

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS FOR  
THE NINTH JUDICIAL CIRCUIT

Terrence Wright EI )  
from N.C. Dept. of Prisons )

2015-CP-10-2332

v. )

STATE OF SOUTH CAROLINA )

RECEIVED

APR 10 2018

S.C. SUPREME COURT

From North Carolina Dept of Corrections I,  
Terrence Wright EI, hereby gives my Notice of Appeal  
Under the South Carolina Appellate of rules that I DO  
NOT HAVE ACCESS TO, TO KNOW OR REVIEW.

11e April 2018

Without Prejudice

Terrence Wright EI

# 0505358

PO Box 600

Nashville, NC 27856

RECEIVED

APR 19 2018

CERTIFICATION OF SERVICE

S.C. SUPREME COURT

I Terrence Wright El, hereby certify that copies were sent to the listed parties below this 16<sup>th</sup> day of April 2018

Chas. Co. Clerk of Court  
100 Broad St # 106  
Charleston, SC 29401

Hon. Deadra Jefferson  
Chas. Co. Jud. Center  
100 Broad St # 336  
Charleston, SC 29401

Rasheeda Cleveland A.G.  
PO Box 11549  
Columbia, SC 29211

Hon. Kristi Harrington  
300 B California Ave  
Monks Corner, SC 29461

S.C. Supreme Court  
PO Box 11330  
Columbia, SC 29211

Without Prejudice

Terrence Wright El  
# 0505358

PO Box 600  
Nashville, NC 27856



Charleston County  
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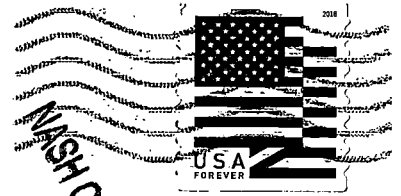
| Name                    | Party Type | Case Number   | Filed Date | Case Status | Disposition Date | Type         | Subtype              | Judgment # | Court Agency |
|-------------------------|------------|---------------|------------|-------------|------------------|--------------|----------------------|------------|--------------|
| South Carolina State of | Defendant  | 2015CP1002332 | 04/23/2015 | Disposed    | 04/11/2018       | Common Pleas | Post Convict Rel 500 |            | Common Pleas |
| Wright, Terrence Leroy  | Plaintiff  | 2015CP1002332 | 04/23/2015 | Disposed    | 04/11/2018       | Common Pleas | Post Convict Rel 500 |            | Common Pleas |

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Terrence Wright El  
#0505358

PO Box 600  
Nashville, NC [27856]

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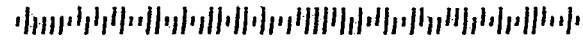


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NASH CORRECTIONAL INSTITUTION

South Carolina Supreme Court  
ATTN: Clerk of Court  
PO Box 11330  
Columbia, S.C. 29211

Legal Mail

29211-133030



CC  
AG  
AT

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )  
)  
)  
Terrance Wright, #256699, )  
)  
Applicant, )  
)  
v. )  
)  
State of South Carolina, )  
)  
Respondent. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS FOR  
THE NINTH JUDICIAL CIRCUIT

2015-CP-10-2332

**CONDITIONAL ORDER OF DISMISSAL**

**FILED**  
2017 NOV -3 PM 2:32  
JULIE J. ARBUSTONG  
CLERK OF COURT

This matter comes before the Court by way of the application for post-conviction relief (PCR) filed on April 23, 2015 by Terrance Wright (Applicant). Respondent made its Return on or about October 6, 2017 requesting the application be summarily dismissed as successive and untimely.

**I. PROCEDURAL HISTORY**

Applicant is presently confined at the Hyde Correctional Institution of the North Carolina Department of Corrections, located at P.O. Box 278, Swan Quarter, NC 27885. Applicant committed the crime of Murder in Graham County, North Carolina on June 2, 1993. Approximately two months later, on August 12 1993, Applicant committed additional offenses in South Carolina including Murder, Kidnapping, Burglary in the First Degree, Criminal Sexual Conduct in the First Degree, and Grand Larceny of a Motor Vehicle. Applicant was indicted at the October 1993 term of the Charleston County Grand Jury for Kidnapping and Murder (1993-GS-10-6252); Criminal Sexual Conduct in the First Degree (1993-GS-10-6253); and Burglary in the First Degree (1993-GS-10-6254). Applicant was subsequently indicted at the September 1994 term of the Charleston County Grand Jury for Grand Larceny of a Motor Vehicle (1994-GS-10-4868).

