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JUN 09 2020

S.C. SUPREME COURT

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Timothy D. Dingle
298989 SA 44
Lieber Correctional Institution
Post office Box 205
Ridgeville, South Carolina 29472

Daniel E. Shearouse
Clerk's office - Supreme Court
Supreme Court Bldg
Post office Box 11330
Columbia S.C. 29211

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JUN 09 2020

S.C. SUPREME COURT

Re: The State v. Timothy D. Dingle
Third Judicial Circuit Case - No - 2017-CP-43-1575
[Notice of Appeal - Request for Remand for
Psychiatric Evaluation and Patient records]

Dear MR. Shearouse,

I am Timothy D. Dingle, SCOC No - 298989
the undersigned Appellant, do hereby provide
this Honorable Court with documents relevant
to the above entitled case. On May 21-2020
I filed a Notice of Appeal with Third Circuit
Clerk of Court, from PCR Case No - 2017-CP-~~43~~-
1575, and served Honorable Krist F. Curtis Chief
Administrative Judge 3rd Judicial Circuit and
Brianna Schill Assistant Attorney General, from
Final PCR order of Dismissal dated April 13, 2020
and received by me on April 20-2020. [See Attached
Records]

Along with the Notice of Appeal, I had submitted Documents From Social Security agencies [See Attached] in response to my request for records documents of evidentiary value from these entities pertaining to existence of Prior Medical opinions OF a history of Mental Problems which create a bona fide doubt as to Appellant's Competence. These documents, indicate in hanc verda "We cannot possibly issue you a copy of your medical records --- " We cannot issue you a CD nor can you inquire about any test records from SSA until you are released from the Correctional Institution.

On May 21 2020 I had also made a request to Honorable. Kristi F. Curtis for an order for Psychiatric Examination in this case [See Attachment] and since this was the same day I filed the Notice of Appeal, I am kindly seeking the Honorable Supreme Court to Remand my case to The Third Judicial Circuit for an order for Psychiatric Examination.

Thank You.

Timothy D. Dineen

Date 6-3-2020

Certificate of Service

I hereby that a copy of [Notice of Appeal - Request for Remand for Psychiatric Evaluation and Patient Records]

Re: The State v. Timothy D. Dingle

Third Judicial Circuit Case - No - 2017-CP-43-1575

was dated 6-3-2020, Mail date 6-5-2020. TO

Daniel E. Shearouse
Clerk's Office - Supreme Court
Supreme Court Bldg
Post office Box 11330
Columbia S.C. 29211

RECEIVED

JUN 09 2020

S.C. SUPREME COURT

Served upon the following individual(s) by placing a copy of the same in U.S. Mail to his/her last known address as follows:

Honorable Krist F. Curtis
Chief Administrative Judge
Third Judicial Circuit
215 North Harvin Street
Sumter S.C. 29150

James C. Campbell
Clerk of Court Sumter County
215 North Harvin Street
Sumter S.C. 29150

Brianna Schill
Assistant Attorney General
Post office Box 11549
Columbia S.C. 29211-1549

Date 6-3-2020 Mail 6-5-2020

Dorchester County
South Carolina

Timothy D. Dingle
299989 SA44 - Petitioner
Lieber CORR Inst
P.O. Box 205
Ridgeville S.C. 29472

10/1

Timothy D. Dingle

STATE OF SOUTH CAROLINA)
COUNTY OF SUMTER)

IN THE COURT OF COMMON PLEAS)
FOR THE THIRD JUDICIAL CIRCUIT)

Timothy D. Dingle, # 298989,)

2017-CP-43-1575)

Applicant,)

v.)

FINAL ORDER OF DISMISSAL)

State of South Carolina,)

Respondent.)
_____)

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed on August 21, 2017. Respondent made its return requesting the application be summarily dismissed based upon filing after the statute of limitations had expired, successiveness to Applicants prior post-conviction relief action, and based on Applicant's failure to state a valid claim of newly discovered evidence.

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 April 18, 2019, and filed April 29, 2019, 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 July 12, 2019, serving the above-mentioned Conditional Order of Dismissal on Applicant. By letter addressed to the Sumter County Clerk of Court, dated June 3, 2019,¹ and filed June 6,

¹Applicant filed this letter prior to being served with the signed and filed Conditional Order of Dismissal. According to the public index, Applicant did not file any other documents after being served with the signed and filed Conditional Order of Dismissal.

2019, Applicant indicated he received the Conditional Order of Dismissal and inquired as to the status of his PCR application.

