or Amend Judgment** has been served upon the applicant by mailing one (1) copy in the United States mail, postage prepaid, addressed to:

William Leon Burnett, #352645
Allendale Correctional Institution
Post Office Box 1151
Fairfax, South Carolina 29827

This 31st day of January, 2018.


Lindsey McCoy
Legal Assistant

SWORN to before me this 31st day January, 2018.


Notary Public for South Carolina.
My Commission Expires: 5/20/2025

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

COURT OF COMMON PLEAS
7th JUDICIAL CIRCUIT

William Leon Burnett,

C.A. No. 2016-CP-42-03626

Applicant,

v.

Rule 59(e), SCRPC

State of South Carolina,

MOTION TO AMEND
JUDGMENT

Respondent,

CLERK OF COURT
SPARTANBURG COUNTY
2017 SEP -6 AM 10:15
M. HOPE BLACKLEY

The Applicant, who received "Final Order of Judgment" on 29 August 2017 through Ms. Crystal English, who served him his Order per Rule 4(d) of South Carolina Rules for Civil Procedures (SCRPC) wishes to AMEND to make the following known on the record:

- 1: Applicant properly on his behalf, introduced as an exhibit the letter dated 5 August 2016 from Ms. Tanya Camo, which confirmed that case 2012GS4201465 was dismissed and wasn't put on the record on August 15, 2017;
- 2: The Attorney General's Respondent failed to carry out proper Due Diligence; and
- 3: For the foregoing grounds set forth above ask the Court to grant his motion sustained therein and vacate conviction of case.

11/11/17 14:00

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE COURT OF COMMON PLEAS
7th JUDICIAL CIRCUIT

William Leon Burnett,
Applicant,

C.A.No. 2016-CP-42-03626

V.

CERTIFICATE OF SERVICE

State of South Carolina,
Respondent,

I certify that I have deposited ~~in~~ the MOTION TO AMEND/ALTER JUDGMENT
in the United States Mail Service, (U.S.M.S.), postage prepaid, to the
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SPARTANBURG COUNTY
2017 SEP -6 AM 10:15
M. HOPE BLACKLEY

August 31, 2017
Fairfax, S.C.

William Leon Burnett
William Leon Burnett, SODC# 352645
Attendale Correctional Institution
Colleton A39
1657 Revolutionary Trail
Post Office Box 1151
Fairfax, South Carolina 29827-7127

cc: file
J. Durham Cole., J,
Mr. Rasheeda Cleveland



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COLUMBIA, SOUTH CAROLINA 29211-1549

F4 A41

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Post Office Box 1151
Fairfax, South Carolina 29827

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MAILROOM
ACI

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