

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

EDDIE DEAN DOGAN, JR. #00256596, PETITIONER

v.

THE STATE OF SOUTH CAROLINA, Respondent

CASE NO. 1918-GS-42-3569-7D:518D
CF-6548957

Appeal from SPARTANBURG COUNTY
J. MARK HAYES, II., CIRCUIT COURT JUDGE

RECEIVED
MAY 14 2020
SC Court of Appeals

1* IN THIS CASE INVOLVING SECTION §17-28-30, OF THE SOUTH CAROLINA CODE (2014) AND (2017), WHICH PROVIDES FOR POST-CONVICTION DNA TESTING, EDDIE DEAN DOGAN, JR. APPEALS THE CIRCUIT COURTS APPLICATION(S) OF THE SEVEN-YEAR TIME LIMIT FOR DEFENDANTS WHO PLED GUILTY OR NO CONTEST. DOGAN ARGUES HE PLED NOT GUILTY AND THE STATUTE, 17-28-30(A) CONTAINS NO TIME LIMIT FOR THOSE DEFENDANTS., See, SMITH v. STATE, - 412 S.C.472, 772 S.E.2d 286 [Ct. App. 2015]

2* JUDGE J. MARK HAYES, II. REQUEST THAT DOGAN, SEEK TO HAVE HIS DECISION(S) REVIEWED BY ANOTHER OR OTHER JUDGES, DATED APRIL 20, 2020,

RULE 237. SUBSEQUENT APPLICATION FOR RELIEF

WHEN ANY JUSTICE OR JUDGE OF ANY OF THE COURTS OF THIS STATE HAS DECLINED TO GRANT ANY ORDER OR WRIT IN ANY CASE. AND THEREAFTER AN APPLICATION FOR THE SAME ORDER OR WRIT, OR AN ORDER OR WRIT OF A SIMILAR CHARACTER, IS MADE TO AN APPELLATE COURT OR MEMBER THEREOF, IT SHALL BE INCUMBENT UPON THE PARTY, OR HIS ATTORNEY, TO SHOW IN THE APPLICATION THE FORMER REFUSAL AND THE JUDGE OR JUSTICE WHO REFUSED THE SAME, AND IF THE REFUSAL HAS BEEN REDUCED TO WRITTING, A COPY OF THE ORDER SHALL BE ATTACHED TO THE APPLICATION...

Eddie Dean Dogan Jr.
EDDIE DEAN DOGAN, JR. #00256596
TYLER RIVER CORRECTIONAL INST.
UNIT 5-211 LOWER YARD
300 PRISON ROAD
SPARTANBURG, SOUTH CAROLINA 29325

IN THE STATE OF SOUTH CAROLINA
COURT OF APPEALS

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SUPPORTING DOCUMENTATION

- SOUTH CAROLINA SLED "DNA" RESULT REPORT, [2007-CP-42-2758
- ORDER OF J. MARK HAYES II, 2008/2014, [2007-CP-42-2758
- 1* DNA APPLICATION APRIL 9, 2014 PAID TO HAVE FILED PURSUANT TO 8-21-310(1)(a) (SUPP. 2004)
- 25.00 MONEY ORDER TO HAVE DNA APPLICATION FILED 17-28-30 BY [SISTER BETTY MAYFIELD]
- 25.00 MONEY ORDER DEFAULT OF APRIL 9, 2014 / MAY 18, 2015 [BY BETTY MAYFIELD]
- 2nd 17-28-30(D) DNA APPLICATION FILED AS SUCCESSIVE FEBRUARY 6, 2017.
- DISMISSED AS BEING FILED UNTIMELY APRIL 24, 2017.
- LETTER OF J. MARK HAYES DATED, MARCH 3, 2020, FOR REVIEW.
- LETTER TO J. MARK HAYES DATED, APRIL 9, 2020, SHOWING HE MADE ERROR IN LAW BY CITING
- WRONG SECTION IN 17-28-30, WITH NOTARY
- J. MARK HAYES, II, ASKING DOGAN TO HAVE ANOTHER JUDGE REVIEW HIS DECISION DATED
- APRIL 20, 2020.
- NOTARY OF SERVICE FROM MAIL ROOM PERSONEL (LEGALLY) PS: 10.0818.33.

IN MARCH 1999, DOGAN WAS TRIED AND CONVICTED OF [CSCM] CRIMINAL SEXUAL CONDUCT WITH A MINOR AFTER PLEADING NOT GUILTY. THE TRIAL COURT SENTENCED HIM TO THIRTY YEARS IMPRISONMENT.

