

RECEIVED

MAY 24 2018

S.C. SUPREME COURT

JOHN THOMAS ROBINSON

P.O. BOX 10535

ROCK HILL, SC 29731

THE HONORABLE DANIEL E. SHEAROUSE

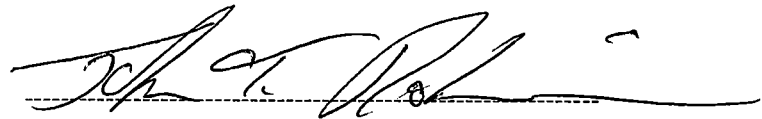
CASE#: 2017-CP-46-0160

P.O. BOX 11330

COLUMBIA, SC 29211

DEAR SIR:

PLEASE FILE MY NOTICE OF APPEAL AT YOUR EARLIEST.

A handwritten signature in black ink, appearing to read "J. Thomas Robinson", written over a horizontal dashed line.

JOHN THOMAS ROBINSON

APPEAL  
TO: YORK COUNTY  
SIXTEENTH JUDICIAL CIRCUIT COURT  
THE HONORABLE JOHN C. HAYES, III

**RECEIVED**  
MAY 24 2018  
S.C. SUPREME COURT

-----  
DOCKET NUMBER: 2017-CP-46-0160  
-----

JOHN THOMAS ROBINSON V. STATE OF SOUTH CAROLINA



JOHN THOMAS ROBINSON, PRO-SE

SWORN TO AND SUBSCRIBED BEFORE ME THIS

22nd DAY OF May, 2018

Cory Cunupp (LS)

NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES: Sept 20, 2027

**Cory Cunupp**  
Notary Public, State of South Carolina  
My Commission Expires Sept. 20, 2027



STATE OF SOUTH CAROLINA  
COUNTY OF YORK

RECEIVED

MAY 24 2018

JOHN THOMAS ROBINSON

APPELLANT S.C. SUPREME COURT

V.

STATE OF SOUTH CAROLINA

RESPONDENT.

CERTIFICATE OF SERVICE

THE UNDERSIGNED HEREBY CERTIFIES THAT A TRUE COPY OF THE NOTICE OF APPEAL HAS BEEN SERVED UPON THE RESPONDENT BY MAILING ONE (1) COPY IN THE UNITED STATES MAIL' POSTAGE PREPAID, ADDRESSED TO:

JUSTIN J. HUNTER

ASSISTANT ATTORNEY GENERAL

P.O. BOX 11549

COLUMBIA, SC 29211

*[Handwritten Signature]*  
John T. Robinson

SWORN TO AND SUBSCRIBED BEFORE ME THIS

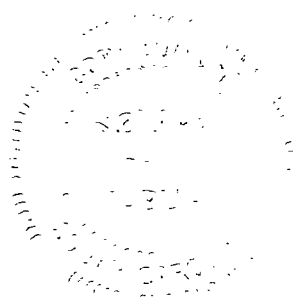
22nd, DAY OF May, 2018

Cory Cunupp (LS)

NOITARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES: Sept 20, 2027

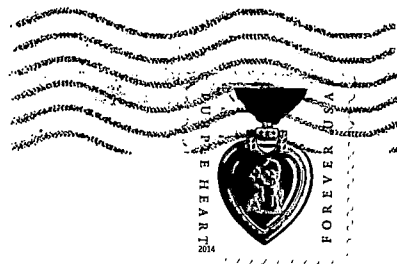
**Cory Cunupp**  
Notary Public, State of South Carolina  
My Commission Expires Sept. 20, 2027



John Thomas Robinson  
P.O. Box 10535  
Rock Hill, SC 29701

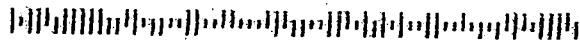
CHARLOTTE NC 282

22 MAY 2018 PM 6 L



Honorable Daniel Skerowe  
P.O. Box 11330  
Columbia, SC 29211

050981-11262



**FORM 4**

**STATE OF SOUTH CAROLINA  
COUNTY OF YORK  
IN THE COURT OF COMMON PLEAS**

**JUDGMENT IN A CIVIL CASE  
CASE NUMBER 2017CP4600160**

John Thomas Robinson		South Carolina State Of	
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<b>PLAINTIFF(S)</b>	<b>DEFENDANT(S)</b>
<b>Submitted by:</b>	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**