Applicant was convicted of Murder in North Carolina on April 11, 1996, and sentenced to confinement for a period of life on June 2, 1993. Applicant was thereafter convicted by a South Carolina jury of Kidnapping and Murder; Criminal Sexual Conduct in the First Degree; Burglary in the First Degree; and Grand Larceny of a Motor Vehicle. Applicant was represented by D. Ashley Pennington, Esquire, and Sydney Meeks, Esquire at his South Carolina trial. Applicant was convicted and sentenced on March 4, 1999. The presiding judge, the Honorable Paul E. Short, Jr., sentenced Applicant to confinement for a period of life on the Kidnapping and Murder, (1993-GS-10-6252) charge<sup>1</sup> and First Degree Burglary charge (1993-GS-10-6254) to run concurrently. Applicant was also sentenced to confinement for a period of thirty (30) years on the Criminal Sexual Conduct charge (1993-GS-10-6253) to be served consecutively. Lastly, Applicant was sentenced to a term of five (5) years on the charge of Grand Larceny of a Motor Vehicle (1994-GS-10-4868) to run concurrently with his life sentence. After Applicant's South Carolina convictions were entered, he was returned to the North Carolina Department of Corrections to serve his life sentence on the North Carolina convictions.

Applicant thereafter appealed his South Carolina convictions by and through his counsel, Joseph L. Savitz, Esquire. The Supreme Court of South Carolina issued an unpublished opinion on January 24, 2004 affirming Applicant's conviction and sentence on all of the above charges. The Remittitur was issued on February 22, 2002.

**2000-CP-10-4736**

Applicant filed a *pro se* application for post-conviction relief in Charleston County on August 7, 2000. In this application, Applicant sought relief from the sentences imposed by Judge

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<sup>1</sup> On March 10, 1999, the Honorable Paul E. Short, Jr., amended the sentence previously imposed upon Applicant for Kidnapping. The Amended Sentence indicates that Applicant's sentence for the charge of Kidnapping is subsumed by the life sentence imposed on the charge of Murder pursuant to statute.

2/10  
JAG

Short for Criminal Sexual Conduct in the First Degree (1993-GS-10-6253 and Burglary in the First Degree (1993-GS-10-6254). Specifically, Applicant alleged he was being held in custody unlawfully for the following reasons:

1. "Ineffective Assistance of Counsel, Unreasonable Delay"
  - a. "It took 6 years for them to bring me to court when I requested a speedy trial, hand written 26 times myself."
  - b. "I filed 26 motions for speedy trial in a 5 year grace period for a trial."
2. "Due Process & Equal Protection Violation, Unconstitutional."
  - a. "Ineffective counsel that lied throughout my jail term."
3. "Panel of Grand Jury, Illegal use of Testimony & Evidence"
  - a. "Use of illegal evidence and lies."
  - b. Loss of trial transcripts to perfect appeal

Respondent made its Return and Motion to Dismiss on or about April 17, 2001, requesting that the application be dismissed without prejudice because the matter was still pending on Direct Appeal. On November 7, 2001, the Honorable Daniel F. Pieper entered a consent order dismissing the matter without prejudice.

**2003-CP-10-1894**

Applicant thereafter filed a second application for post-conviction relief in Charleston County on or about May 27, 2004. William Tracy Brown, Esquire was appointed as counsel for purposes of Applicant's PCR application. In this application, Applicant once again sought relief from his convictions for Murder, Burglary, and Sexual Conduct in the First Degree on the basis of:

1. Ineffective assistance of counsel;
  - a. "I filed 50 *pro se* motions for a speedy trial which defense counsel Ashley Pennington told Assistant Solicitor Spence Roddey not to answer."
2. Unreasonable delay;
  - a. "I was held in the Charleston County Detention Center for 2 years without a trial despite my filing of motions and grievances and was led to believe by the defense counsel that the charges were dismissed so I later agreed to come to N.C. when I learned the charges were still pending and then filed a speedy trial and dismissal motions for the next 4 ½ years from 1995 until 1999.