IN 2008, THE SOUTH CAROLINA GENERAL ASSEMBLY PASSED THE ACCESS TO JUSTICE POST-CONVICTION DNA TESTING ACT (THE ACT). AND ON JANUARY 1, 2009 IT BECAME EFFECTIVE. SEE SC. CODE ANN. § 17-28-10 TO -120 (2014). 2008 S.C. ACTS 413. §1. SECTION 17-28-30 (B) STATES:

A PERSON WHO PLED GUILTY OR NOLO CONTENDERE TO AT LEAST ONE OF THE OFFENSES ENUMERATED IN SUBSECTION (A), WAS SUBSEQUENTLY CONVICTED OF OR ADJUDICATED DELINQUENT FOR THE OFFENSE, IS CURRENTLY INCARCERATED FOR THE OFFENSE, AND ASSERTS HE IS INNOCENT OF THE OFFENSE MAY APPLY FOR FORENSIC DNA TESTING OF HIS DNA AND ANY PHYSICAL EVIDENCE OR BIOLOGICAL MATERIAL RELATED TO HIS CONVICTION OR ADJUDICATION NO LATER THAN SEVEN YEARS FROM THE DATE OF SENTENCING.

(Emphases added). SECTION 17-28-30 (A) STATES:

A PERSON WHO PLED NOT GUILTY TO AT LEAST ONE OF THE FOLLOWING OFFENSES, WAS SUBSEQUENTLY CONVICTED OF OR ADJUDICATED DELINQUENT FOR THE OFFENSE, IS CURRENTLY INCARCERATED FOR THE OFFENSE, AND ASSERTS HE IS INNOCENT OF THE OFFENSE MAY APPLY FOR FORENSIC DNA TESTING OF HIS DNA AND ANY PHYSICAL EVIDENCE OR BIOLOGICAL MATERIAL RELATED TO HIS CONVICTION OR ADJUDICATION:

(13) CRIMINAL SEXUAL CONDUCT WITH A MINOR [§16-3-655] , , ,

(Emphasis added).

DOGAN WROTE TO THE SPARTANBURG COUNTY CLERK OF COURT (THE SPARTANBURG CLERK) REQUESTING AN APPLICATION FOR POST-CONVICTION DNA TESTING (APPLICATION) AS OF DECEMBER 9TH, 2013 RETURN LETTER FROM MS. CINDY PARTIS GENERAL SESSIONS DEPARTMENT, STATING WE HAVE RECEIVED YOUR LETTER REQUESTING AN APPLICATION FOR DNA TESTING ON THE ABOVE CASE [F654895].

^{Footnote}
1. DOGAN FILED AN INQUIRY MOTION DATED JUNE 31, 2013, WHICH WAS CONSTRUED INTO A PCR POSTCONVICTION RELIEF BY CLERK MS. D. GREENE, AND GAVE IT A # 2013-CP-42-2608 IN APRIL 9, 2014 AN DNA APPLICATION WAS AWARDED TO THIS 2012 ...

WE DO NOT HAVE THESE TYPE FORMS TO PROVIDE TO YOU. YOU MAY BE ABLE TO LOCATE THIS INFORMATION ON THE S.C. JUDICIAL DEPARTMENTS WEBSITE, OR YOU MAY WANT TO CONTACT THE ATTORNEY THAT REPRESENTED YOU ON THIS CASE.
DATE OF RESPONSE DECEMBER 16, 2013

ON OCTOBER 8, 2013, DOGAN FILED AN INQUIRY BRIEF, WHICH WAS CONSTRUED INTO A (PCRA) POST-CONVICTION RELIEF ACTION. AND PROVIDED A DOCKET # 2013-CP-42-2608. THAT SOMEHOW, LED MS. DEBBIE GREENE, CLERK OF COURT IN THE CIVIL CAPACITY TO BRING FORTH SUCH AN ACTION, THAT WASN'T PAID FOR. PURSUANT TO THE JUNE 20TH 2013 FILING, SEE CLERK'S DOCUMENT EXHIBIT _____

ON FEBRUARY 28TH 2014. I PROVIDED THE CLERK WITH DOCUMENTS RELATING TO THE DNA REPORT TO ASSIST THE CLERK WITH WHY I WAS FILING THE INQUIRY WHICH WAS RETURNED ON MARCH 10, 2014, STATING: THE COURT WILL NEED A \$25.00.00 FILING FEE FOR THIS MOTION; AND THEN THE DOCUMENTS WILL BE PRESENTED TO THE JUDGE TO DETERMINE IF THEY CAN BE FILED. AGAIN FILED BY MS. DEBBIE GREEN. SEE CLERK DOCUMENT EXHIBIT _____

ON APRIL 9, 2014 DOGAN FILED THE FORENSIC DNA APPLICATION, THAT HE HAD HIS SISTER BETTY J. MAYFIELD, GO ON LINE FOR THE DNA APPLICATION PURSUANT TO MS. M. HOPE BLACKLEY, SPARTANBURG COUNTY CLERK, INSTRUCTIONS, SEE PAGE 5 OF 5 OF SCCA DNA 101 (04/2009) DOCUMENT WITH CLERK STAMP (SEAL) DATED APRIL 14, WITH MONEY ORDER FOR \$25.00.00 ATTACHED FOR FILING SEE DOCUMENTS EXHIBIT _____ 8 _____