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 his failure to state a claim of newly discovered evidence.

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 13th day of April, 2020.

Kristi Curtis

KRISTI F. CURTIS
Chief Administrative Judge
Third Judicial Circuit

Spartanburg, South Carolina.

State of South Carolina
County of Sumter
Timothy D. Dingle
298989
Applicant.

v.

State of South Carolina
Respondent

In the Court of Common
Pleas

For the Third Judicial
Circuit

2017-CP-43-1575

Notice of Appeal

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JUN 09 2020

S.C. SUPREME COURT

Applicant, Timothy D. Dingle, hereby Appeals pursuant to Final order of Dismissal. This matter comes before the Court by way of application for Post-Conviction Relief Filed on August 21, 2017.

The Court issued a Conditional order of dismissal signed April 18, 2019 and filed on April 29, 2019, provisionally denying and dismissing this action, while given applicant twenty days from the date of service of said order in which to show why the dismissal should not become final

Applicant, Did filed with the clerk of Court James C. Campbell of 215 N. Harvin Street, Room 303, Sumter S.C. 29186, Post-Conviction Issues. These records was received on April 9th, 2019.

Applicant did stated, when Counsel is appointed, Counsel will show sufficient reasons why applicant could not raised these allegation in first PCR. Applicant didn't know mental evaluation should have been taken to see if applicant was competent to stand trial.

Had applicant was appointed Counsel, Here is some of the things Counsel would have looked into to present the courts with a case for applicant. (1) obtain applicant medical records from Sumter Social Security office. (2) obtain applicant school and health records from the South Carolina Department of Correction. Applicant needs appointed Counsel to help with case, and OR Appeal. Applicant also has a Federal Habeas corpus case in United States District Court 85 Broad Street Charleston, S.C. Case # 9:19-cv-02426-HMH-BM.

Applicant needs to know, can he have two cases pending at the same time. Applicant hereby ask the courts to don't dismiss Post-conviction case or Appeal till counsel is appointed.

Applicant will mail copys of same to United States District Court.

Here is copys of all the same work I would have present to counsel and courts. [PCR]

Sincerely

Timothy A. Single

Date 5-21-28

State of South Carolina
County of Sumter

Timothy D. Dingle
298989

Applicant

✓

State of South Carolina

Respondent

In the Court of Common
Pleas

For the Third Judicial
Circuit

2017-CP-43-1575

RECEIVED

JUN 09 2020

S.C. SUPREME COURT

On April 11th 2020 I received a letter stating this court hereby advises the application is hereby denied and dismissed with prejudice. This court hereby advises the application that he must file and serve a Notice of Appeal within thirty days of the service of this order to secure appellate review.

Then on April 20th 2020 I received a final order of dismissal. From April 11th 2020 to April 20-2020 is not 30 days. Therefore I mail a copy of this order to the United States District Court. On May 7th 2020 I receive this letter from the U.S. District Court District of South Carolina here is a copy of that letter.

1 of 1

Date 5-21-20

Timothy D. Dingle

Timothy D. Dingle 298989 SA44
Lieber Correctional Inst
P.O. Box 205
Ridgeville S.C. 29472

Date 5-21-20

Brianna Schill
Assistant Attorney General
Post office Box 11549
Columbia South Carolina 29211-1549

RECEIVED

JUN 09 2020

S.C. SUPREME COURT

Re: Timothy D. Dingle 298989
v.

State of South Carolina
2017-CP-43-1575

Request for order for Psychiatric Examination

Honorable Assistant Attorney General -

I am Timothy D. Dingle the undersigned
Petitioner hereby request the Honorable court to
grant order for Psychiatric examination and
Competence hearing seeking expert testimony.
Petitioner submitted documents to the court in
this instant case on 5-21-2020 demonstrating
his desire to introduce evidence of Psychiatric
records available from Public service entities per-
taining to existence of prior medical opinions of
a history of Mental Problems which create a bona
fide doubt as to Petitioner's Competence.

The State in Motion for Summary Judgment
during Pending Federal Habeas corpus case Number

9:19-CV-02426-HMH-BM

raised a defense regarding the scope and nature of the above claim [See Attached Exhibit 4 Pages, ground No. 9 and Et N. 8] that are pending sub judice in this state court demonstrating that the above requested order is necessary for determining whether or not Petitioner has a plausible defense and that lack of expert psychiatric assistance would prejudice Petitioner's defense.

