

THE STATE OF SOUTH CAROLINA

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In The Supreme Court

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APPEAL FROM THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT

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RECEIVED

DEC 07 2018

S.C. SUPREME COURT

James Wright, III -- Applicant,

-vs-

State of South Carolina -- Respondents

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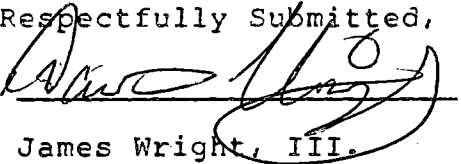
NOTICE OF APPEAL

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NOTICE IS HEREBY GIVEN, above captioned Applicant, James Wright, III, appeals the Order of Dismissal entered in the above captioned case number by the Honorable Roger M. Young, Sr. Chief Administrative Judge. Applicant received the Order via institutional November 6, 2018, Legal Mail.

A copy of the Order is attached hereto.

Respectfully Submitted,

1s 

James Wright, III.

In The Supreme Court

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DEC 07 2018

APPEAL FROM THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT  
[2017-CP-10-2590]

S.C. SUPREME COURT

James Wright III -- Applicant,

-vs-

State of South Carolina -- Respondent,

CERTIFICATE OF SERVICE

The undersigned hereby certifies he has served a true and correct copy of the enclosed NOTICE OF APPEAL on the attorney for Respondents Mr. Benjamin H. Limbaugh, Assistant Attorney General, P.O. Box 11549, Columbia, SC. 29211. This was done by placing the aforesaid in properly addressed, first-class postage affixed envelopes and placed in the U.S. Mail this 3 day of ~~November~~ December 2018.

The Original was served upon Mr. Daniel Shearouse, Clerk for the South Carolina Supreme Court, P.O. Box 11330, Columbia, SC. 29211, the same day stated herein.

Sworn to and Subscribed Before Me

Respectfully Submitted,

This 3rd day of December 2018

*[Signature]*  
James Wright, III, pro-se

Tamara Conwell

NOTARY PUBLIC

MY COMM. EXPIRES September 25, 2023  
My Commission Expires

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHARLESTON )  
 )  
 )  
 )  
JAMES WRIGHT, #282111 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
STATE OF SOUTH CAROLINA )  
 Defendant. )

IN THE COURT OF COMMON PLEAS  
 NINTH JUDICIAL CIRCUIT

CASE NO: 2017-CP-10-2590

**MOTION AND ORDER INFORMATION  
 FORM AND COVERSHEET**

Plaintiff's Attorney: James Wright, #282111 (Q3B-0217-B) Address: Perry Correctional Institution 430 Oaklawn Road Pelzer, SC 29669 Phone: _____ Fax _____ E-mail: _____ Other: _____	Defendant's Attorney: Benjamin H. Limbaugh, Esquire. Address: South Carolina Attorney General's Office Post Office Box 11549 Columbia, South Carolina 29211 Phone: _____ Fax _____ E-mail: _____ Other: _____
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input checked="" type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
<b>SECTION I: Hearing Information</b>	
Nature of Motion: _____ Estimated Time Needed: _____ Court Reporter Needed: <input type="checkbox"/> YES / <input checked="" type="checkbox"/> NO	
<b>SECTION II: Motion/Order Type</b>	
<input type="checkbox"/> Written motion attached <input checked="" type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
<i>Benjamin Limbaugh</i> Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant	October 15, 2018 Date submitted
<b>SECTION III: Motion Fee</b>	
<input type="checkbox"/> PAID - AMOUNT: \$ _____ EXEMPT: (check reason)	
<input type="checkbox"/> Rule to Show Cause in Child or Spousal Support <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input checked="" type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRPC) <input type="checkbox"/> 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: _____ <input type="checkbox"/> Other: _____	
<b>JUDGE'S SECTION</b>	
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other: _____	JUDGE CODE _____ Date: _____
<b>CLERK'S VERIFICATION</b>	
Collected by: _____ Date Filed: _____ <input type="checkbox"/> MOTION FEE COLLECTED: \$ _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____	

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STATE OF SOUTH CAROLINA )  
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COUNTY OF CHARLESTON )  
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James Wright, III, #282111, )  
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Applicant, )  
 )  
v. )  
 )  
State of South Carolina, )  
 )  
Respondent. )

IN THE COURT OF COMMON PLEAS  
FOR THE NINTH JUDICIAL CIRCUIT

Case No. 2017-CP-10-2590

**FINAL ORDER OF DISMISSAL**

2017 OCT 23 PM 4:17  
JUDICIAL CIRCUIT

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed May 23, 2017. Respondent made its return on August 28, 2017, requesting the application be summarily dismissed based upon filing after the statute of limitations had expired, successiveness to Applicants prior post-conviction relief action, barred by the doctrine of res judicata, and barred by doctrine of laches.

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 September 20, 2016, and filed September 26, 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 an Affidavit of Service dated October 18, 2017, serving the above-mentioned Conditional Order of Dismissal on Applicant.

On October 16, 2017, Applicant filed a document entitled "Response to Conditional Order of Dismissal". In this response, he argued that he "never got an opportunity to exhaust all

of my appeals because after my first PCR the transcript was sabotaged and exhibits supporting critical issues were destroyed by the Attorney General and Court Reporter. Applicant further stated that he has "been going through a torrent of mental issues causing me to miss deadlines".

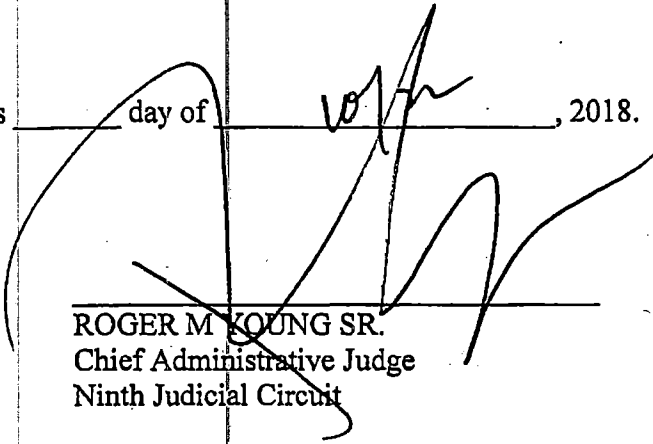
After review of Applicant's response to the Conditional Order of Dismissal, along with the pleadings, this Court finds that Applicant has failed to show that his application should not be dismissed. Applicant has failed to provide any legal explanation that would allow him to bypass the statute of limitations,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

**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 243, SCACR., for the procedures following the filing and service of the notice of appeal.

**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.

AND IT IS SO ORDERED this \_\_\_\_\_ day of 10/12, 2018.

  
\_\_\_\_\_  
ROGER M. YOUNG SR.  
Chief Administrative Judge  
Ninth Judicial Circuit

CR, South Carolina.

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*SC Attorney General's Office*  
*Benjamin H. Limbaugh, AAG*  
*Post Office Box 11549*  
*Columbia, SC 29211-1549*

**James Wright III, #282111 (Q3B-0119-T)**  
**Perry Correctional Institution**  
**430 Oaklawn Road**  
**Pelzer, SC 29669**