ON MAY 18, 2015 DOGAN FILED FOR A DECLARATION FOR DEFAULT MOTION PURSUANT TO THE §17-28-30, DNA APPLICATION FILED APRIL 9TH 2014, PURSUANT TO A STATE'S ORDER §8-21-310(LI)(a) (SUPP-2004), SEE EXHIBIT _____

ON DECEMBER 9TH 2016, DOGAN PROVIDED THE SPARTANBURG COUNTY CLERK MS. A. MILLER, STATING THAT SHE NEED TO CONTACT MR. DANIAL E. . . SHEROUSE CLERK OF THE S.C. SUPREME COURT AND PUT HIM ON NOTICE CONCERNING THE PAYMENT OF THE \$25.00.00 THAT WAS DIRECTED BY THE COURT'S THAT I HAD TO PAY PURSUANT TO §8-21-310(LI)(a) (SUPP 2004) TO FILE THE DNA APPLICATION THAT WAS AMENDED TO THE 2013-CP-42-2608 ACTION. SHE STATED THAT SHE SERVED THE ATTORNEY GENERAL, BUT NOT THE S.C. SUPREME COURT. FOR THE RECORD. . .

See EXHIBIT

ON FEBRUARY 3rd 2017, DOGAN WAS ALLOWED TO FILE ANOTHER DNA FORENSIC DNA TESTING APPLICATION WITH THE ASSISTANCE OF MS. A. MILLER SPARTANBURG County Clerk of Court, PURSUANT TO S.C. CODE ANN § 17-28-50(D) SUCCESSIVE APPLICATION OF SAME DNA APPLICATION APRIL 9, 2014 THAT WAS ACCOMPANIED WITH THE \$25.00.00 FILING FEE, DIRECTED BY MS. A. MILLER CLERK OF COURT FOR SPARTANBURG COUNTY.

DUE TO THE FIRST DNA APPLICATION BEING FILED INADEQUATELY RAISED IN AMENDED APPLICATION OF JUNE 20th 2013 INQUIRY MOTION, CONSTRUED INTO A PCRA Post-conviction Relief Action THAT WAS NOT PAID FOR, YET, IS TO NO FAULT OF DOGAN. YET, BECAUSE OF THE UNADJUDICATED RULING OF F-654895, 96, 97., CONTINUE TO PUT DOGAN'S LIFE IN DANGER, AND IT IS PREJUDICE IN EVERY FORM OF LAW.

DOGAN, ASSERTS THAT SINCE THE SPARTANBURG COUNTY CLERK'S ARE ALLOWING HIM TO FILE ANOTHER APPLICATION FOR DNA TESTING TO THE [SPARTANBURG CLERK] DUE TO THE FIRST DNA APPLICATION FOR TESTING F-654895, WAS OVERLOOKED OR MISTAKENLY FILED OR AMENDED TO THE 2013-CP-42-2608, INQUIRY MOTION THAT WAS CONSTRUED INTO AN Post-conviction Relief APPLICATION DUE TO MS. DEBBIE GREENE, SPARTANBURG CLERK FOR SPARTANBURG COUNTY, SHOWN ON RECORD, SHOULD SUFFICE THE 243(C) REQUIREMENT, REGARDING AN EXPLANATION OF IMPROPER RULING, AS WELL AS § 17-28-50(D).

DOGAN FILED ANOTHER APPLICATION DATED FEBRUARY 6, 2017. IN RESPONSE, THE HON., J. MARK HAYES II, ARGUED THE APPLICATION WAS UNTIMELY. THE STATE

ASSERTED SECTION 17-28-30(B) REQUIRED DOGAN TO FILE HIS APPLICATION WITHIN SEVEN YEARS OF SENTENCING. SPECIFICALLY, IT PROVIDED DOGAN WAS CONVICTED AND SENTENCED ON MARCH 1-2, 1999, AND HIS APPLICATION WAS RECEIVED MARCH 8, 2017, AND THEREFORE, HIS APPLICATION WAS NOT FILED WITHIN SEVEN YEARS OF SENTENCING. THE HONORABLE JUDGE, HAYES II, CLEARLY STATES THAT ON MARCH 2, 1999, HE RECEIVED AN AGGREGATE SENTENCE OF FORTY-FIVE (45) YEARS.,