Petitioner's grounds for relief were not knowingly and intelligently waived in any state court proceeding and there was prejudice. Petitioner did not knowingly or understandingly forego the privilege of seeking to vindicate Federal claims in state courts whether strategic or tactical or any other reason which can fairly be described as deliberate by-pass of state procedures. See Johnson v. Zerbst 304 U.S. 458, 464. Coleman v. Thompson 501 U.S. 722. Murray v. Carrier 477 U.S. 478. Fay v. Noia 372 U.S. 391

Prayer For Relief

Here to - Petitioner supplicate the Honorable court to grate -- order for Psychiatric Examination and Competency hearing or other relief which may be appropriate.

Respectfully

Kimothy A. Dineen

Certificate of Service

I hereby that a copy of Notice of Appeal, A letter of request for order for Psychiatric Examination was dated 5-21-20, Mail date 5-22-20 Served upon the following individual(s) by placing a copy of the same in U.S. Mail to his/her last known address as follow:

Honorable Krist F Curtis
Chief Administrative Judge
Third Judicial Circuit
215 North Harvin Street
Sumter S.C. 29150

RECEIVED

JUN 09 2020

S.C. SUPREME COURT

James C. Campbell
Clerk of Court Sumter County
215 North Harvin Street
Sumter S.C. 29150

Brianna Schill
Assistant Attorney General
Post office Box 11549
Columbia S.C. 29211-1549

Timothy D. Dingle
298989 Petitioner
Lieber CORR Inst
P.O. Box 205
Ridgeville S.C. 29472

Date - 5-21-20 Timothy D. Dingle

Dorchester County
South Carolina.



SOCIAL SECURITY

240 Bultman Drive
Sumter, SC 29150
05/03/2017

Timothy Dingle
298989 WD 279
Lieber Correctional Institution
P.O. Box 205
Ridgeville SC 29472

Our Records show, your case was decided on 09/03/2010. You may get a copy of your medical records on CD for a fee of \$43.00 made to Social Security Administration by Check or Money Order.

Your Social Worker should be able to assist you on obtaining your records.
Your current servicing office is:

SOCIAL SECURITY
502 ROBERTSON BLVD
WALTERBORO, SC 29488-9900
866-708-2810

Thank you for your time and understanding.

Social Security Administration

Social Security Administration
Retirement, Survivors and Disability Insurance

SOCIAL SECURITY
502 ROBERTSON BLVD
WATERBORO, SC 29488-9900
Date: June 06, 2017
Claim Number: [REDACTED]
YLT

TIMOTHY D DINGLE
P O BOX 279
RIDGEVILLE, SC 29472-2643

Dear TIMOTHY D DINGLE:

We cannot issue you a CD nor can you inquire about any test records from Social Security Administration until you are released from the Correctional Institution.

If you have any questions, you should call, write, or visit any Social Security office. If you visit an office, please bring this letter. It will help us answer your questions.

Social Security Administration

Social Security Administration
Retirement, Survivors and Disability Insurance

SOCIAL SECURITY
502 ROBERTSON BLVD
WALTERBORO, SC 29488-9900
Date: July 11, 2017
Claim Number: [REDACTED] A
YLT

TIMOTHY D DINGLE
LIEBER CORRECTION INST
P O BOX 205
RIDGEVILLE, SC 29472-2643

Dear TIMOTHY D DINGLE

We cannot possibly issue you a copy of your medical records on a CD until you are released from the correctional facility. The medical records can then be released as a CD which is how we issue medical records to claimants.

If you have any questions, you should call, write, or visit any Social Security office. If you visit an office, please bring this letter. It will help us answer your questions.

Social Security Administration

8

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Timothy Donald Dingle,)	C/A No. 9:19-2426-HMH-BM
)	
Petitioner,)	
)	MOTION FOR SUMMARY JUDGMENT
v.)	
)	
Warden of Lieber Correctional Institution,)	
)	
Respondent.)	
_____)	

The Respondent, above-named, by and through the undersigned attorneys, would respectfully move this Court, pursuant to Rule 56(b) F.R.C.P., for judgment on the pleadings, or in the alternative, for summary judgment based on the pleadings.

Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

J. ANTHONY MABRY
Assistant Attorney General
ID No. 2091



By: s/J. Anthony Mabry
ATTORNEYS FOR RESPONDENTS

April 23, 2020.

successive under South Carolina law including his after-discovered evidence claim. As a result, the 2nd PCR action was **not a properly filed state action** and did not toll the statute of limitations. As a result, the AEDPA one (1) year statute of limitations *would have expired three hundred and sixty (360) days* after the Remittitur in the 1st PCR appeal was filed in the Clerk of Court's Office for Sumter County [which was on October 2, 2018 (see filed Remittitur)] **on September 27, 2019**. Petitioner filed this federal habeas petition on **August 23, 2019 [according to Petitioner's envelope]**. As a result, Petitioner **is not** in violation of the AEDPA one (1) year statute of limitations.

