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**S.C. SUPREME COURT**

RE: Olayinka Ajamu Babatunde 270816 v. STATE of South  
Carolina 2013-CP-40-05284

DR. MS. McBRIDE

Enclosed for filing is a NOTICE OF APPEAL in the ABOVE CASE  
AND A COPY OF THE FINAL ORDER OF DISMISSAL.

SINCERELY,

Olayinka Ajamu Babatunde  
436 OAKLAND ROAD  
PEIZER, South CAROLINA, 29669

cc. JESSICA E. KINARD  
S.C. ATTORNEY GENERAL  
P.O. Box 11549  
Columbia, S.C. 29211-1549

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

Olayinka A. Babatunde, #270816,  
aka Johnny McCoy,  
aka Michael McCoy,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT

Case No.: 2013-CP-40-05284

**FINAL ORDER OF DISMISSAL**

RICHLAND COUNTY  
FIFTH ED.  
2016 DEC 28 PM 3:50  
JEROME H. HARRIS  
D.C.P. & G.S.

This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed September 4, 2013. Respondent made its Return and Motion to Dismiss April 24, 2014, requesting that 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 filed June 10, 2014, provisionally denying and dismissing this action, while giving the Applicant twenty (20) 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 an Affidavit of Service dated June 25, 2014, serving the above-mentioned Conditional Order of Dismissal on the Applicant.

Applicant submitted three (3) responses to the conditional order of dismissal, dated May 12, 2014; May 13, 2014; and June 30, 2014. These documents discuss, in detail, the issues that Applicant has been arguing since his conviction. Applicant prevailed in his first PCR action and received a belated appeal. Even though the Courts of this State have determined this matter to be finally adjudicated on procedural grounds, Applicant continues to argue that he deserves another attempt to find relief based on these claims. His direct appeal was affirmed by the Court of

Appeals, and a belated appeal was granted to review his first PCR action. This appeal was also ultimately dismissed. Simply put, Applicant has exhausted all avenues available to him in this State's judicial system. For this reason, this Court also issued an order restricting future filings that was filed on June 10, 2014, contemporaneously with the conditional order of dismissal in this action. Applicant has not filed or served any other documents in this action.

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The following findings of fact and conclusions of law are made pursuant to Rules 52 and 58 of the South Carolina Rules of Civil Procedure:

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

2. This Court further finds that Applicant's current application is successive to Applicant's previously filed applications, that Applicant's current application was filed outside the statute of limitations, and that it is barred by the doctrine of *res judicata*. Accordingly, this Court finds the current application fails to state a claim which creates any genuine issue of material fact for this Court to consider.

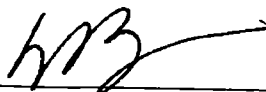
3. This Court has reviewed Applicant's responses to the Court's Conditional Order of Dismissal in its entirety in conjunction with the original pleadings, and finds that a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final.

IT IS THEREFORE ORDERED that, for the reasons set forth in the Court's Conditional Order of Dismissal, the application for PCR 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 (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 23 day of Dec, 2015



DEANDREA G. BENJAMIN  
Chief Judge for Administrative Purposes  
Fifth Judicial Circuit

Columbia, South Carolina

OLAYINKA AJAYI BABATUNDE 290816  
430 OAKLAWN ROAD  
PELZER, S.C. 29669

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