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MAY 02 2018

IN THE

S.C. SUPREME COURT

SUPREME COURT OF SOUTH CAROLINA

PETITION FOR WRIT OF CERTIORARI

PETITIONER RESPECTFULLY PRAYS THAT A WRIT OF CERTIORARI ISSUE TO REVIEW THE JUDGMENT BELOW

STATEMENT OF THE CASE

THIS PETITION WAS FILED PURSUANT TO 17-27-10 THROUGH 17-27-160 FOR A CRIMINAL CONVICTION AND THEREFORE REQUIRED NO FILING FEE. (SEE 17-27-60).

ADDITIONALLY, 17-27-70 MANDATES VIA STATUTE "WITHIN 30 DAYS THE STATE SHALL RESPOND!"

DUE TO THE STATES FAILURE TO RESPOND BY SEPTEMBER 22, 2016 PETITIONER FILED THE ATTACHED MOTION FOR SUMMARY JUDGMENT MAY 10, 2017.

BY THE STATES FAILURE TO RESPOND WITHIN 30 DAYS, THE STATE WAIVED ALL DEFENSES AND THE COURT OF COMMON PLEAS ERRED BY DISMISSAL IN DISREGARD OF PETITIONERS MOTION FOR SUMMARY JUDGMENT.

THEREFORE PETITIONER REQUESTS RELIEF VIA THE STATE DEFAULT.

PROOF OF SERVICE

I SEND A COPY OF THIS PETITION ON JOHNNY E. JAMES JR AND RENEE ELVIS VIA U.S MAIL POSTAGE (REPAID) AT THEIR ADDRESSES ON 4/28/2018

s/ Curtis Richardson

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	FOR THE FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF HORRY)	
Curtis D. Richardson,)	Case No.: 2016-CP-26-05589
F.B.O.P. No. 28507-171,)	
)	
Applicant,)	
)	ORDER OF DISMISSAL PURSUANT TO
v.)	RESTRICTIVE FILING ORDER
)	
State of South Carolina,)	
)	
Respondent.)	

Horry County, S.C.
 2018 APR -9 PM 1:14
 COUNTY

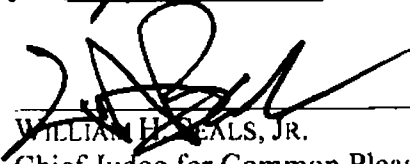
This matter comes before the Court by way of an application for post-conviction relief filed by Curtis D. Richardson (Applicant) on August 26, 2016. Respondent requests the application be dismissed pursuant to a restrictive filing order issued by the Supreme Court of South Carolina on January 8, 2010.

I.

Applicant is confined in the Federal Bureau of Prisons. Applicant was indicted at the September 2011 term of the Horry County Grand Jury for possession of marijuana with intent to distribute, 2nd offense (2010-GS-26-02856), and unlawful possession of a pistol (2011-GS-26-03427). Brana J. Williams, Esq. represented Applicant, and Heather Smith von Hermann, of the Fifteenth Circuit Solicitor's Office, prosecuted the case. On September 16, 2011, Applicant pled guilty to the lesser-included offense of PWID marijuana, 1st offense, and as indicted for the pistol. The Honorable Benjamin H. Culbertson sentenced Applicant to imprisonment for concurrent terms of five years for the PWID and three years for the pistol. Applicant filed a timely notice of appeal, but subsequently indicated his desire to withdraw the appeal. By Order filed July 24, 2012, the South Carolina Court of Appeals dismissed Applicant's appeal.

The application for relief before the Court is not accompanied by the required filing fee, but rather requests leave to proceed *in forma pauperis*. Furthermore, the allegations raised would otherwise be procedurally barred and are facially without merit. In light of the Order of January 8, 2010, and Applicant's prior application as set forth in the summary¹ procedural history above, Applicant's request to proceed *in forma pauperis* is denied, and the application for post-conviction relief is **DISMISSED**.

AND IT IS SO ORDERED this 4 day of April, 2018.



WILLIAM H. SEALS, JR.
Chief Judge for Common Pleas
Fifteenth Judicial Circuit


_____, South Carolina

¹ A complete recitation of Applicant's *profligate* filings is not necessary to the disposition of this matter. Rather, the Court notes the prior application to confirm that Applicant was not unduly denied his "one bite at the apple" by a restrictive filing order that pre-dates the conviction at issue. See Mangal v. State, 421 S.C. 85, 99, 805 S.E.2d 568, 575-76 (2017) (encouraging flexibility within the rules to ensure all applicants receive a full and fair opportunity to present claims in one PCR application).

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

IN THE COURT OF COMMON
PLEAS

CURTIS RICHARDSON

C/A # 2016-CP-26-05589

VS

STATE OF SOUTH CAROLINA

APPLICATION FOR POST-CONVICTION RELIEF

MOTION FOR SUMMARY JUDGMENT
AND AMENDMENT

FILED
HORRY COUNTY
2017 MAY 17
RENEE N. JAMES
CLERK OF COURT
HORRY COUNTY

ON AUGUST 22, 2016, PETITIONER / APPLICANT FILED APPLICATION FOR POST-CONVICTION RELIEF. THE CLERK OF COURT THEN SERVED THE OFFICE OF ATTORNEY GENERAL. THAT OFFICE VIA STATUTE WAS MANDATED TO PROCESS THIS CASE FOR COURT PROCEEDINGS.

AS OF THE CURRENT DATE THE STATE HAS FAILED TO APPOINT COUNSEL, PROCESS THIS APPLICATION OR FILE AN ANSWER.

PETITIONER ALSO MOVES TO ADD TO THIS APPLICATION THAT ALL GROUNDS RAISED ARE BASED ON INEFFECTIVE ASSISTANCE OF COUNSEL.

BASED ON THE STATES DEFAULT VIA FAILING TO RESPOND THE APPLICANT MOVES THE COURT TO GRANT THE REQUESTED RELIEF

PROOF OF SERVICE

I SERVED A COPY OF THIS MOTION ON THE FOLLOWING VIA U.S. MAIL (POSTAGE PREPAID).

CLERK OF COURT

CATLIN HASTINGS s/ Curtis Richardson

1301 2ND AVE

P.O. Box 11549

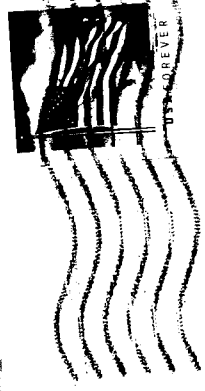
CONWAY, SC 29526

COLUMBIA, SC

MAY 10, 2016

29211

CURTIS RICHARDSON 28507-171
Number:
Name:
Federal Correctional Institution 2
P.O. Box 1500
Butner, NC 27509



RALEIGH NC 275
Registered Through Region
30 APR 2018 PM 3 L

⇔ 28507-171 ⇔
Clerk Supreme Court
1231 Gervais ST
Columbia, SC 29201
United States

29201-323699