THE CIRCUIT COURT DENIED DOGAN'S APPLICATION, CONCLUDING THE APPLICATION WAS TIME BARRED BY SECTION 17-28-30(B). DOGAN FILED A RULE 59(e), SCRCP, MOTION TO ALTER OR AMEND, ARGUING THE CIRCUIT COURT APPLIED "THE WRONG CODE OF LAW" TO HIS APPLICATION. HE ASSERTED SUBSECTION B; WHICH THE CIRCUIT COURT APPLIED; DID NOT APPLY TO HIS APPLICATION BECAUSE HE HAD NOT PLED GUILTY. HE CONTENDED SUBSECTION A APPLIED TO HIM AND IT DID NOT INCLUDE A LIMITATIONS PERIOD. THE CIRCUIT COURT DENIED DOGAN'S MOTION STATING:

THIS COURT REITERATES ITS FINDING THAT [SECTION] 17-28-30(B) APPLIES TO THOSE APPLICANTS WHO ENTERED A PLEA OF NOT GUILTY, AND WERE CONVICTED AT TRIAL ("A PERSON WHO... WAS... CONVICTED... FOR THE OFFENSE, IS CURRENTLY INCARCERATED FOR THE OFFENSE, AND ASSERTS HE IS INNOCENT OF THE OFFENSE MAY APPLY FOR DNA TESTING... NO LATER THAN SEVEN YEARS FROM THE DATE OF SENTENCING..."). []

DOGAN CONTENDS THE CIRCUIT COURT ERRED IN APPLYING THE SEVEN-YEAR TIME LIMIT FOUND IN SECTION 17-28-30(B), WHICH APPLIES TO INDIVIDUALS WHO PLED, GUILTY OR NO CONTEST BY ITS CLEAR AND UNAMBIGUOUS LANGUAGE, TO HIS APPLICATION WHEN HE PLED NOT GUILTY, REQUIRING APPLICATION OF SECTION 17-28-30(A), WHICH CONTAINS NO TIME LIMIT. THE STATE AGREES WITH DOGAN'S ARGUMENT.

"STATUTORY INTERPRETATION IS A QUESTION OF LAW SUBJECT TO DE NOVO REVIEW."
TRANSP. INS. CO. v. S.C. SECOND INJURY FUND, 389 S.C. 422, 427
699 S.E.2d 687, 689 (2010)

QUESTIONS OF STATUTORY INTERPRETATION ARE QUESTIONS OF LAW, WHICH WE ARE FREE TO DECIDE WITHOUT ANY DEFERENCE TO THE COURT BELOW. IT IS WELL-ESTABLISHED THAT THE CARDINAL RULE OF STATUTORY CONSTRUCTION IS TO ASCERTAIN AND EFFECTUATE THE INTENT OF THE LEGISLATURE. WHAT A LEGISLATURE SAYS IN THE TEXT OF A STATUTE IS CONSIDERED THE BEST EVIDENCE OF THE LEGISLATIVE INTENT OR WILL. THEREFORE, THE COURTS ARE BOUND TO GIVE EFFECT TO THE EXPRESSED INTENT OF THE LEGISLATURE. THUS WE MUST FOLLOW THE PLAIN AND UNAMBIGUOUS LANGUAGE IN A STATUTE AND HAVE NO RIGHT TO IMPOSE ANOTHER MEANING.

Grier v. Amisub of S.C., Inc., 397 S.C. 532, 535-36, 725 S.E.2d 693, 695 (2012)

" IN CONSTRUING STATUTORY LANGUAGE, THE STATUTE MUST BE READ AS A WHOLE AND SECTIONS WHICH ARE A PART OF THE SAME GENERAL STATUTORY LAW MUST BE CONSTRUED TOGETHER AND EACH ONE GIVEN EFFECT. A STATUTE SHOULD NOT BE CONSTRUED BY CONCENTRATING ON AN ISOLATED PHRASE."

S.C. State Ports Auth. v. JASPER CITY, 368 S.C. 388, 398, 629 S.E.2d 624, 629 (2006) (Citation omitted). "Words in a statute must be given their plain and ordinary meaning without resorting to subtle or forced construction to limit or expand the statute's application." EPSTEIN v. COASTAL TIMBER CO., 393 S.C. 276, 285, 711 S.E.2d 912, 917 (2011).

