

RECEIVED

SEP 17 2018

S.C. SUPREME COURT

LAW OFFICE OF
C. RAUCH WISE
Attorney & Counselor at Law
305 Main Street
Greenwood, SC 29646
e-mail rauchwise@gmail.com

C. Rauch Wise

Telephone
(864) 229-5010
Facsimile
(864) 229-2665

September 11, 2018

Daniel E. Shearouse, Clerk
Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211

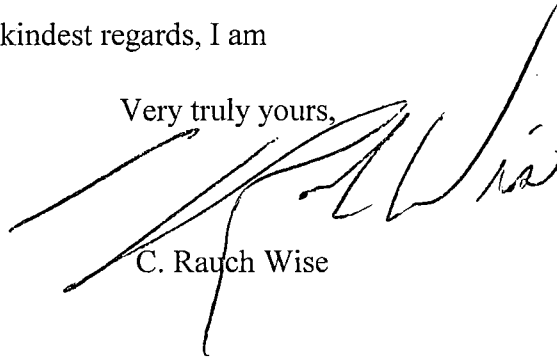
Re: State vs. Jonathan Coburn, Case No. 2015-CP-18-00147

Dear Mr. Shearouse:

I am enclosing herewith for filing the original Notice of Appeal regarding the above matter together with the original Affidavit of Service.

With kindest regards, I am

Very truly yours,

A handwritten signature in black ink, appearing to read 'C. Rauch Wise', is written over the typed name.

C. Rauch Wise

CRW/slt
Enclosure

cc Christian Saville
Clerk, York County
Hon. Diane Schafer Goodstein

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

SEP 17 2018

S.C. SUPREME COURT

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas
Diane Schafer Goodstein, Circuit Court Judge

Case № 2015-CP-18-00147

Jonathon Coburn, SCDC #329567, Petitioner,

vs.

State of South Carolina Respondent.

AFFIDAVIT OF SERVICE

PERSONALLY appeared before me Sandy Traynham who, after being duly sworn, deposes and says that she is the Secretary for C. Rauch Wise, Attorney for the Petitioner in the above entitled case. That on September 11, 2018, she did deposit in the United States Mail with proper postage affixed thereto, a copy of the Notice of Appeal in the above case addressed to Christian Saville, Office of the Attorney General, P.O. Box 11549, Columbia, SC, 29211, David Hamilton, Clerk, York County Courthouse, P.O. Box 649, York, SC 29745, and Hon. Diane Schafer Goodstein, P.O. Box 234, St. George, SC 29477.

SWORN to and Subscribed

Sandy Traynham

before me this 11th day

of September, 2018.

[Signature] (L.S.)

Notary Public for South Carolina

My Commission expires: 12/7/2019

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

SEP 17 2018

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas
Diane Schafer Goodstein, Circuit Court Judge

S.C. SUPREME COURT

Case № 2015-CP-18-00147

Jonathon Coburn, SCDC #329567, Petitioner,

vs.

State of South Carolina Respondent.

NOTICE OF INTENT TO APPEAL

Jonathon Coburn appeals the Order of the Honorable Diane Schafer Goodstein dated August 10, 2018. Judgement was entered on August 14, 2018, and the Order of Dismissal filed May 31, 2017.

September 11, 2018



C. Rauch Wise
Attorney at Law
305 Main Street
Greenwood, SC 29646
(864) 229-5010

Attorney for Appellant

OTHER COUNSEL OF RECORD

Christian Saville
PO Box 11549
Columbia SC 29211

FORM 4

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

**JUDGMENT IN A CIVIL CASE
CASE NUMBER 2015CP1800147**

✓ Jonathan Coburn		South Carolina State of
-------------------	--	-------------------------

PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	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):**
 - Rule 12(b), SCRPC;
 - Rule 41(a), SCRPC (Vol. Nonsuit);
 - Rule 43(k), SCRPC (Settled);
 - Other: _____
- ACTION STRICKEN (CHECK REASON):**
 - Rule 40(j) SCRPC;
 - 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

This order ends does not end the case.
Additional Information for the Clerk: _____

FILED-RECORDED
 2018 APR 14 PM 2:03
 CLERK OF COUNTY
 DORCHESTER COUNTY

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.