<input type="checkbox"/> Rule 12(b), SCRCP;	<input type="checkbox"/> Rule 41(a), SCRCP (Vol. Nonsuit);
<input type="checkbox"/> Rule 43(k), SCRCP (Settled);	<input type="checkbox"/> Other: _____
- ACTION STRICKEN (CHECK REASON):**

<input type="checkbox"/> Rule 40(j) SCRCP;	<input type="checkbox"/> Bankruptcy;
<input type="checkbox"/> Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;	<input type="checkbox"/> Other: _____
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**

<input type="checkbox"/> Affirmed;	<input type="checkbox"/> Reversed;	<input type="checkbox"/> Remanded;	<input type="checkbox"/> Other:
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NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order; (formal order to follow)  Statement of Judgment by the Court:

**ORDER INFORMATION**

This order  ends  does not end the case.

Additional Information for the Clerk: **CONDITIONAL ORDER OF DISMISSAL**

<b>INFORMATION FOR THE JUDGMENT INDEX</b>		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

**E-Filing Note:** In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

s/ John C. Hayes, III.

John C. Hayes, III.  
Circuit Court Judge.

2049

Judge Code

6/28/2017

Date

**For Clerk of Court Office Use Only**

This judgment was entered on **June 29, 2017**, and a copy mailed first class or placed in the appropriate attorney's box on **June 29, 2017**, to attorneys of record or to parties (when appearing pro se) as follows:

John Thomas Robinson Po Box 10535 Rock Hill, SC 29731

Justin James Hunter PO Box 11549 Columbia, SC  
29211-1549

---

ATTORNEY(S) FOR THE PLAINTIFF(S)

---

ATTORNEY(S) FOR THE DEFENDANT(S)

David Hamilton

Court Reporter

David Hamilton - Clerk of Court

---

**Court Reporter:**

**E-Filing Note:** In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

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**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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STATE OF SOUTH CAROLINA )  
COUNTY OF YORK )

IN THE COURT OF COMMON PLEAS )  
SIXTEENTH JUDICIAL CIRCUIT )

John Thomas Robinson, )

2017-CP-46-0160 )

Applicant, )

v. )

CONDITIONAL ORDER OF DISMISSAL )

State of South Carolina, )

Respondent. )

FILED-RECEIVED  
2017 JUN 29 PM 4:19  
DANIEL HAMILTON  
CLERK C.C.P. & GS  
YORK COUNTY, SC

This matter comes before this Court by way of an application for post-conviction relief filed January 20, 2017. The State made its Return and Motion to Dismiss.

**I. PROCEDURAL HISTORY**

Applicant is not incarcerated. Applicant was indicted by the December 1983 term of the York County Grand Jury for Shoplifting (1983-GS-46-1691). On January 12, 1984, Applicant proceeded to trial by jury pursuant to which he was found guilty of Shoplifting, 2<sup>nd</sup> offense. The Honorable Robert L. McFadden sentenced Applicant to confinement for a period of one year. Applicant did not appeal his conviction or sentence.

**PCR#1 (2009-CP-46-0804)**

According to Respondent's records, Applicant filed his first PCR application challenging this offense on November 18, 2008. Respondent made its Return and Motion to Dismiss on May 14, 2009. A Conditional Order of Dismissal was issued on August 25, 2009, dismissing the action as being barred by the statute of limitations and the doctrine of laches. Applicant submitted a response to the Conditional Order of Dismissal. A Final Order of Dismissal was issued on April 1, 2010, denying and dismissing the application with prejudice.