THE CIRCUIT COURT OMITTED THE PHRASE "WHO PLED GUILTY OR NO CONTEST" IN ITS RECITATION OF SUBSECTION B, FINDING IT APPLIED TO DEFENDANTS WHO PLED NOT GUILTY. WHEN THE STATUTE IS READ IN FULL, PARTICULARLY WITHOUT OMISSIONS, THE ONLY INTERPRETATION IS THE SEVEN-YEAR LIMIT ONLY APPLIES TO THOSE WHO PLED GUILTY OR NO CONTEST. BECAUSE THE SUBSECTION THAT APPLIED TO THOSE WHO PLED NOT GUILTY DOES NOT INCLUDE SUCH A LIMITATION, NOTHING INDICATES THE LEGISLATURE INTENDED A TIME LIMIT FOR DEFENDANTS WHO PLED NOT GUILTY. THEREFORE, THE CIRCUIT COURT ERRED IN APPLYING SUBSECTION B TO DOGAN AND FINDING THE SEVEN-YEAR TIME LIMIT BARRED HIS APPLICATION. ACCORDINGLY, WE REVERSE THE CIRCUIT COURT'S DECISION AND REMAND FOR THE CIRCUIT COURT TO CONSIDER DOGAN'S APPLICATION

Footnote

**SOUTH CAROLINA LAW ENFORCEMENT DIVISION
FORENSIC SERVICES LABORATORY REPORT**

DAVID M. BEASLEY
GOVERNOR



ROBERT M. STEWART
CHIEF

Department of Forensic
Serology and DNA Analysis
May 27, 1998
SLED Lab No.: L98-5442
Your Case No.: 04-0976-98
Incident Date: 4/25/98
(V) Cassandra R. Edwards
(S) Eddie D. Dogan

C A BOYD
SPARTANBURG PUBLIC SAFETY
145 BROAD ST
SPARTANBURG, SC 29304

FL54895

3B

TRIAL DATE MARCH 1-2, 1999

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case has been or will be conducted by any other Laboratory or agency.

Robert M. Stewart, Chief
South Carolina Law Enforcement Division

ITEM(S) SUBMITTED:

RESULTS OF EXAMINATIONS:

- | | | | |
|------|---|------|----------------------------|
| 1. | Sexual Assault Evidence
Collection Kit from
Cassandra Edwards | | |
| 1.4 | Blood | 1.4 | No analysis performed. |
| 1.5 | Saliva | 1.5 | No analysis performed. |
| 1.6 | Smears | 1.6 | No spermatozoa identified. |
| 1.7 | Vaginal swabs | 1.7 | No semen detected. |
| 1.8 | Oral swabs | 1.8 | No semen detected. |
| 1.9 | Rectal swabs | 1.9 | No semen detected. |
| 1.10 | Suspected semen | 1.10 | No semen detected. |
| 2. | Suspect Evidence
Collection Kit from
Eddie Dogan | | |
| 2.4 | Blood | 2.4 | No analysis performed. |



EXHIBIT B
APRIL 9, 2020
§17-28-30(A)

Public Dean Dogan, #256596)
)
PLAINTIFF,)
)
)
)
State of South Carolina,)
)
RESPONDENT.)

2007-CP-42-2758

F-654895

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 were tried or heard and a decision rendered.
- 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 _____

IT IS ORDERED AND ADJUDGED: See attached order; Statement of judgment by the Court

After reviewing the documents on file and the arguments presented, the Court is denying the State's motion to dismiss. Based on the information presented the Court cannot determine, as a matter of law and when viewing the information in a light most favorable to the non-moving party, that the information is not newly discovered evidence. Additionally, the record before the Court is unclear as to how the document (substance analysis document) became known to the applicant and why he did not have access to it before. The Court requests Mr. Dogan's attorney to prepare a short order denying the State's motion dismiss for the Court's signature

Dated at Spartanburg, South Carolina, this the _____ day of JANUARY 2008

MARK HAYES
PRESIDING JUDGE

This judgment was entered on the _____ day of _____, 2008, and a copy mailed first class this _____ day of _____, 2007 to attorneys of record or to parties (where necessary) as follows:

CLERK OF COURT

MAILED
2008 FEB -4 PM 1:11
SPARTANBURG COUNTY
CLERK OF COURT
FILED

MAILED COPY
2-11-08
SPARTANBURG COUNTY
CLERK OF COURT

2018 DEC -9 PM 3:23
IN COPY CLERK



State of South Carolina
Circuit Court Judge, At-Large, Seat 5

J. MARK HAYES, II
JUDGE

160 MAGNOLIA STREET, 2ND FLOOR
SPARTANBURG, SOUTH CAROLINA 29306
TELEPHONE: (864) 562-4144
FAX: (864) 562-4142
E-MAIL: mhayesj@sccourts.org

Ma, 5, 2014

Eddie Dean Dogan, Jr. #256596
Evans CI-Santee F-1-A-257
610 Highway 9 West
Bennettsville, SC 29512

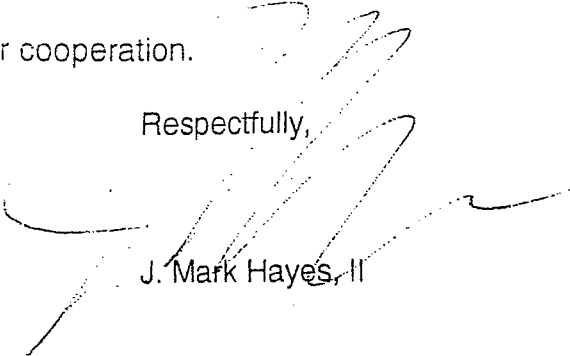
Dear Mr. Dogan:

I am returning your letter dated April 29, 2014 which was addressed to me as the "Administrative Judge" and the attachments thereto. Please be advised that I no longer serve as an Administrative Judge and, thus, it would be improper for me to make decisions that are reserved for an Administrative Judge.