Diane S. Goodstein	2112	8/14/2018
Circuit Court Judge	Judge Code	Date

For Clerk of Court Office Use Only

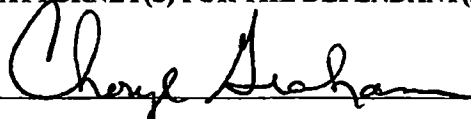
This judgment was entered on 8/14/2018, and a copy mailed first class or placed in the appropriate attorney's box on 8/14/2018, to attorneys of record or to parties (when appearing pro se) as follows:

Clarence Rauch Wise, Esq. 305 Main St. Greenwood, SC
29646

Christian Saville PO Box 11549 Columbia, SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)



Court Reporter

Cheryl Graham - 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-Fileers or who are appearing pro se. See Rule 77(d), SCRPC.

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.

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

JONATHON COBURN
SCDC #329567

Applicant,

v.

STATE OF SOUTH CAROLINA,

Defendant.

IN THE COURT OF COMMON PLEAS

FIRST JUDICIAL CIRCUIT
2015-CP-18-00147

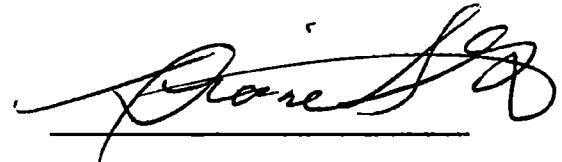
ORDER

FILED-RECORDED
2018 AUG 14 PM 2:03
CLERK GRANT
CLERK OF COURT
DORCHESTER COUNTY

APPLICANT's Rule 59(e) Motion to alter or amend judgment was filed on June 15, 2017.

Applicant has not met the burden under SCRCP 52 or SCRCP 59(e) to warrant reconsideration. Applicant does not raise any new issues for the Court's consideration. Therefore, the Applicant's 59(e) Motion to Alter or Amend Judgment is denied.

AND IT IS SO ORDERED!



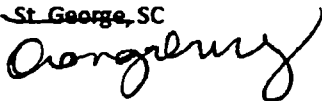
Judge Diane Schafer Goodstein

Chief Administrative Judge

First Judicial Circuit

8-10-2018

St. George, SC



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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2015CP1800147

Jonathan Coburn		South Carolina State of	
-----------------	--	-------------------------	--

PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	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): Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other: _____

ACTION STRICKEN (CHECK REASON): Rule 40(j) SCRPC; Bankruptcy; Other: _____
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;

STAYED DUE TO BANKRUPTCY:

DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
 Affirmed; Reversed; Remanded; Other: _____

FILED-RECORDED

5-31-2017

Cheryl Graham
Clerk of Court
Dorchester County

48

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: _____

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.

Diane S. Goodstein
Circuit Court Judge

2112
Judge Code

5/30/2017
Date

For Clerk of Court Office Use Only

This judgment was entered on 5/31/2017, and a copy mailed first class or placed in the appropriate attorney's box on 6/31/2017, to attorneys of record or to parties (when appearing pro se) as follows:

Clarence Rauch Wise, Esq., 305 Main St. Greenwood, SC 29646

Ruston Wesley Neely PO Box 11549 Columbia, SC 29211

Jonathan Coburn, #329567, Perry Corr. Inst., 430 Oaklawn Road, Pelzer, SC 29669

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

Cheryl Graham
Cheryl Graham - 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.

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.

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)
Jonathon Coburn,)
S.C.D.C. No. 329567)
v.)
State of South Carolina)
Defendant.)

IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL CIRCUIT
2015-CP-18-0147
ORDER OF DISMISSAL

FILED-RECORDED
5-31-2017
Cheryl Graham
Clerk of Court
Dorchester County 

This Court convened an evidentiary hearing into the matter on October 24, 2016, at the Dorchester County Courthouse. Applicant was present at the hearing and represented by Rauch Wise, Esquire. Ruston W. Neely, Esquire, of the South Carolina Attorney General’s Office, represented Respondent.