- b. "There was no DNA evidence present on the DNA test to be used against me, but the DA allowed that technician to testify falsely while the defense attorney did not object to it;"
  3. Unconstitutional tactics by the prosecution;
    - a. "DA Spence Roddey testified that his office is and has used illegal tactics to convict defendants and by his 6 year delay despite my 50 *pro se* motions filed they did not take me to trial nor did they warrant enough evidence against me."

Respondent made its Return and Motion to Dismiss on or about May 5, 2004. An evidentiary hearing was convened at the Charleston County Courthouse on June 15, 2004. Applicant was represented by Attorney Brown at this hearing. Respondent was represented by Adrienne L. Turner of the South Carolina Attorney General's Office. At the hearing, Respondent moved to dismiss the matter without prejudice on the ground that the State had neither the power nor the obligation to ensure the presence of an Applicant not in its custody in accordance with Clayton v. State, 278 S.C. 655, 301 S.E.2d 133, 134 (1983). The Honorable Doyet A. Early dismissed the PCR application without prejudice, by written Order dated September 7, 2004. Judge Early also granted the Applicant leave to refile upon returning to the State of South Carolina<sup>2</sup>.

## II. CURRENT APPLICATION

In his *third* and current *pro-se* application for post-conviction relief, filed June 27, 2014 Applicant seeks relief from his sentences for Murder and Kidnapping (1993-GS-6252); Criminal Sexual Conduct in the First Degree (1993-GS-6253); Burglary in the First Degree (1993-GS-6254) and Grand Larceny of a Motor Vehicle (1993-GS-4868). Applicant alleges that he is being held in custody unlawfully and offers the following reasons in support thereof:

1. "The attorney didn't subpoena any defense witness;"
2. "Defense attorney was on record stating not to answer any of my motions."
3. "Defense attorney was telling lies during the trial and at other hearings."
4. Failure to establish status and jurisdiction;
  - a. "It took 6 years to get a trial after 80 letters and petitions."
  - b. "State court didn't have delegation of authority to prosecute."

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<sup>2</sup> Applicant remains in custody in North Carolina serving a life sentence and has not returned to the State.

Handwritten signature and date, appearing to be "April 10" and a signature.

- c. "That lawyer went on record stating I didn't want him lying but he still lied during trial."

On May 21, 2015, Applicant filed a Motion to Amend his third PCR application in order to add allegations that the State of South Carolina and Charleston County violated his constitutional and due process as a sovereign national citizen. Applicant also seeks to elaborate upon his allegation that Charleston County did not have personal jurisdiction over him as a sovereign citizen and member of the Moorish American Nationals. Applicant further moves to add allegations that the State of South Carolina and its Charleston County officials violated the treaty of peace and friendship between the United States and Morocco by exercising jurisdiction over Applicant. Applicant thereafter filed a Motion to Correct Exhibit "E" in his previous Motion to Amend. Applicant also petitioned the Court to appoint PCR counsel via motion dated July 9, 2015.

The State filed its Return and Motion to dismiss on or about October 10, 2017 requesting that the application be dismissed as successive and untimely. The State simultaneously submitted a proposed Conditional Order of Dismissal. On October 16, 2017, Applicant filed an "Objection to Conditional Order of Dismissal and Motion for an Evidence Hearing." Applicant requests a hearing on the following issues:

1. "North Carolina Gen. Stat. Rules prevents me from making parole because of the pending detainer from South Carolina Dept. of Corrections which makes this case in a perpetual loop of stagnation."
2. "When the Order was issued in PCR File No. 2003-CP-10-1894 in 7 September 04 under the impression that I would be released 5 July 05 was done without the defense attorney knowing that in order for my parole, I'd have to resolve this issue, in which the initial prosecuting agent knew of the legal disabilities it would create for me to unravel."
3. "Out of all the PCR Motions filed, I'm trying to be brought back to Charleston that I may end this stagnation of a sentence because everyone in North Carolina with the same sentence as I without a detainer has already paroled or/and completed their parole and is free."