EXHAUSTION

Petitioner has technically exhausted his state remedies. Petitioner was tried, convicted by a jury, and sentenced. He filed a direct appeal, which was denied. He filed a PCR action, which was denied. He appealed the denial of PCR, which was denied. Petitioner filed a 2nd PCR action that was conditionally dismissed and then finally dismissed as time barred, improperly successive under state law, and failing to state a claim upon which relief could be granted.⁸ As a result, Petitioner has technically exhausted his state remedies. His 2nd PCR is time barred and improperly successive under South Carolina law. However, he did not properly exhaust his state remedies so several of his federal habeas grounds are procedurally barred. (See discussion below).

⁸ Because Petitioner's 2nd PCR action is still pending in state court in the Court of Common Pleas, i.e. the time for appealing the dismissal of this action has not expired, this Court could dismiss this action pursuant to Rose v. Lundy, 455 U.S. 509 (1992)(if the petition contains both exhausted and unexhausted claims, district court must dismiss entire petition without prejudice, or allow petitioner to drop unexhausted claims).

PROCEDURAL BAR AND DEFAULT

Petitioner raises several grounds which are procedurally barred on federal habeas review because they were procedurally defaulted in state court or are not cognizable on federal habeas review.

In **Ground one**, Petitioner alleges ineffective assistance of counsel (IAC) for failing to stop or prevent the testimony of a witness that Petitioner alleges was clearly drunk and “loaded off beer” at trial (Henry Dingle)[Petitioner’s brother].⁹ This ground is procedurally barred because it was procedurally defaulted at the first (1st) PCR hearing. This ground was not alleged in the PCR application, there was no testimony in support of this ground at the PCR hearing, and Petitioner did not move to amend his PCR application to add this ground at the PCR hearing. The PCR Court did not address this issue in its Order of Dismissal and Petitioner did not file a Rule 59 Motion to have this issue addressed by the PCR Court. (**App. 601-14**). As a result, this ground is procedurally barred on federal habeas review. Marlar v. State, 375 S.C. 407, 653 S.E.2d 266 (2007)(failure to file Rule 59 Motion to have unaddressed issue addressed in the Order of Dismissal, results in issue not being preserved for review on appeal from PCR); Bostick v. Stevenson, 589 F.3d 160 (4th Cir. 2009)(same); Wainwright v. Sykes, 433 U.S. 72, 87 (1977)(failure to preserve issue under state law results in procedural bar on federal habeas review); Coleman v. Thompson, 501 U.S. 722 (1991)(issue not properly raised to the state’s highest court, and procedurally impossible to raise there now, is procedurally barred from review in federal habeas); Murray v. Carrier, 477 U.S. 478 (1986) (failure to assign error on appeal resulted in procedural bar); Smith v. Murray, 477 U.S. 527 (1986)(failure to assign error on

⁹ This ground is based on Petitioner’s mishearing or misunderstanding the testimony of trial counsel at the PCR hearing. Trial counsel testified at the PCR hearing that witness Henry Dingle was “loaded for bear” when he testified at the trial, **not** “loaded off beer” as Petitioner now contends. (See PCR Tr. 46; App. p. 581, ll. 23-24).

determination of the facts given the evidence and record before the state court. Petitioner has failed to show the underlying IAC claim is substantially meritorious. Martinez. As a result, this ground has no merit and must be denied and dismissed with prejudice.

Ground nine. Trial counsel was ineffective for failing to file for a mental evaluation

There is no merit to this ground. This ground was waived and abandoned in state court. It was not raised at Petitioner's 1st PCR hearing or addressed in that Court's Order of Dismissal and Petitioner did not file a Rule 59, SCRCR, Motion to Alter or Amend, to have this issue addressed by the PCR Court. As a result, it was waived and abandoned at the 1st PCR Court level. It was also not raised on appeal from the denial of PCR in either the Johnson Petition or the *pro se* Response to the Johnson Petition. Petitioner attempted to raise this claim in his 2nd PCR action but that action was dismissed by the 2nd PCR Court as time barred and improperly successive under state law. That determination is an adequate and independent ground to dismiss this claim which this Court cannot and will not review on federal habeas review. See Bradshaw v. Richey, 546 U.S. 74, 76 (2005) ("We have repeatedly held that a state court's interpretation of state law including one announced on direct appeal of the challenged conviction, binds a federal court sitting in habeas corpus.") (per curiam); Pulley v. Harris, 465 U.S. 37, 41 (1984) ("A federal court may not issue the writ on the basis of a perceived error of state law."). Therefore, this ground must be denied and dismissed as not cognizable on federal habeas review.