This Court had the opportunity to listen to the argument of counsel and had before it a copy of the trial transcript, the records of the Beaufort County Clerk of Court regarding the subject conviction, Applicant’s records from the South Carolina Department of Corrections, and the pleadings in this matter. This Court finds as follows:

I. PROCEDURAL HISTORY

On November 6, 2006, the North Charleston Police Department sought and obtained an arrest warrant against Applicant for the crimes of Murder (K-177522) and Assault and Battery with Intent to Kill (K-177523). Applicant was thereafter indicted by the Dorchester County Grand Jury during the January 2007 term for the same (2007-GS-18-163, -164). Timothy Clay Kulp, Esq. represented Applicant on the charges. On July 17, 2008, Applicant entered a plea of guilty to the crimes as indicted. The Honorable Paul M. Burch sentenced Applicant to

concurrent terms of thirty (30) years confinement for the Murder and twenty (20) years confinement for the Assault and Battery with Intent to Kill.

Applicant filed a timely notice of appeal. By order dated October 8, 2008, the South Carolina Court of Appeals dismissed Applicant's appeal "for want of any showing that there is an issue preserved for appellate review" pursuant to Rule 203(d)(1)(B)(iv), SCACR. State v. Coburn, S.C. Ct. App. Order dated October 8, 2008. The Remittitur issued on October 27, 2008.

A. 2009-CP-18-1636

Applicant filed his first Application for Post-Conviction Relief on June 12, 2009 (2009-CP-18-1636), alleging ineffective assistance of counsel. Respondent made its return on August 4, 2009. Applicant thereafter amended his application by filing on March 3, 2010. An evidentiary hearing into the matter was convened on March 4, 2010 before the Honorable Diane S. Goodstein. Applicant was present at the hearing and was represented by James A. Brown Jr., Esq. Mary S. Williams, Esq., of the South Carolina Attorney General's Office, represented Respondent. Judge Goodstein denied and dismissed that application for PCR in an order dated June 24, 2011.

Applicant filed a timely notice of appeal and a petition for writ of certiorari was made by Mr. Brown on December 16, 2011. Respondent made its Return on April 17, 2012. On October 3, 2012, the South Carolina Supreme Court denied the petition for writ of certiorari. The Remittitur was returned on October 23, 2012.

B. 0:12-cv-3653-JFA-PJG

Applicant subsequently filed a *pro se* Petition for Habeas Corpus under 28 U.S.C. § 2254 on February 5, 2013 (C.A. No. 0:12-cv-3653-JFA-PJG). In his Petition, Applicant set forth the following grounds for relief:

1. "Ineffective assistance of counsel in violation of the Sixth and Fourteenth Amendments to the Constitution of the United States of America and Article I section 14 of the Constitution of the State of South Carolina."
 - a. Trial counsel provided advised [sic] the petitioner that he would be eligible for release after he served 85% of the 30 years sentence for murder. The petitioner had specifically requested this advice. Based upon this advice the petitioner made his decision to enter the guilty plea. The advice was not correct because under South Carolina law the petitioner will have to serve day for day the entire 30 year sentence for murder. But for trial counsel's deficient advice, the petitioner would not have entered a guilty plea."
2. "Ineffective assistance of counsel"
 - a. "Trial counsel did not thoroughly investigate the facts of this case to determine if petitioner actually shot the deceased. The bullet wound to the deceased is on the left side of her head slightly above the left ear. This shot would have been virtually impossible for the Petitioner to have inflicted as he was standing on the passenger side of the automobile when he fired the pistol at Mr. Bryant. Witnesses testified as to hearing more than 2 shots, but petitioner only fired his pistol twice. Trial counsel failed to examine the interior of the SUV to determine if what appears in the pictures to be a bullet hole on the inside of the passenger door was in fact a bullet hole. Trial counsel failed to interview Keith Bryant to determine why he believed that Lisa Thompson was alive when Mr. Bryant fled the scene. Mr. Bryant's statement to the officer at the hospital indicated that Mr. Bryant thought Lisa Thompson was still alive when Mr. Bryant left the scene."
3. "Ineffective assistance of counsel in the post-conviction relief petition hearing."
 - a. "Counsel at the post-conviction relief hearing only raised the issue of whether trial counsel properly advised petitioner as to how much time he would serve on a 30 years sentence for murder. Post-conviction relief counsel did not raise the issue of whether trial counsel was effective in investigating the facts of the case.