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ATG

4. "Because of the South Carolina Dept. of Corrections Detainer, I've done (12) twelve years more in prison than what I should've done and until South Carolina issue is resolved, I will never get out of North Carolina prison system."
5. "I motion this court to allow appointment of counsel to assist me in presenting 'all' the arguments and transcripts under my U.S. Const. Amendment rights that is raised in all PCR motions filed."
6. "Everytime I've filed an PCR motion it was dismissed without prejudiced 'citing I'm not in South Carolina' etc. which allows the prosecution to still use its illegal tactics to make me stay in prison longer unconstitutionally when they know by allowing me to present evidence of misconduct ineffective assistance of counsel then the South Carolina sentence would become void with relief mandated."
7. "In all the PCR motions filed there was never any attorney appointed that contacted me of such that I contacted the South Carolina State Bar against William Tracy Brown whom the State Bar agreed with me against for negligence and ineffective assistance . . . "

Applicant then filed an "Amendment to Objection to Conditional Order of Dismissal and Motion for Evidence Hearing" on October 16, 2017. In this motion, Applicant again requests an evidentiary hearing in South Carolina, but offers a new ground in support of his request. Specifically, Applicant argues that he is entitled to a hearing so that his "state remedies may be exhausted for federal review." Applicant believes that he is being denied federal habeas corpus relief because he has not exhausted all of his state remedies, and has attached a February 2, 2012 Order issued by the District Court of South Carolina in support thereof. Applicant also filed a Motions for Appointment of Counsel on October 16, 2017. The Motion for Appointment of Counsel renews Applicant's July 9, 2015 request for the appointment of PCR counsel to aid him with this application.<sup>3</sup> Applicant simultaneously filed a Motion for Writ. In this motion, Applicant asks this Court to issue an Order of Writ ordering his transfer from the Hyde Correctional Center

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<sup>3</sup> The Court declines to appoint Applicant post-conviction relief counsel in accordance with South Carolina Supreme Court Administrative Order 2008-10-06-01.



in Swan Quarter, North Carolina to the Al Cannon Detention Center in North Charleston, South Carolina.

The Court solely considers the application for post-conviction relief filed by Applicant on June 27, 2014 at this time. Before the Court are records of the Charleston County Clerk of Court regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, records from Applicant's prior post-conviction relief actions, Applicant's appellate records, and the current application.

### **III. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Court has reviewed the pleadings and all relevant supporting documents. Pursuant to S.C. Code Ann. § 17-27-70(b), the Court makes the following findings of fact and conclusions of law.

#### **Statute of Limitations**

The application is 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 ("the Act"). Specifically, the Act requires as follows:

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

S.C. Code Ann. § 17-27-45(A).

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). Applicant was convicted on March 4, 1999, and the remittitur from direct appeal was issued on February 22, 2002. "The time limitation in S.C. Code. § 17-27-45(A) provides that, where a defendant appeals his conviction (as Applicant did here), the one-year period begins the date the



remittitur is sent by the appellate court—not the date of conviction.” See McCoy v. State, 401 S.C. 363, 368-69, 737 S.E.2d 623, 626 (2013). Thus, the statute of limitations runs from the date of remittitur from the appeal of *the underlying conviction*.

Any application for post-conviction relief submitted by Applicant was therefore due on or before February 22, 2003. However, Applicant did not file this Application until April 23, 2015 - well after the statutory filing period had expired. 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.” Summary dismissal of a PCR application is appropriate when the application is filed after the statutory filing period. Leamon v. State, 363 S.C. 432, 611 S.E.2d 494 (2003). The Court finds that the statute of limitations was properly raised as a defense in this case, and, in turn, dismisses the application for failure to file within the time mandated by the Act.

### Successive

The Court further finds that the Application should be summarily dismissed because it is successive to Applicant's previous PCR applications, filed on August 7, 2000 and May 27, 2004, respectively. Courts disfavor successive applications and place the burden on applicants to establish that any new ground raised in a subsequent application could not have been earlier raised in a previous application. Foxworth v. State, 275 S.C. 615, 274 S.E.2d 415 (1981); Arnold v. State, 309 S.C. 157, 420 S.E.2d 834 (1992). Section 17-27-90 of the South Carolina Code 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

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*2019*

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 indicate 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.” Id. at 450, 409 S.E.2d at 394. If the applicant could have raised the allegations in a previous application, then the applicant may not raise those grounds in successive applications. Id. Applicant bears the burden of showing the allegations could not have been previously raised. Land v. State, 274 S.C. 243, 262 S.E.2d 735 (1980).