Finally, Petitioner failed to prove this ground by a preponderance of the evidence. He presented no evidence in support of this claim in state court proceedings, including failing to call any psychiatric or mental health expert to testify what a mental evaluation would have determined. Hall v. Catoe, 360 S.C. 353, 601 S.E.2d 335 (2004); Jeter v. State, 308 S.C. 230,

prove motive. State v. Sweat, 362 S.C. 117, 606 S.E.2d 508 (Ct. App. 2004). And the threats were admissible under Rule 404(b), SCRE to show malice [express malice], identity, motive, intent, and absence of mistake or accident. Rule 404(b), SCRE (prior bad acts are admissible to show motive, intent, identity, and absence of mistake or accident); State v. Key, 277 S.C. 214, 284 S.E.2d 781 (1981)(fact that defendant had threatened victim with a pistol on 2 or 3 different occasions was admissible in prosecution for ABHAN to show absence of mistake or accident in shooting the victim); State v. Smith, 337 S.C. 27, 522 S.E.2d 598 (Ct. App. 1999)(in murder and ABWIK prosecution, fact that defendant had previously been convicted for CDV against victim and made prior threats to kill the victim with a pistol, was admissible to refute defendant's claim the shooting was an accident); State v. Martucci, 380 S.C. 232, 669 S.E.2d 598 (Ct. App. 2008)(admission of prior incidents of abuse or neglect were not error where evidence introduced was admissible as proof of intent and absence of accident, this was especially true because defendant disputed motive and intent to commit homicide by child abuse). Petitioner threatened to burn the apartment down and then minutes later the apartment was intentionally set on fire. The evidence of Petitioner's threats was admissible over any objection by counsel. Id. (numerous citations omitted). Therefore, counsel was not ineffective for failing to object to the admission of Petitioner's threats immediately before the fire was set. Hough v. Anderson, 272 F.3d 878 (7th Cir. 2001)(claims of ineffective assistance for failure to object are tied to the admissibility of the underlying evidence; if the evidence was admissible in any event, even with an objection, then counsel was neither deficient nor can Petitioner show prejudice under Strickland from the failure to object).

Petitioner has failed to show any state court unreasonably applied United States Supreme Court precedent. Petitioner has also failed to show any state court reached an unreasonable

417 S.E.2d 594 (1992); Garren v. State, 423 S.C. 1, 813 S.E.2d 704 (2018). He has not shown he was incompetent to stand trial or insane at the time of the crime. Id. Therefore, this ground has no merit and must be denied and dismissed with prejudice. Id.

Petitioner has failed to show any state court unreasonably applied United States Supreme Court precedent in deciding this issue. Petitioner has also failed to show by clear and convincing evidence that any state court reached an unreasonable determination of the facts given the evidence and record before the state court. Petitioner has failed to meet the substantial showing that would entitle him to federal habeas corpus relief. Williams v. Taylor. As a result, this ground has no merit and must be denied and dismissed with prejudice.

Ground ten: Double Jeopardy claim regarding “Blockburger Rule” relating to consecutive sentences.

There is no merit to this ground. This ground was not raised at sentencing or on direct appeal. Petitioner raised no IAC claim in this regard at his 1st PCR. Therefore, this claim was waived and abandoned in state court.

Finally, there is no merit to this ground. Petitioner was sentenced to consecutive sentences on the Murder and Arson charges. The consecutive sentences would not violate double jeopardy where the crimes of Murder and Arson 1st Degree contain separate elements. Blockburger v. United States, 284 U.S. 299 (1932); United States v. Dixon, 509 U.S. 688 (1993); State v. Price, 333 S.C. 267, 510 S.E.2d 215 (1998); State v. Elders, 386 S.C. 474, 688 S.E.2d 857 (Ct. App. 2010) State v. Roger, 100 S.C. 77, 84 S.E. 304 (1915); Green v. United States, 98 App. D.C. 413, 236 F.2d 708 (1956)(double jeopardy did not bar prosecution for both arson and murder), *reversed on other grounds* 355 U.S. 184; Johnson v. State, 623 S.W2d 831 (Ark. 1981); Harden v. State, 460 So.2d 1194 (Miss 1984). Each crime required proof of a fact the

other crime did not. Arson requires the burning of a residence or building. Murder requires the killing of another human being with malice aforethought. As a result there was no double jeopardy violation for a consecutive sentence for Arson 1st Degree to the sentences for Murder.