The errors in failing to investigate the case are fully set forth . . . above.”

Respondent filed its Return and Motion for Summary Judgment on May 31, 2013. The Honorable Paige J. Gossett, United States Magistrate Judge, issued a Report and Recommendation that Respondent’s motion for summary judgment be granted. Applicant filed objections to the Report and Recommendation. The Honorable Joseph F. Anderson, United States District Judge, denied Applicant’s Petition on March 31, 2014 and accepted the Report and Recommendation for summary judgment. Coburn v. Cartledge, 0:12-cv-3653-JFA-PJG, 2014 WL 1366034 (D.S.C. March 31, 2014). Applicant gave notice of his appeal to the Fourth Circuit Court of Appeals on April 29, 2014 and filed his informal opening brief on June 30, 2014. The Fourth Circuit Court of Appeals dismissed Applicant’s appeal on October 24, 2014. Coburn v. Cartledge, 585 Fed. Appx. 84 (4th Cir. 2014).

II. CURRENT APPLICATION

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

1. “Ineffective assistance of counsel for the failure to investigate the facts of my case prior to recommending [sic] that I enter a plea of guilty.”
 - a. “Counsel failed to properly investigate the facts. Had the facts been properly investigated counsel would have learned that I could not have shot the deceased by firing two shots into the car from the passenger side. This position is support [sic] by crime scene investigator Brent Turvey whose affidavit in support of these facts is attached to this petition. As I could not have shot and killed the deceased, counsel improperly advised me to enter a guilty plea to the charges.”

Applicant requests relief as follows:

- “I seek to have my guilty plea to the charge of murder overturned on the ground that trial counsel did not properly investigate the case to determine that I could not have shot the victim from the pasenger [sic] side of the automobile. I further seek to have my conviction overturned on the basis that my Post Conviction Relief counsel failed to properly investigate the ineffectiveness of my trial counsel in not properly investigating

the facts of the case. I seek to have my sentence for assault and battery with intent to kill overturned for a new sentencing.”

Respondent incorporates the Dorchester County Clerk of Court records, Applicant’s records from the South Carolina Department of Corrections, the final order of Applicant’s previous PCR action, the final order and report and recommendation from Applicant’s federal habeas corpus action, and the records of this current PCR action.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. Successive

Applicant’s case is not among the “rarest of exceptions” where a successive Applicant’s incarceration would result in a gross miscarriage of justice. See Aice v. State, 305 S.C. 448, 451, 409 S.E.2d 392, 395. Applicant contention is that law enforcement did not investigate the case well enough and there is an error in their description of how the events unfolded. Applicant waived his right to trial and pleaded guilty on July 14, 2008. App. p. 83. During his guilty plea, Applicant gave a detailed confession of the plan to rob the victim and admitted firing shots into the vehicle the victim was in. App. p. 93-96. Applicant’s story remains unchanged. Applicant’s only contention is that the bullet fired from his firearm did not kill the victim. In essence, the allegation is that law enforcement did not sufficiently investigate the case to prove that the bullet fired from his gun was the bullet that killed the victim. Applicant’s contention, and the facts alleged to support it, does not overcome the presumptive burden against successive PCR applications.

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). 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 these 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 court noted, “[f]inality must be realized at some point in order to achieve a semblance of effectiveness in dispensing justice.” Id. at 451, 409 S.E.2d at 395. Aice further held that “the contention that prior PCR counsel was ineffective is not *per se* a ‘sufficient reason’ allowing for a successive PCR application under § 17-27-90.” Id. at 452, 409 S.E.2d at 394. Thus, Applicant has failed to show that a successive application is appropriate.