**PCR#2 (2014-CP-46-0931)**

On March 26, 2015, Applicant filed his second PCR application alleging the following grounds for relief:

1. "Did the court lack subject matter jurisdiction?"
  - a. "Legislature's intent violated through circuit court's disposition"
2. "Was imposition of sentence excessive?"
  - a. "Legislature's intent of sentence violated"
3. "Was Sixth and Eighth Amendment Violated?"
  - a. "Constitution of the United States violated"

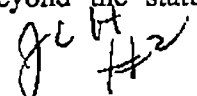
The State made its Return and Motion to Dismiss on September 10, 2014, requesting that the Application be summarily dismissed. A Conditional Order of Dismissal filed October 2, 2014, provisionally dismissing the application for being filed beyond the statute of limitations and pursuant to the doctrine of laches. Applicant timely replied to the Conditional Order of Dismissal on October 6, 2014. A Final Order of Dismissal was issued by the Court and filed on January 8, 2015.

**PCR#3 (2015-CP-46-1165)**

On April 17, 2015, Applicant filed his second PCR application alleging the following grounds for relief:

1. "Did the court lack subject matter jurisdiction?"
  - a. "Legislature's intent violated through circuit court's disposition"
2. "Was imposition of sentence excessive?"
  - a. "Legislature's intent of sentence violated"
3. "Was Sixth and Eighth Amendment Violated?"
  - a. "Constitution of the United States violated"

The State made its Return and Motion to Dismiss on May 5, 2016, requesting that the Application be summarily dismissed. A Conditional Order of Dismissal filed June 3, 2016, provisionally dismissing the application for being successive, filed beyond the statute of



limitations, and pursuant to the doctrine of laches and res judicata. Applicant timely replied to the Conditional Order of Dismissal on June 7, 2016. A Final Order of Dismissal was issued by the Court and filed on August 11, 2016.

Applicant filed a notice of appeal, dated August 29, 2016. The Supreme Court dismissed the appeal by an order issued December 6, 2016 for Applicant's failure to show that there was an arguable basis for asserting that the lower court's determination was improper. The remittitur was sent December 22, 2016.

#### **PCR#4 Current Application**

In his current application for post-conviction relief, Applicant alleges he is being held unlawfully for the following reasons:

1. "Did the court lack subject matter jurisdiction?"
  - a. "This matter should not have been a high-court issue"
2. "Was imposition of sentence excessive?"
  - a. "Too much punishment for offense"
3. "Was Sixth and Eighth Amendment Violated?"
  - a. "Ineffective assistance of counsel"

Before this Court are the York County Clerk of Court regarding the subject convictions, Applicant's prior PCR records, Applicant's current PCR application, and Respondent's Return and Motion to Dismiss.

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

### **Successiveness**

This Court finds that the current Application for post-conviction relief must be summarily dismissed because it is successive to the previous applications for post-conviction relief. S.C. Code Ann. § 17-27-90 (1985) 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

*Je # 3*

adjudicated 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.

Successive applications are disfavored and the burden is on Applicant to establish that any new ground raised in a subsequent application could not have been raised by him in a previous application. Foxworth v. State, 275 S.C. 615, 274 S.E.2d 415 (1981); Aice v. State, 305 S.C. 448, 409 S.E.2d 392 (1991); Arnold v. State/Plath v. State, 309 S.C. 157, 420 S.E.2d 834 (1992).

This Court finds that Applicant could have raised the new grounds for relief in his prior post-conviction relief applications. This Court also notes that Applicant raised several of the exact same allegations *verbatim* in his prior PCR application. Applicant has failed to establish sufficient reason why he could not have raised his current allegations in his previous application for post-conviction relief; therefore, he has failed to meet the burden imposed upon him. Land v. State, 274 S.C. 243, 262 S.E.2d 735 (1980); Aice v. State, 409 S.E.2d 392 (1991); Arnold v. State/Plath v. State, 420 S.E.2d 834 (1992).

#### **Statute of Limitations**

The Court further finds that this Application for post-conviction relief must also be 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. S.C. Code Ann. §17-27-45(a) reads as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year

after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

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 challenges in this Application on January 12, 1983. Applicant was therefore required to file his application before July 1, 1997. This Application was filed on January 21, 2017, which was over **nineteen (19) years** after the statutory filing period had expired.

