

LORENZO RAGIN  
Appellant

V.

THE STATE OF  
SOUTH CAROLINA  
Respondent

THE SUPREME COURT OF SOUTH CAROLINA

NOVEMBER 5, 2019

APPELLATE CASE NO. 2019-001793  
LOWER COURT CASE NO. 2017 CP 430139b

MOTION TO APPEAL

**RECEIVED**

NOV 12 2019

S.C. SUPREME COURT

TO: THE SUPREME COURT

I AM BEING DENIED MY MOTION OF POST CONVICTION RELIEF, DUE TO THE STATUTE OF LIMITATION, WHICH IS IMPROPER.

ON JULY 06, 2016, I WAS APPOINTED MS. LANELLE CANTY DURANT AS MY DIRECT APPEALS LAWYER, TO HANDLE THAT MATTER. (EXHIBIT A)  
ON OCTOBER 04, 2016, MS. DURANT FILE AN ANDERS BRIEF OF APPELLANT AND RECORD ON APPEAL. WITH THE (SCCA) SOUTH CAROLINA COURT OF APPEALS. (EXHIBIT B)

IN MARCH 02, 2017, I RECEIVED A LETTER FROM THE COURTS OF APPEALS, STATING THAT MY CASE IS BEFORE THE COURTS FOR REVIEW. (EXHIBIT C)

ON MARCH 08, 2017 MY APPEAL WAS DISMISSED BY THE APPEALS COURT. (EXHIBIT D) AND MARCH 09, 2017 I RECEIVED A LETTER FROM MS. DURANT THAT IT WAS DISMISSED AND I HAD A YEAR FROM THAT DATE TO FILE A POST CONVICTION RELIEF (EXHIBIT E) WHICH I FILE IN A TIMELY MANNER. (EXHIBIT F) SHOWS THIS COURT THAT I FILE MY (P.C.R.) THROUGH THE CLERK OF COURT IN JULY OF 2017.

(1)

Which it was Dated and Stamped by the Honorable  
James C. Campbell. And was giving a CASE No. 2017-CP-43-1396

Now the Courts are saying that I was over the statute  
of limitation which I found to be improper to the paper work  
that I have. And the process that the Courts has to go  
through to make a decision.

In conclusion, I hope that this Court review all  
the exhibits that I presented to you, to see that I was  
well inside of the ONE (1) year limitation of filing my  
Post Conviction Relief (PCR) after the decision was passed  
down from the Courts of Appeals. And my P.C.R. shouldn't  
been dismissed.

Very Truly your  
Lorenzo Ragin  
Lorenzo Ragin



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332

Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1343  
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

July 06, 2016

Mr. Lorenzo Ragin #231577  
Trenton Correctional Institution  
84 State Hwy S-19-29  
Trenton, SC 29847

Re: Your Case

Dear Mr. Ragin:

I am the lawyer who will be handling your case in the appellate court. I will be reviewing the record of the proceedings at the trial court to see what legal errors to present to the court on your behalf. I will submit these arguments in the form of a written "brief."

With this letter, I am sending you copies of all hearing transcripts relevant to your case. I will send you copies of the brief when I filed it with the appellate court. Please be patient while the court considers your case. This process is very slow, but there is nothing I can do to speed up the process. It will probably be at least six months before I submit a brief to the appellate court and at least a year after that before the court decides your case. **Some cases take even longer.** You will be notified when the court makes a decision and letters asking the status of your case do not speed up the process.

Please keep these points in mind. In a direct appeal, the appellate court can only consider the information that was in front of the trial court. Any new information cannot be brought to their attention at this point. The appellate court does not decide guilt or innocence. In general, it only looks to see if the trial judge made errors of law. A reversible error only occurs when your lawyer makes an objection or motion and the judge rules against you when legally he should not have. In addition, usually the error must not have been harmless. That is, the error must be something that could have changed the result of the trial.

(Exhibit A)



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Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

October 4, 2016

Mr. Lorenzo Ragin, #231577  
Wateree River Correctional Institution  
PO Box 189  
Rembert, SC 29128-0189

Re: Your appeal

Dear Mr. Ragin:

Enclosed please find a copy of the Anders Brief of Appellant and Record on Appeal in your case, which I have filed with the South Carolina Court of Appeals. The Court will write to you in the future eliciting any **written memorandum** you may want to submit for the Court's consideration of your appeal. That memorandum should be sent to the Court of Appeals, and **not to me**. The petition to be relieved is a standard part of the Anders procedure; it does not mean that I do not wish to represent you.

Please contact me if you have any questions.