Also, I quickly reviewed your attachments and it appears that in January 2008, I made a decision in your favor to not dismiss your case based on the State's Motion to dismiss. It appears all subsequent matters were handled by other judges. My suggestion is that you contact the attorney who last represented you to determine the status of your case and to seek proper legal guidance. Typically, it is not proper for a litigant or potential litigant to direct write to a judge. Many reasons exist for this prohibition, not the least of which is that by writing directly to a judge may lead to the judge having to disqualify himself in a later proceeding.

In advance thank you for cooperation.

Respectfully,


J. Mark Hayes, II

JMHII/smw

Attachments

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.


Eddie D. Dogan jr
Signature of Applicant


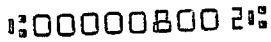
SWORN to and subscribed before me this 9th
day of April, 2014

S. Outlaw (L.S.)
Notary Public

My Commission Expires: 2/24

16 of 19

 UNITED STATES POSTAL SERVICE®		POSTAL MONEY ORDER	
Serial Number	Year, Month, Day	Post Office	U.S. Dollars and Cents
21818987616	2014-04-01	293010	\$25.00
	Amount	TWENTY FIVE DOLLARS & 00¢ *****	
Pay to	From		Clark
Ms. Hope Blackley	Betty Jo Mayfield		0026
Address	Address		
180 Magnolia St. P.O. Box 3483 Spartanburg, S.C. 29304-3483	110 Cowan Street Spartanburg, S.C. 29301		
Menu for motion 817-28-30 3483	SEE REVERSE WARNING • NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS		
⑆000008002⑆	21818987616⑆		

		POSTAL MONEY ORDER	
Serial Number	Year, Month, Day	Post Office	U.S. Dollars and Cents
22836276202	2015-05-18	293200	\$25.00
Amount		Twenty Five Dollars and 00/100 *****	
Pay to	From		Clerk
Mr. Blackley	B. T. Marshall		03
Address	Address		
180 Macaulay St. STE. 500 Spartanburg, SC 29302	110 Marion Street Spartanburg, S.C. 29301		
Memo	SEE REVERSE WARNING • NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS		
8-21-312 (HX) (2004) ORDER	22836276202		
<small>© 2008 United States Postal Service. All Rights Reserved.</small>			
			

Declaration For Default
 motion pursuant to

17-28-30, DNA
 application Filed 4-9-14

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

STATE,)

v.)

Eddie Dean Dogan, Jr.,)
Defendant.)

IN THE COURT OF GENERAL SESSIONS
FOR THE SEVENTH JUDICIAL CIRCUIT

RECEIVED

MAY 15 2017

Order Denying Defendant's Application
for Forensic DNA Testing **SC Court of Appeals**

1998-GS-42-3569-70; 5180

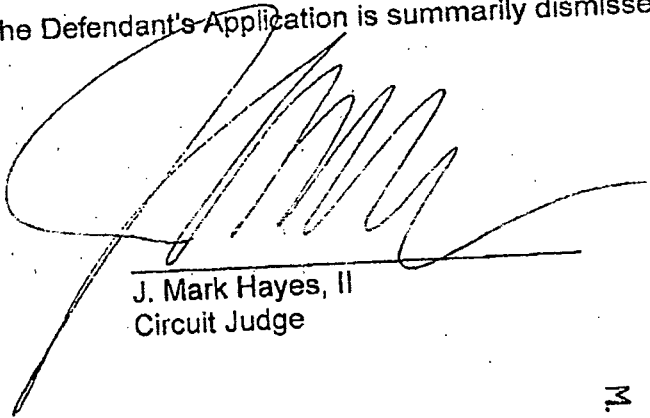
This matter came before the court on an application by the Defendant for forensic DNA testing pursuant to 17-28-40, Code of Laws of South Carolina, 1976, as amended. The State responded pursuant to 17-28-50(B) and asked that the Court to deny the application.

It appears that the Defendant was convicted of Kidnapping, Criminal Sexual Conduct in the First Degree, and Contributing to the Delinquency of a Minor on March 2, 1999. He received an aggregate sentence of forty-five (45) years. It further appears that on March 8, 2017, the Defendant filed his application for testing under the Access to Justice Post-Conviction DNA Testing Act. Pursuant to 17-28-30(B), the application must be filed no later than seven years from the date of sentencing. The Defendant's application is therefore inappropriate due to not being timely filed.