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). 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." Therefore, because Applicant failed to file within the time mandated by the Post-Conviction Procedure Act, Applicant's post-conviction relief application must be summarily dismissed.

#### Laches

This Court also finds that this application must be summarily dismissed based on the doctrine of laches. Applicant has filed this application over **thirty-four (34) years** after he was convicted and over **nineteen (19) years** after statute of limitations had expired. The doctrine of laches bars Applicant from raising these allegations in a post-conviction relief application. Absent some explanation or justification for the delay in seeking post-conviction relief, laches will prevent an applicant from seeking collateral review of his conviction, especially where the delay affects the availability of evidence to refute the applicant's claims. McElrath v. State, 276

*JWH* 5

S.C. 282, 277 S.E.2d 890 (1981); Honeycutt v. Ward, 612 F.2d 36 (2nd Cir. 1979). To ensure finality of litigation, our courts require reasonable diligence in pursuing collateral relief. This requirement "guards the state's legitimate expectation that it will not be called upon without due cause, to defend the integrity of convictions that occurred many years ago, where records and witnesses are no longer available." McElrath, 276 at 283.<sup>1</sup>

Applicant's unreasonable delay has greatly prejudiced Respondent in Respondent's ability to investigate Applicant's claims and defend allegations concerning actions that took place over three decades prior to Applicant's PCR filing. If Applicant had sought post-conviction relief within a reasonable time after his conviction, this problem would not exist. Thus, this Court finds that Applicant has presented no legitimate reason why he silently sat on his rights for over nineteen years after the statute of limitations had expired. Accordingly, this application must be dismissed based on Applicant's lack of diligence in processing his claim for relief.

#### *Res Judicata*

This Court further finds that Applicant's claims are barred by the doctrine of *res judicata*. *Res judicata* prohibits subsequent actions by the same parties on the same issues. Bell v. Bennett, 307 S.C. 286, 414 S.E.2d 786 (Ct. App. 1992). A final judgment on the merits in a prior action bars subsequent consideration of those issues in a new action. Foran v. USAA Casualty Ins. Co., 311 S.C. 189, 427 S.E.2d 918 (Ct. App. 1993). *Res judicata* also bars any issues that could have been raised in the former action. Id.

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<sup>1</sup> Rule 9(a) of the Federal Habeas Corpus Act recognizes the doctrine of laches. The Rule states in pertinent part: A petition may be dismissed if it appears that the State of which the Respondent is an officer has been prejudiced in its ability to respond to the Petition by delay in its filing unless the Petitioner shows that it is based on grounds of which he could not have had knowledge by the exercise of reasonable diligence before the circumstances prejudicial to the state occurred.

Furthermore the South Carolina legislature has recognized this problem and instituted a one year statute of limitations. See, S.C. Code Ann. §17-27-45(a).

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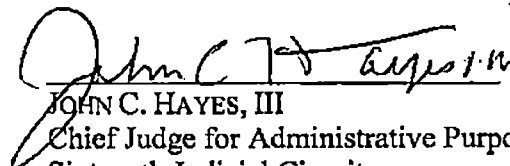
Many of Applicant's allegations in this application was raised in Applicant's prior PCR application, verbatim. Applicant had a full opportunity to litigate all claims regarding ineffective assistance of counsel, excessive sentence, and lack of subject matter jurisdiction in his prior PCR actions. Applicant continues to raise the same meritless claims by repeated collateral attacks on his convictions. The public interest in finality of judgments requires that litigation must eventually come to an end. Pursuant to Rule 12(b)(6), SCRPC, the Court should summarily dismiss these claims as barred by *res judicata*.

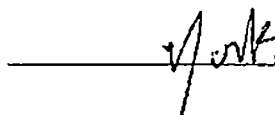
### CONCLUSION

Pursuant to S.C. Code Ann. §17-27-70(b), the Court intends to dismiss this Application with prejudice unless Applicant provides specific reasons, factual or legal, why the Application should not be dismissed in its entirety. 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 York County Clerk of Court and shall serve opposing counsel at the following address:

Office of the Attorney General  
Justin J. Hunter, Esquire  
PCR Division – 16th Circuit  
P.O. Box 11549  
Columbia, SC 29211

AND IT IS SO ORDERED this 20<sup>th</sup> day of June, 2017.