The application currently before the Court seeks post-conviction relief on the basis of ineffective assistance of counsel and lack of jurisdiction. Applicant has failed to establish any sufficient reason why he could not have raised his current allegations in his previous applications for post-conviction relief. The Applicant could certainly have raised his current allegations against trial counsel in his first application for post-conviction relief Applicant also had the opportunity to set forth any evidence that the Court lacked the jurisdiction to hear his case in his first PCR application. Moreover, Applicant did in fact make allegations of ineffective assistance of counsel in his first application for post-conviction relief filed on August 7, 2000. Applicant has therefore failed to meet the burden imposed upon him. Accordingly, this Court finds that the application is successive, and dismisses the application on that basis.

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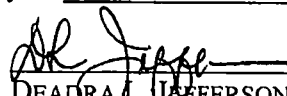
**CONCLUSION**

The Court intends to dismiss this application with prejudice as untimely and successive pursuant to S.C. Code Ann. § 17-27-70(b). Accordingly, counsel will not be appointed to Applicant in this case. The appointment of counsel is appropriate only when a hearing must be held. See Rule 71.1, SCRCPC ("If, after the State has filed its return, the application presents of law and fact which will require a hearing, the Court shall promptly appoint counsel to assist the applicant if he is indigent."). Applicant has not set forth any questions of law or fact for the Court to consider. Applicant will not be granted a hearing unless he can provide specific reasons, factual or legal, why the application should not be dismissed in its entirety as successive and untimely. Applicant is granted twenty (20) days from the date of service of this Order upon him to show why this Order should not become final. Applicant shall file any reasons he may have with the Charleston County Clerk of Court and shall serve opposing counsel at the following address:

Office of the Attorney General  
Attn: Rasheeda Cleveland, Esquire  
PCR Division – 9<sup>th</sup> Circuit  
P.O. Box 11549  
Columbia, South Carolina 29211

Applicant is cautioned that his response to this order must be actually received by the Charleston County Clerk of Court and opposing counsel within twenty (20) days, and that that the Court will not consider any issues raised in his response if not so timely filed and served.

AND IT IS SO ORDERED this 31<sup>st</sup> day of Oct., 2017.

  
DEADRA L. JEFFERSON  
Chief Administrative Judge  
Ninth Judicial Circuit

Chas., South Carolina

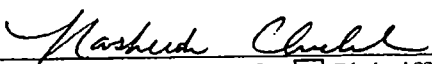


STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHARLESTON )  
 )  
 TERRANCE WRIGHT, #0505358 )  
 Plaintiff, )  
 vs. )  
 )  
 STATE OF SOUTH CAROLINA )  
 Defendant. )

IN THE COURT OF COMMON PLEAS  
 NINTH JUDICIAL CIRCUIT

CASE NO: 2015-CP-10-2332

**MOTION AND ORDER INFORMATION  
 FORM AND COVERSHEET**

|  |   |
|--|---|
| Plaintiff's Attorney:<br>Terrance Wright, #0505358, Pro Se<br>Address: Nash Correctional Institution<br>PO Box 600<br>Nashville, NC 27856<br>Phone: _____ Fax _____<br>E-mail: _____ Other: _____  | Defendant's Attorney:<br>Rasheeda Cleveland, Esquire.<br>Address:<br>PO Box 11549<br>Columbia, SC 29211<br>Phone: _____ Fax _____<br>E-mail: _____ Other: _____ |
| <input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)<br><input checked="" type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)<br><input type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)  |   |
| <b>SECTION I: Hearing Information</b>  |   |
| Nature of Motion: _____<br>Estimated Time Needed: _____ Court Reporter Needed: <input type="checkbox"/> YES / <input checked="" type="checkbox"/> NO   |   |
| <b>SECTION II: Motion/Order Type</b>   |   |
| <input type="checkbox"/> Written motion attached<br><input checked="" type="checkbox"/> Form Motion/Order<br>I hereby move for relief or action by the court as set forth in the attached proposed order.  |   |
| <br>Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant  | March 19, 2018<br>Date submitted  |
| <b>SECTION III: Motion Fee</b>   |   |
| <input type="checkbox"/> PAID – AMOUNT: \$ _____<br>EXEMPT: (check reason)   |   |
| <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support<br><input type="checkbox"/> Domestic Abuse or Abuse and Neglect<br><input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party<br><input type="checkbox"/> Sexually Violent Predator Act <input checked="" type="checkbox"/> Post-Conviction Relief<br><input type="checkbox"/> Motion for Stay in Bankruptcy<br><input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCF)<br><input type="checkbox"/> Proposed order submitted at request of the court; or,<br>reduced to writing from motion made in open court per judge's instructions<br>Name of Court Reporter: _____<br><input type="checkbox"/> Other: _____ |   |
| <b>JUDGE'S SECTION</b><br><input type="checkbox"/> Motion Fee to be paid upon filing of the attached order.<br><input type="checkbox"/> Other: _____   | JUDGE CODE _____<br>Date: _____   |
| <b>CLERK'S VERIFICATION</b>  |   |
| Collected by: _____ Date Filed: _____<br><input type="checkbox"/> MOTION FEE COLLECTED: \$ _____<br><input type="checkbox"/> CONTESTED – AMOUNT DUE: \$ _____  |   |

