

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLSTON COUNTY
COURT OF COMMON PLEAS

RECEIVED

NOV 21 2018

SC Court of Appeals

Honorable J. Michael Baxley, Circuit Court Judge

Case No: 2015-CP-10-4851

Raymond Alan White, SCDC # 276060.

Appellant,

v.

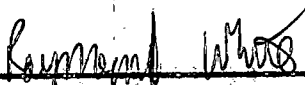
State of South Carolina,

Respondant,

NOTICE OF APPEAL

I, Raymond Alan White, Appeals the order, [Judgement] of the Honorable Mr. Roger M. Young Sr., Dated October 29, 2018. Appellant recieved written notice of this order, [Judgement] on November 2, 2018.

November 14, 2018:


Raymond Alan White, SCDC #276060.
Allendale Correction Institution
Post-office Box 1151 F-2-A-12
Fairfax, South Carolina 29827

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Case No: 2015-CP-10-4851

Raymond Alan White, SCDC # 276060,

Appellant,

v.


State of South Carolina,

Respondant,

PROOF OF SERVICE

I, Raymond Alan White, Do certify by the undersigned that I have served a copy of the Notice of Appeal and Proof of Service on the South Carolina court of Appeals and Attorney Generals office by depositing a copy of the same in the United States Mail, Postage prepaid on the date noted below.

November 14, 2018:



Raymond Alan White, SCDC #276060.
Allendale Correction Institution
Post-office Box 1151 F-2-A-12
Fairfax, South Carolina 29827

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SC Court of Appeals

November 14, 2018

South Carolina Courts of Appeals.
Honorable Jenny Abbott Kitchings, Clerk.
Post-office Box 11629
Columbia, South Carolina 29211

RE: Raymond A. White V. State of South Carolina:
Case No: 2015-CP-10-4851

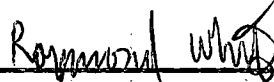
Dear Honorable Clerk,

Please find enclosed for filing in your respectful Court a copy of the Appellants, Notice of Appeal and a Proof of Service on all parties of the record in the above noted case.

Appellant would respectfully request this Notice be filed and a clocked stamped copy and/or notification of such filing be returned to the address listed above for personal files.

Appellant would like to take a moment to thank you and your office in advance for any or all assistance that may be provided in the helping to procure the legal matter noted above.

Respectfully Submitted,



Raymond Alan White, SCDC # 276060.
Allendale Correction Institution
Post-office Box 1151 F-2-A-12
Fairfax, South Carolina 29827

CC:
South Carolina Court of Appeals:
Honorable Jenny Abbott Kitchings, Clerk.

Office of Attorney General;
Alan Wilson, Attorney General:

Raymond White #276060
Allendale Correctional Inst.
P.O. Box 1151
Fairfax, SC 29827

*Legal mail /
Interdepartmental mail*

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ACI

South Carolina Courts of appeals
Honorable Jenny Abbott Kitchens, clerk.
P.O. Box 11629
Columbia, SC 29211

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SC Court of Appeals

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STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
Raymond White, #276060,)
Applicant,)
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
2018 OCT 23 PM 4:21
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."

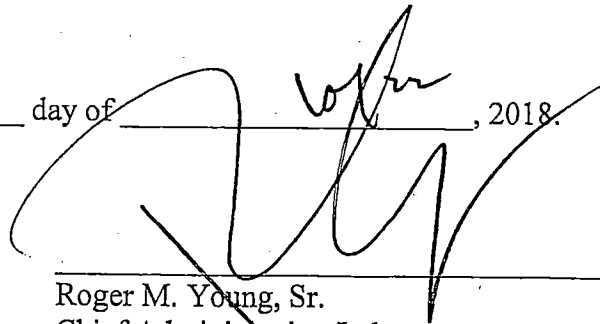
Applicant has failed to provide a legal basis as to why his application should not be summarily dismissed. Applicant cites to Aiken v. Byars, 410 S.C. 534, 765 S.E.2d 572 (2014), arguing that his case is similar enough to warrant the granting of his PCR. However, the holding in that case is quite narrow 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.

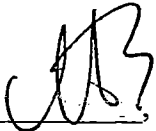
IT IS THEREFORE ORDERED that, for the reasons set forth in the Court's Conditional Order of Dismissal, the PCR application is hereby denied and dismissed with prejudice.

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.

AND IT IS SO ORDERED this _____ day of October, 2018.



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



_____, South Carolina.