

Tommy A. Thomas

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November 20, 2018

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NOV 26 2018

S.C. SUPREME COURT

PLEASE REPLY TO:  
PO BOX 88  
IRMO, SC 29063

INMATE LINE  
(803) 732-6542

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

Tommy A. Thomas

ATTORNEY AND COUNSELOR AT LAW

RE: Raymond White #276060 v. State of South Carolina  
Case No.: 2015-CP-10-4851

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IRMO, SC 29063

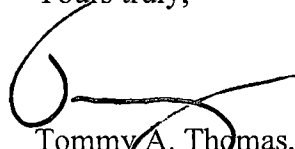
INMATE LINE  
(803) 732-6542

Dear Sir or Madam:

Enclosed please find for filing an original and copy of a Notice of Appeal and Certificate of Service.

Kindly return the clocked copies to me in the enclosed envelope. Please feel free to contact me should you have any questions.

Yours truly,



Tommy A. Thomas,  
Attorney at Law

TAT/jem  
cc: Benjamin Limbaugh, Esq.  
Raymond White #276060  
Appellate Defense

THE STATE OF SOUTH CAROLINA  
In The Supreme Court  
APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
Post Conviction Relief

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S.C. SUPREME COURT

Roger M. Young, Sr., Circuit Court Judge

Case No.: 2015-CP-10-4851

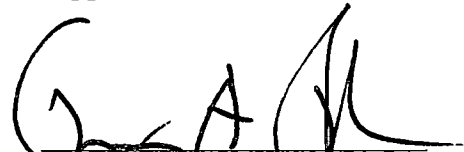
Raymond White #276060,..... Petitioner,

vs.

State of South Carolina, .....Respondent.

NOTICE OF APPEAL

Raymond White #276060 appeals the Order of the Honorable Roger M. Young, Sr., dated October 22, 2018 and filed on October 23, 2018. Appellant received written notice of entry of this order on October 25, 2018.



TOMMY A. THOMAS  
Attorney for Appellant  
P.O. Box 88  
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(803) 732-5507

Other Counsel of Record:  
Benjamin Limbaugh, Esq.  
Assistant Attorney General  
P.O. Box 11549  
Columbia, SC 29211  
Attorney for Respondent

Irmo, South Carolina  
November 20, 2018

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
Post Conviction Relief

Roger M. Young, Sr., Circuit Court Judge

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S.C. SUPREME COURT

Case No.: 2015-CP-10-4851

Raymond White #276060,..... Petitioner,

vs.

State of South Carolina, .....Respondent.

CERTIFICATE OF SERVICE

I, Jacquelyn E. Miller, secretary to Tommy A. Thomas, Attorney for the Petitioner hereby certify that I placed in the United States Mail, a copy of a Notice of Appeal, with postage prepaid and the return address clearly shown on said envelope to Benjamin Limbaugh, Esq. of the Attorney General's Office, at:

Benjamin Limbaugh, Esq.  
Attorney General's Office  
P.O. Box 11549  
Columbia, SC 29211-1549



Jacquelyn E. Miller  
Secretary to Tommy A. Thomas  
Attorney for Petitioner  
P.O. Box 88  
Irmo, SC 29063  
(803) 732-5507

November 20, 2018

CC  
AG  
GS  
SOL  
AT

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )  
  
Raymond White, #276060, )  
Applicant, )  
  
v. )  
  
State of South Carolina, )  
Respondent. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT

Case No. 2015-CP-10-4851

**FINAL ORDER OF DISMISSAL**

FILED  
2016 OCT 23 PM 4:21  
JULIE M. BURNING  
CLERK OF COURT

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed September 1, 2015. Respondent made its return on July 22, 2016, requesting the application be summarily dismissed based upon filing after the statute of limitations had expired and successiveness to the Applicant's prior application for post-conviction relief.

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 July 27, 2016 and filed August 8, 2016, 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 an Affidavit of Service dated August 19, 2016, serving the above-mentioned Conditional Order of Dismissal on Applicant.

On August 18, 2016, Applicant filed a document entitled "Applicant's Reply to Conditional Order of Dismissal". In this response, he argued that his case is similar to Aiken v. Byars, 410 S.C. 534, 765 S.E.2d 572 (2014) and that "here, the family court judge, deprived the Applicant of his due process by bounding the case to the circuit court adult court without an (hearing)". Applicant further argued that "he has met his burden of proof in showing he is

entitled to a PCR hearing based on counsel's constitutionally ineffective performance affected the outcome of the plea process."

Applicant has failed to provide a legal basis as to why his application should not be summarily dismissed. Applicant cites to Aiken v. Byars, 410 S.C. 534, 765 S.E.2d 572 (2014), arguing that his case is similar enough to warrant the granting of his PCR. However, the holding in that case is quite narrow and applies specifically to juveniles who were sentenced to life without the possibility of parole. Applicant is not similarly situated, as he was sentenced to twenty-five years, and therefore Aiken v. Byars would not apply.

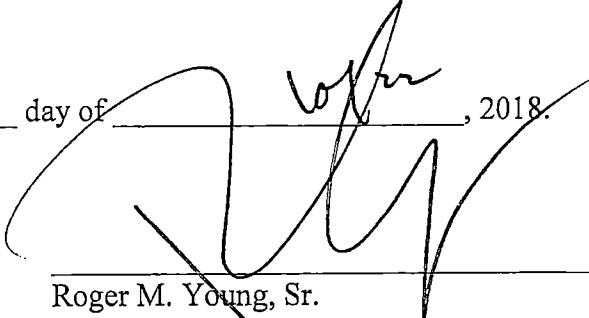
After review of Applicant's response to the Conditional Order of Dismissal, along with the pleadings, this Court finds that Applicant has failed to show that his application should not be dismissed. Applicant has failed to provide any legal explanation that would allow him to bypass the statute of limitations.

**IT IS THEREFORE ORDERED** that, for the reasons set forth in the 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 243, SCACR., for the procedures following the filing and service of the notice of appeal.

A handwritten signature in black ink, consisting of a large, stylized initial 'M' followed by a series of loops and a long horizontal stroke extending to the right.

AND IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

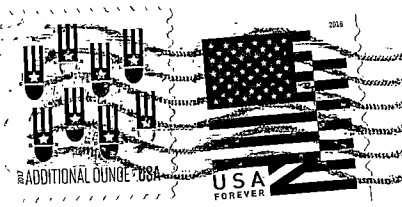


Roger M. Young, Sr.  
Chief Administrative Judge  
Ninth Judicial Circuit

, South Carolina.

Tommy A. Thomas, P.C.  
ATTORNEY AND COUNSELOR AT LAW  
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COLUMBIA SC 290  
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Clerk, Daniel Shearouse  
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29211-133030

