

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Appeal from Calhoun County
Kristi L. Harrington, Circuit Court Judge
Edgar W. Dickson, Circuit Court Judge

ANTHONY LOCKHART,

PETITIONER,

V.

THE STATE,

RESPONDENT

APPELLATE CASE NO. 2020-000753

MOTION TO DISMISS

The undersigned counsel moves the Court to dismiss the present post-conviction relief appeal of Petitioner Anthony Lockhart as moot. In support of this motion, counsel would respectfully show the Court that:

1. Petitioner was indicted during the February 2010 term of the Calhoun County Grand Jury the offense of murder (2008-GS-09-00178). On February 22, 2010, Petitioner, with his trial counsel, Jeffrey Bloom proceeded to a jury trial before the Honorable Diane S. Goodstein. On February 25, 2010, the jury convicted Petitioner as indicted. Judge Goodstein sentenced Petitioner to life imprisonment.

2. A Notice of Appeal was filed with the South Carolina Court of Appeals and an appeal was perfected on Petitioner's behalf. The Court of Appeals affirmed Petitioner's conviction

in State v. Lockart, Op. No. 2012-UP-599 (S.C. Ct. App. Filed on October 31, 2012).

3. A post-conviction relief (PCR) application was filed by Petitioner on January 10, 2013. The Court convened an evidentiary hearing into this matter on December 14, 2017, at the Dorchester County Courthouse. Petitioner was present at the hearing and represented by Jonathan Waller. Ruston W. Neely of the South Carolina Attorney General's Office, represented Respondent.

4. An Order of Dismissal was issued on April 23, 2018 by the Honorable Kristi L. Harrington.

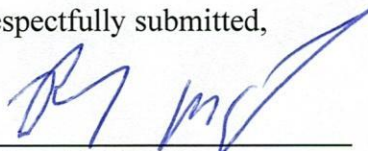
5. Petitioner filed a timely motion pursuant to Rule 59(e), SCRCPP, on August 4, 2018, and that motion was denied on April 1, 2020 by the Honorable Edgar W. Dickson.

6. A Notice of Intent to Appeal was filed on May 5, 2020.

7. Petitioner passed away on May 19, 2020. (See Exhibit "A," Death certificate attached). Undersigned counsel therefore moves to dismiss the present appeal as moot. See State v. Miller, 409 S.C. 312, 762 S.E.2d 394 (2014).

WHEREFORE, undersigned counsel moves to dismiss the present appeal as moot.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender

This 14th day of July, 2020.