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AT  
GS  
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STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

) IN THE COURT OF COMMON PLEAS FOR  
) THE NINTH JUDICIAL CIRCUIT  
)  
)  
)

Terrance Wright, #256699,

2015-CP-10-2332

Applicant,

**FINAL ORDER OF DISMISSAL**

v.

State of South Carolina,

Respondent.

FILED  
2018 APR 11 PM 2:39  
JULIE J. ARMSTRONG  
CLERK OF COURT  
BY [Signature]

This matter comes before the Court by way of the application for post-conviction relief (PCR) filed on January 10, 2017 by Terrance Wright (Applicant). Respondent made its Return requesting 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 signed October 31, 2017 and filed November 3, 2017, provisionally denying and dismissing this action, while giving the Applicant 20 days from the date of service of said Order in which to show why the dismissal should not become final.<sup>1</sup>

On October 16, 2017, Applicant filed an "Objection to Conditional Order of Dismissal and Motion for an Evidence Hearing." Applicant requested hearing on the following issues:

1. "North Carolina Gen. Stat. Rules prevents me from making parole because of the pending detainer from South Carolina Dept. of Corrections which makes this case in a perpetual loop of stagnation."
2. "When the Order was issued in PCR File No. 2003-CP-10-1894 in 7 September 04 under the impression that I would be released 5 July 05 was done without the defense attorney knowing that in order for my parole, I'd

<sup>1</sup> Respondent did not receive a sign affidavit of service from Applicant. However, Applicant filed an objection to the Conditional Order of Dismissal which is evidence that he indeed received a copy of the Conditional Order.

have to resolve this issue, in which the initial prosecuting agent knew of the legal disabilities it would create for me to unravel."

3. "Out of all the PCR Motions filed, I'm trying to be brought back to Charleston that I may end this stagnation of a sentence because everyone in North Carolina with the same sentence as I without a detainer has already paroled or/and completed their parole and is free."
4. "Because of the South Carolina Dept. of Corrections Detainer, I've done (12) twelve years more in prison than what I should've done and until South Carolina issue is resolved, I will never get out of North Carolina prison system."
5. "I motion this court to allow appointment of counsel to assist me in presenting 'all' the arguments and transcripts under my U.S. Const. Amendment rights that is raised in all PCR motions filed."
6. "Everytime I've filed an PCR motion it was dismissed without prejudiced 'citing I'm not in South Carolina' etc. which allows the prosecution to still use its illegal tactics to make me stay in prison longer unconstitutionally when they know by allowing me to present evidence of misconduct ineffective assistance of counsel then the South Carolina sentence would become void with relief mandated."
7. "In all the PCR motions filed there was never any attorney appointed that contacted me of such that I contacted the South Carolina State Bar against William Tracy Brown whom the State Bar agreed with me against for negligence and ineffective assistance . . ."