Applicant’s current allegation could have been raised in the prior proceedings on Applicant’s prior applications for post-conviction relief; thus, the current application is successive and barred under S.C. Code Ann. § 17-27-90. 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. Therefore, he has failed to meet the burden imposed upon him.

Applicant, aware of the restriction on successive claims and the insufficiency of an allegation of ineffective assistance of post-conviction relief counsel, offers the United States Supreme Court holding in Martinez v. Ryan, 132 S.Ct. 1309 (2012) as an authority under which the Court may proceed with post-conviction review. Martinez, however, has no bearing on state post-conviction relief proceedings, but only considers “whether ineffective assistance in an initial-review collateral proceeding on a claim of ineffective assistance at trial may provide cause for a procedural default *in a federal habeas proceeding*.” Martinez at 1315 (emphasis added). The present action is not only successive to Applicant’s prior state action, but is also successive to his federal habeas corpus action.

Therefore, the Application shall be summarily dismissed as successive to Applicant's previous PCR applications.

B. Statute of Limitations

This Court finds the Application must 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. 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 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 on appeal, whichever is later.

S.C. Code Ann. § 17-27-45(a).

The Applicant was convicted on July 17, 2008 and the remittitur from direct appeals issued on October 27, 2008. The current application was not filed until January 16, 2015 – after the one-year statutory filing period expired. Therefore, the application shall be summarily dismissed as barred by the statute of limitations.

C. Res Judicata

The Applicant had a full opportunity to litigate all his allegations in his prior actions. Indeed, Applicant's present allegations are substantially identical to the second ground of his federal habeas corpus action. Judge Gossett dispensed with Applicant's argument thoroughly:

[Applicant] cannot demonstrate that his claims [that plea counsel failed to investigate his case] are substantial claims of ineffective assistance of plea counsel; that PCR counsel was objectively unreasonable in failing to raise them; and that, but for PCR counsel's errors, there is a reasonable probability that Coburn would have received relief on his claim that plea counsel was ineffective in his investigation.

Coburn v. Cartledge, 0:12-cv-3653-JFA-PJG, 2014 WL 1366034, 13 (D.S.C. 2014). Judge Anderson accepted the above conclusions of the Magistrate and further noted that extended

testimony from plea counsel at Applicant's first PCR did show "a familiarity with the events of the shooting, as well as the possible scenarios that might have played out had the case gone to trial." *Id.* at 3. The finality of the previous Court rulings must be respected.

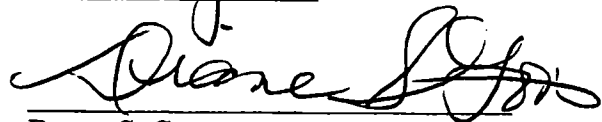
The Application is similarly barred by the doctrine of *res judicata*. *Res judicata* prohibits subsequent actions by the same parties on the same issues. Bell v. Bennett, 307 S.C. 286, 414 S.E.2d 786 (Ct. App. 1992). A final judgment on the merits in a prior action bars subsequent consideration of those 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.*

Therefore, the Application shall be summarily dismissed as barred by the doctrine of *res judicata*.


IV. CONCLUSION

For the foregoing reasons Applicant's application is dismissed.

AND IT IS SO ORDERED this 18 day of May, 2017.

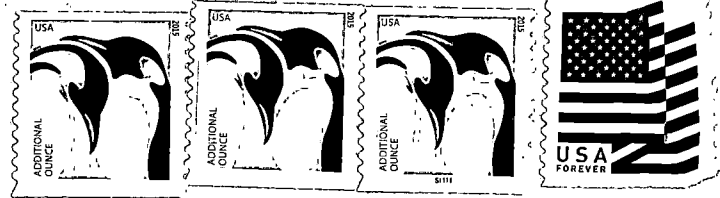


DIANE S. GOODSTEIN
Chief Administrative Judge
First Judicial Circuit



South Carolina

LAW OFFICE OF
C. RAUCH WISE
Attorney & Counselor at Law
305 Main Street
Greenwood, SC 29646



Daniel E. Shearouse, Clerk
Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC 29211