Petitioner has failed to show any state court unreasonably applied United States Supreme Court precedent in deciding this issue and has failed to show by clear and convincing evidence that any state court reached an unreasonable determination of the facts given the evidence and record before the state court. As a result, Petitioner has failed to meet the substantial showing to entitle him to federal habeas corpus relief. Williams v. Taylor, supra.

Ground eleven: Trial counsel denied defendant 5th, 6th, and 14th Amendment right to a fair trial. This failure is newly discovered evidence that was not known at first PCR. Second PCR was dismissed for missing deadline. Judge did not get letter on time. Was not included in 2nd dismissed PCR.

First, this ground is vague and ambiguous and must be denied and dismissed for this reason. Aubut v. State of Maine, 431 F.2d 688 (1970). It is impossible for Respondent or the Court to see what Petitioner is referring to. Respondent has even reviewed Petitioner's 2nd PCR Application, and it is unclear what newly discovered evidence Petitioner is referring to. Therefore, this ground must be dismissed because it is vague and ambiguous. Id.

Second, this ground was waived and abandoned in state court when it was not raised at Petitioner's 1st PCR hearing or addressed in the 1st PCR Court's Order of Dismissal. It should be dismissed pursuant to the defenses of waiver and abandonment.

Third, Petitioner failed to meet his burden of proof with regard to this ground at the 1st PCR hearing. Strickland. Petitioner offered no evidence in support of this IAC claim at his 1st PCR hearing, which was not time barred or improperly successive. Therefore, this ground has no merit and must be denied and dismissed with prejudice. Strickland; Butler v. State.

Other Orders/Judgments

9:19-cv-02426-HMH-BM Dingle v.
State of South Carolina

BM-Inmate,PROSE

U.S. District Court

District of South Carolina

Notice of Electronic Filing

The following transaction was entered on 5/5/2020 at 12:12 PM EDT and filed on 5/5/2020

Case Name: Dingle v. State of South Carolina

Case Number: 9:19-cv-02426-HMH-BM

Filer:

Document Number: 44(No document attached)

Docket Text:

TEXT ORDER Based on Petitioner's most recent filing and the recent dismissal of his state PCR, it is unclear whether he may need additional time to respond to the pending motion for summary judgment. Out of an abundance of caution, the Petitioner is granted an additional twenty (20) days to file his response in opposition to summary judgment. Response due June 15, 2020. With regard to the copies that he requests of certain state court documents, those requests should be presented to the state courts. **IT IS SO ORDERED.** Entered at the direction of Magistrate Judge Bristow Marchant on 05/05/2020. (cpeg,)

9:19-cv-02426-HMH-BM Notice has been electronically mailed to:

James Anthony Mabry amabry@scag.gov, DDAlessio@scag.gov, abennett@scag.gov

Melody Jane Brown mbrown@scag.gov, abennett@scag.gov

9:19-cv-02426-HMH-BM Notice will not be electronically mailed to:

Timothy Donald Dingle

298989

Lieber Correctional Institution - RB-208

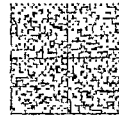
136 Wilborn Avenue

Ridgeville, SC 29472

Timothy O. Dingle
298989 SA 44
Lieber Correctional Inst.
P.O. Box 205
Ridgeville S.C. 29472

TIME
SENSITIVE
MATERIAL

FIRST CLASS

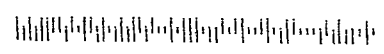


UNITED STATES POSTAGE
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MAILED FROM ZIP CODE 29472

RECEIVED
JUN 05 2020
MAIL ROOM
LIEBER C.I.

RECEIVED
JUN 09 2020
S.C. SUPREME COURT

Daniel E. Shearouse
Clerk's office - Supreme Court
Supreme Court Bldg
Post office Box 11330
Columbia S.C. 29211



THE DEPARTMENT OF CORRECTIONS HAS
RECEIVED OR RECEIVED THIS ITEM THROUGH
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OR ITS CONTENTS.
LESTER CORRECTIONAL INSTITUTION
U.S.C. DEPARTMENT OF CORRECTIONS