Sincerely,

LaNelle Cantey DuRant  
Appellate Defender

LCD/cnp

Enclosure

(Exhibit B)



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

March 02, 2017

Lorenzo Ragin, 231577  
Wateree River Correctional Institution  
P. O. Box 189  
Rembert SC 29128-0189

Re: The State v. Lorenzo Ragin  
Appellate Case No. 2016-000287

Dear Mr. Ragin:

The Court received your letter inquiring about the status of your appeal on February 8, 2017. Your trial attorney, Katarzyna Timmons, filed a notice of appeal on February 18, 2016. The Office of Appellate Defense then took over representation of your appeal. Our records show that LaNelle DuRant is your attorney. Currently, this case is before the Court for review. You can reach LaNelle DuRant at:

South Carolina Commission on Indigent Defense  
Appellate Division  
P.O. Box 11589  
Columbia, SC 29211

We are forwarding this letter along with a copy of correspondence to your counsel. Please be advised any further inquiries or filings must come from your counsel.

*(Exhibit C)*

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

The State, Respondent,

v.

Lorenzo Ragin, Appellant.

Appellate Case No. 2016-000287

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Appeal From Sumter County  
Howard P. King, Circuit Court Judge

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Unpublished Opinion No. 2017-UP-113  
Submitted February 1, 2017 – Filed March 8, 2017

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**APPEAL DISMISSED**

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Appellate Defender LaNelle Cantey DuRant, of  
Columbia, for Appellant.

Matthew C. Buchanan, of the South Carolina Department  
of Probation, Parole and Pardon Services, of Columbia,  
for Respondent.

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(Exhibit D)



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Columbia, South Carolina 29201-3332

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Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

March 9, 2017

Mr. Lorenzo Ragin #231577  
Wateree River Correctional Institution  
PO Box 189  
Rembert, SC 29128-0189

Re: Your case

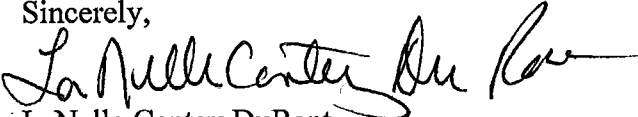
Dear Mr. Ragin:

Enclosed is a copy of the opinion of the Court of Appeals affirming your conviction pursuant to the Anders v. California procedure. Please be advised that our office will be closing your case along with this letter.

Please be aware that there is a **one year statute of limitations for filing an application for post-conviction (PCR) relief**. This is one year from the date of the enclosed opinion. This statute of limitations is **very strictly enforced**, so please be sure that you comply with it. Please understand *it is your responsibility alone to be sure this PCR application is timely filed*. **This application must be filed with the clerk of court in the county of your conviction**. There is also now a **one year statute of limitations for filing for federal habeas**. However, you must **exhaust your PCR claims** in state court, before raising them in federal court.

Please be aware that the time between your direct appeal becoming final, and the date your PCR application is filed **will count against your federal habeas statute of limitations in the future**. I do wish you the best. Feel free to contact me if you have any questions.

Sincerely,

  
LaNelle Cantey DuRant  
Appellate Defender

LCD/cnp  
Enclosure: Post-Conviction Relief Application

(Exhibit E)

FORM 5

STATE OF SOUTH CAROLINA

County of Sumter

Lorenzo Ragin # 231577

Full name and prison number (if any) of Applicant

v.

State of South Carolina

RECORDED  
2017 JUL 27 IN THE COURT OF COMMON PLEAS

JAMES C. CAMPBELL  
CLERK OF COURT  
SUMTER COUNTY, S.C.

2017-CP-431396

APPLICATION FOR

POST-CONVICTION RELIEF  
CERTIFIED COPY  
OF ORIGINAL FILE

Barbara Harper  
DEPUTY CLERK OF COURT  
SUMTER COUNTY  
SOUTH CAROLINA

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Satree Correctional Institution
2. Name and location of Court which imposed sentence General Sessions, Sumter County
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
  - (a) 2016-675-43-0070 / shoplifting, third or subsequent offense
  - (b) \_\_\_\_\_

RECEIVED

JUL 27 2017

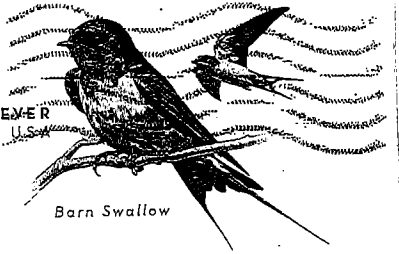
Referred to PCR/PB  
Answered \_\_\_\_\_

(Exhibit F)

LORENZO RAGIN #231577  
WRC.I. (D2-14A)  
P.O. Box 189  
REMBERT, S.C.  
29128-0189

COLUMBIA, SC 290

FOREVER



Barn Swallow

THE SUPREME COURT OF SOUTH CAROLINA  
DANIEL E. SHEAROUSE, CLERK OF COURT  
Post Office Box 11330  
Columbia, S.C. 29211

SODC  
Christmas  
Packet

29211-199030