  
JOHN C. HAYES, III  
Chief Judge for Administrative Purposes  
Sixteenth Judicial Circuit

 South Carolina



**FORM 4**

**STATE OF SOUTH CAROLINA  
COUNTY OF YORK  
IN THE COURT OF COMMON PLEAS**

**JUDGMENT IN A CIVIL CASE  
CASE NUMBER 2017CP4600160**

John Thomas Robinson	South Carolina State Of	
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<b>PLAINTIFF(S)</b>	<b>DEFENDANT(S)</b>
<b>Submitted by:</b>	<b>Attorney for:</b> <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**
  - Rule 12(b), SCRCP;
  - Rule 41(a), SCRCP (Vol. Nonsuit);
  - Rule 43(k), SCRCP (Settled);
  - Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**
  - Rule 40(j) SCRCP;
  - Bankruptcy;
  - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
  - Other: \_\_\_\_\_
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
  - Affirmed;
  - Reversed;
  - Remanded;
  - Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order; (formal order to follow)  Statement of Judgment by the Court:

**ORDER INFORMATION  
FINAL ORDER OF DISMISAL**

**This order**  ends  does not end the case.  
Additional Information for the Clerk: \_\_\_\_\_

**INFORMATION FOR THE JUDGMENT INDEX**

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

**Note:** Title abstractors and researchers should refer to the official court order for judgment details.

**E-Filing Note:** In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

S/JOHN C HAYES  
Circuit Court Judge

2049  
Judge Code

5/3/2018  
Date

**For Clerk of Court Office Use Only**

This judgment was entered on 5/3/2018, and a copy mailed first class or placed in the appropriate attorney's box on 5/3/2018, to attorneys of record or to parties (when appearing pro se) as follows:

John Thomas Robinson Po Box 10535 Rock Hill, SC 29731

Justin James Hunter PO Box 12519 Columbia, SC 29211

---

ATTORNEY(S) FOR THE PLAINTIFF(S)

---

ATTORNEY(S) FOR THE DEFENDANT(S)

*David Hamilton*

---

Court Reporter

---

David Hamilton - Clerk of Court

**Court Reporter:**

**E-Filing Note:** In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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FILED-RECEIVED

STATE OF SOUTH CAROLINA )  
COUNTY OF YORK )

IN THE COURT OF COMMON PLEAS  
SIXTEENTH JUDICIAL CIRCUIT

2018 MAY -3 PM 3:31

2017-CP-46-0160

John Thomas Robinson, )  
DAVID HAMILTON )  
C.C.P. & GS )  
Applicant, )  
YORK COUNTY, SC )

**FINAL ORDER OF DISMISSAL**

v. )

State of South Carolina, )

Respondent. )

This matter comes before the Court by way of an application for post-conviction relief ("PCR") filed by John Thomas Robinson (Applicant) on January 20, 2017. Respondent made its return on or about June 22, 2017, requesting the application be summarily dismissed because it was filed beyond the statute of limitations, successive to Applicant's prior PCR application, and due to the doctrines of laches and res judicata.

Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, the undersigned issued a Conditional Order of Dismissal signed June 28, 2017 and filed July 29, 2017, provisionally denying and dismissing this action, while giving Applicant twenty days from the date of service of said Order in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is a Certificate of Service, serving the above mentioned Conditional Order of Dismissal on Applicant on July 7, 2017.

Applicant issued a response on July 7, 2017, titled "Objection and Refute to Conditional Order of Dismissal." Applicant asserts his application should not be dismissed and counsel should be appointed. This Court finds Applicant has not provided a sufficient reason why his fourth PCR application should not be dismissed. This Court would reassert its findings and

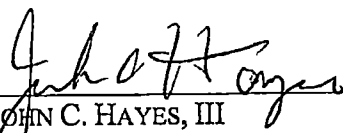
rulings from the Conditional Order of Dismissal. Applicant has raised the exact same grounds he raised in his second and third PCR applications and cannot raise them in a successive application. Furthermore, Applicant's application was filed over nineteen years beyond the statute of limitations and thirty-three years after his conviction.