Pursuant to 17-28-50(C), Code of Laws of South Carolina, 1976, as amended, the Court considered the application and related documents. The Court is satisfied on the basis of the application and the response of the State that the applicant is not entitled to DNA testing.

IT IS ORDERED THAT the Defendant's Application is summarily dismissed as being untimely.

IT IS SO ORDERED.



J. Mark Hayes, II
Circuit Judge

April 24, 2017

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2017 APR 24 PM 5:07
M. HOPE BLACKLEY



State of South Carolina
Circuit Court Judge, At-Large, Seat 5

J. MARK HAYES, II
JUDGE

180 MAGNOLIA STREET, 2ND FLOOR
SPARTANBURG, SOUTH CAROLINA 29306
TELEPHONE: (864) 562-4144
FAX: (864) 562-4142
E-MAIL: mhayesj@sccourts.org

March 3, 2020

Eddie Dean Dogan, Jr., #256596
Tyger River Correctional Institution
Unite-5-A-211, Lower Yard
200 Prison Road
Enoree, South Carolina 29335

F-654895

Dear Mr. Dogan:

I am returning the papers you recently sent to me concerning your request for DNA testing. In accordance with my prior order and also my understanding of the present legislation, your application for DNA testing was not timely made to the court. Your application must have been made no later than seven (7) years after the date of sentencing. I reviewed SC Code section 8-21-310 and do not believe I can order the Clerk of Court to not charge the fee she has asked for you to pay as there is no open case for you.

I hope you find this letter useful.

Respectfully,

A large, stylized handwritten signature in black ink, appearing to read "J. Mark Hayes, II".

J. Mark Hayes, II

Enclosures

JMHII/smw

STATE OF SOUTH CAROLINA
CIRCUIT COURT JUDGE, AT LARGE, SEAT 5

EDDIE DEAN DOBAN JR. #256596
Applicant

TIGER RIVER Correctional Inst.
Unit-5-211 A Lower YARD
200 PRISON ROAD
ENOREE, SOUTH CAROLINA 29335

APRIL 9th 2020

J. MARK HAYES II [JUDGE]
180. MAGNOLIA STREET 2ND FLOOR
SPARTANBURG, SOUTH CAROLINA 29306

F-654895

DEAR, MR. HAYES,

I have received a respond from you dated April 3, 2020. That was based on my March 25, 2020 letter with attachments

Question

As a JUDGE of the Constitution which is to provide the law(s) to all, constituent in their jurisdiction according to the code or statutes outlined by the legislation to be a guidance

MR. HAYES SIR, You stated in your letter, that you have not changed your opinion that you cannot be of assistance to me at this time on obtaining the DNA test.

Argument/Question

* It says in §17-28-30(A), that if you took a trial, there's no limitation as to when to file a DNA forensic application, same as Smith v. State (2015), 412 SE 412, 712 SE 2d 286 Let. APP. 2015. Upheld by the S.C. Supreme Court Justice Donald W. Beatty.

It says in §17-28-30(B), that if you pled guilty or nolo contendere, then you have (7) seven years to apply.

Conclusion

Since you provided the wrong §17-28-30(B), section in ruling on MY CASE, in dismissing MY DNA forensic application in 2017, by stating subsection (B) applied to me for (7) seven years, when I took a TRIAL and you should have applied (A), to me as the court's did for Smith v. State. My claim is, is it any different? HE WENT TO TRIAL, SO DID I. THIS IS EQUALITY RIGHTS. IN A LETTER DATED MAY 5, 2014.

✓ §17-28-30(A) (17)

IN THE STATE OF SOUTH CAROLINA
CIRCUIT COURT JUDGE, AT LARGE, SEAT 5

EDDIE DEAN DOGAN, JR.

VERIFICATION / NOTARIZED

PROOF OF SERVICE, S.C.R. CIV. PROC. 4(9)

I Eddie Dean Dogan, Jr. HEREBY CERTIFY THAT A TRUE COPY OF THIS LETTER OF
DO EQUALITY APPLY TO ME, AS SMITH v. STATE, §17-28-30(A) AND §17-28-100(B)
NO LIMITATION ON DNA, DEPOSIT A COPY TO DEFENDANT FOR ESTATE J. J. MARK-
HAYES, II, DATED APRIL 9, 2020, THROUGH TYRC1-MAIL-ROOM, PS-10,081X,31
SENDING TO ADDRESSES BELOW: POSTAGE PRE-PAID.