Applicant then filed an "Amendment to Objection to Conditional Order of Dismissal and Motion for Evidence Hearing" on October 16, 2017. In this motion, Applicant again requests an evidentiary hearing in South Carolina, but offers a new ground in support of his request. Specifically, Applicant argues that he is entitled to a hearing so that his "state remedies may be exhausted for federal review." Applicant believes that he is being denied federal habeas corpus relief because he has not exhausted all of his state remedies, and has attached a February 2, 2012 Order issued by the District Court of South Carolina in support thereof. Applicant also filed a Motion for Appointment of Counsel on October 16, 2017. The Motion for Appointment of Counsel renews Applicant's July 9, 2015 request for the

appointment of PCR counsel to aid him with this application.<sup>2</sup> Applicant simultaneously filed a Motion for Writ. In this motion, Applicant asks this Court to issue an Order of Writ ordering his transfer from the Hyde Correctional Center in Swan Quarter, North Carolina to Al Cannon Detention Center in North Charleston, South Carolina.

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.

The Court further finds that the statute of limitations was properly raised as a defense in this case, and, in turn, the Application was properly summarily dismissed for failure to file within the time mandated by the Act. 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). Applicant was convicted of the offense he currently challenges on March 4, 1999, and the remittitur from Applicant's direct appeal was issued on February 22, 2002. "The time limitation in S.C. Code §17-27-45(A) provides that, where a defendant appeals his conviction (as Applicant did here), the one-year period begins the date the remittitur is sent by the appellate court—not the date of conviction." See McCoy v. State, 401 S.C.363, 368-69, 737 S.E.2d 623, 626 (2013). Thus, the statute of limitations runs from the date of remittitur from the appeal of the underlying conviction. Any application for post-conviction relief submitted by Applicant was therefore due on or before February 22, 2003. However, Applicant did not file this Application until April 23, 2015, well after the statutory filing period had expired.

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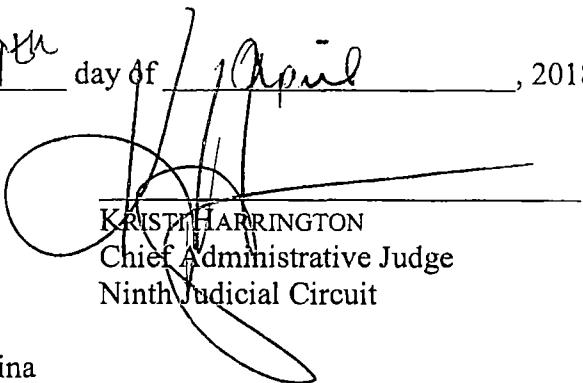
<sup>2</sup> The Court declines to appoint Applicant post-conviction relief counsel in accordance with South Carolina Supreme Court Administrative Order 2008-10-06-01.

Additionally, this Court also finds that the Application is successive to Applicant's previous PCR applications, filed on August 7, 2000 and May 27, 2004. The Application currently before the Court seeks post-conviction relief on the basis of ineffective assistance of counsel and lack of jurisdiction. Applicant has failed to establish any sufficient reason why he could not have raised his current allegations in his previous applications for post-conviction relief. Applicant could certainly have raised his current allegations against trial counsel in his first application for post-conviction relief filed on August 7, 2000. Applicant also had the opportunity to set forth any evidence that the Court lacked jurisdiction to hear his case in his first post-conviction relief application. Moreover, Applicant did in fact make allegations of ineffective assistance of counsel in his first application. Accordingly, this Court finds that that the Application is successive.

**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 hereby advises the Applicant that he must file and serve a Notice of Appeal within 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 9<sup>th</sup> day of April, 2018.

  
KRISTI HARRINGTON  
Chief Administrative Judge  
Ninth Judicial Circuit

Charleston, South Carolina



ALAN WILSON  
ATTORNEY GENERAL

March 19, 2018

The Honorable Kristi Lea Harrington  
Chief Administrative Judge  
300B California Ave.  
Moncks Corner, SC 29461

RE: Terrance Wright, #256699 v. State of South Carolina  
2015-CP-10-2332

Dear Judge Harrington:

Enclosed please find the original proposed **Final Order of Dismissal** in the above-captioned case. For your convenience, I am enclosing a copy of the signed and served Conditional Order of Dismissal for your review.

If this Order meets your approval, please sign and return to me in the enclosed envelope, and I will forward to the Charleston County Clerk of Court to be filed and served.

Sincerely,

Rasheeda Cleveland  
Assistant Attorney General

RC - jaj  
Enclosure

cc: Terrance Wright, #256699