After review of Applicant's arguments, this Court finds that Applicant has failed to meet his burden of showing that his Application should not be dismissed as successive and barred by the statute of limitations.

**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.

This Court hereby advises the Applicant that he must file and serve a Notice of Appeal within thirty days of the service of this Order to secure appellate review. See Rule 203, SCACR. Applicant's attention is directed to Rule 227, SCACR., for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this 23<sup>rd</sup> day of April, 2018.

  
\_\_\_\_\_  
JOHN C. HAYES, III  
Circuit Court Judge  
Sixteenth Judicial Circuit

York, South Carolina.

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

JOHN THOMAS ROBINSON

Applicant,

v.

STATE OF SOUTH CAROLINA

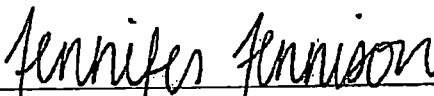
Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of **Conditional Order of Dismissal and Form 4** has been served upon the applicant by mailing one (1) copy in the United States mail, postage prepaid, addressed to:

**John Thomas Robinson  
PO Box 10535  
Rock Hill, SC 29731**

This 7<sup>th</sup> day of July, 2017.

  
Jennifer Jennison  
Legal Assistant for the Respondent

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF YORK )  
 )  
 JOHN THOMAS ROBINSON )  
 Plaintiff, )  
 vs. )  
 )  
 STATE OF SOUTH CAROLINA )  
 Defendant. )

IN THE COURT OF COMMON PLEAS  
 SIXTEENTH JUDICIAL CIRCUIT  
 CASE NO.: 2017-CP-46-0160  
 MOTION AND ORDER INFORMATION  
 FORM AND COVERSHEET

Plaintiff's Attorney: Mr. John Thomas Robinson, Bar No. _____ Address: Post Office Box 10535 Rock Hill, South Carolina 29731 Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: Justin J. Hunter, Bar No. _____ Address: Post Office Box 11549 Columbia, South Carolina 29211 Phone: _____ Fax _____ E-mail: _____ Other: _____
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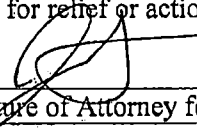
MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)  
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)  
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

**SECTION I: Hearing Information**

Nature of Motion: \_\_\_\_\_  
 Estimated Time Needed: \_\_\_\_\_ Court Reporter Needed:  YES /  NO

**SECTION II: Motion/Order Type**

Written motion attached  
 Form Motion/Order  
 I hereby move for relief or action by the court as set forth in the attached proposed order.

  
 Signature of Attorney for  Plaintiff /  Defendant

April 6, 2018  
 Date submitted

**SECTION III: Motion Fee**

PAID - AMOUNT: \$ \_\_\_\_\_  
 EXEMPT: (check reason)

Rule to Show Cause in Child or Spousal Support  
 Domestic Abuse or Abuse and Neglect  
 Indigent Status  State Agency v. Indigent Party  
 Sexually Violent Predator Act  Post-Conviction Relief  
 Motion for Stay in Bankruptcy  
 Motion for Publication  Motion for Execution (Rule 69, SCRCP)  
 Proposed order submitted at request of the court; or,  
 reduced to writing from motion made in open court per judge's instructions  
 Name of Court Reporter: \_\_\_\_\_  
 Other: \_\_\_\_\_

**JUDGE'S SECTION**

Motion Fee to be paid upon filing of the attached order.  
 Other: \_\_\_\_\_

JUDGE CODE \_\_\_\_\_  
 Date: \_\_\_\_\_

**CLERK'S VERIFICATION**

Collected by: \_\_\_\_\_ Date Filed: \_\_\_\_\_  
 MOTION FEE COLLECTED: \$ \_\_\_\_\_  
 CONTESTED - AMOUNT DUE: \$ \_\_\_\_\_