J. MACK HAYES, II
180 MAGNOLIA STREET 2ND FLOOR
SPARTANBURG, SC 29306

RECEIVED

MAY 14 2020

SC Court of Appeals

Chief Justice Donald W. Beatty
S.C. SUPREME COURT
P.O. BOX - 11330
COLUMBIA, S.C. 29211

S. Eddie D. Dogan, Jr.
EDDIE DEAN DOGAN, JR. 286596
TYRC1 - UNIT 5-211 LOWER YAERL
300 PRISON ROAD
ENDRECE, SOUTH CAROLINA 29335

Sworn to and Subscribed before
me this 9th DAY of April, 2020
David E. Behr (LS)
Notary Public / SCDC Mail Room PS 10-081X,31
MY COMMISSION EXPIRE: 1/31/2020



State of South Carolina
Circuit Court Judge, At-Large, Seat 5

J. MARK HAYES, II
JUDGE

180 MAGNOLIA STREET, 2ND FLOOR
SPARTANBURG, SOUTH CAROLINA 29306
TELEPHONE: (864) 562-4144
FAX: (864) 562-4142
E-MAIL: mhayesj@sccourts.org

April 20, 2020

Eddie D. Dogan, Jr., #256596
Tyger River Correctional Institute
Unit 5-A-211
200 Prison Road
Enoree, South Carolina 29335

Dear Mr. Dogan:

In response to your April 9, 2020 letter, I understand you disagree with my 2017 decision. I also note that you disagree with the positions I have set forth in my numerous letters to you.

I encourage you to explore other options available to you to have my decision(s) reviewed by another or other judges. I am returning, a copy of your letter and the attachments so that your records maybe complete.

Your continuing to unilaterally write to me is not serving to advance your position. Give serious consideration of exploring other legal avenues that may be of more benefit to you.

In advance, thank you for your attention.

Respectfully,


J. Mark Hayes, II

Enclosures

JMHII/smw

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

EDDIE DEAN DOGAN, JR. #00256596

PETITIONER

v.

THE STATE OF SOUTH CAROLINA

RESPONDENT

CASE NO. 1998-GS-42-3569-70; 5180
CF-6548953

RECEIVED

MAY 14 2020

SC Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
J. MARK HAYES II, CIRCUIT COURT JUDGE

CERTIFICATE OF PROOF OF SERVICE

I Eddie Dean Dogan, Jr. DO HEREBY CERTIFY THAT I HAVE SERVED A TRUE AND ACCURATE AND COMPLETE COPY OF THIS REQUEST, THAT THE HONORABLE J. MARK HAYES II, REQUEST DATED APRIL 30, 2020, STATING: I REQUEST THAT DOGAN, SEEK TO HAVE HIS DECISION(S) REVIEWED BY ANOTHER OR OTHER JUDGES.

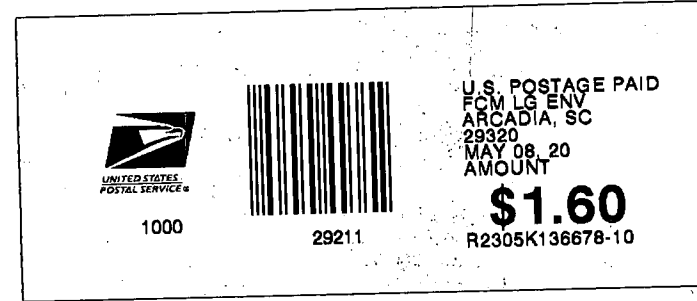
ATTACHED IS DOCUMENTATION THAT SUPPORT PETITIONERS RIGHT TO APPEAL, LOWER COURT DECISION OF A DENIAL OF LEGISLATION 17-28-30(A) AND ACCESS TO JUSTICE (ACT) (2008). THIS IS BEING SENT OUT TO THE SOUTH CAROLINA COURT OF APPEAL CLERK, HONORABLE JENNY KITCHINGS AS RESPONDANT FOR THE STATE, ON MAY 11, 2020. ADDRESS BELOW:

S.C. COURT OF APPEALS, CLERK OF COURT
JENNY KITCHINGS
POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA, 29211

LS/Eddie Dean Dogan, Jr.
EDDIE DEAN DOGAN, JR. #00256596
TYGER RIVER CORRECTIONAL INSTITUTION
UNIT 5-A11-A-LOWER YARD
200 PRISON ROAD
ENOPEE, SOUTH CAROLINA, 29335

S WORN TO AND SUBSCRIBED BEFORE ME
THIS 13th DAY OF MAY 20. 20
David E. Bohy (LS)
NOTARY PUBLIC / SCDJ EMPLOYEE (R-10, REC. 3)
MY COMMISSION EXPIRES: 1/31/30

Mr. Eddie D. Dogan Jr. # 256596
T.R.C.I. Unit 5-A-211 L/Y
200 Prison Rd.
Enoree, S.C. 29335



RECEIVED
MAY 14 2020
SC Court of Appeals

FIRST CLASS

ATTN:
Jenny Kitching
S. C. Court of Appeals, Clerk of Court
P.O. Box 11629
Columbia, S.C. 29211