THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

R. Scott Sprouse, Circuit Court Judge

2016-CP-23-2654

Jeremy Jackson, ... Appellant,
v.
The State, ... Respondent.

NOTICE OF APPEAL

Jeremy Jackson appeals the Honorable R. Scott Sprouse's Order of Dismissal filed March 3, 2021.

This 18 day of March, 2021.

Susannah Ross, Attorney at Law
330 E. Coffee St.
Greenville, SC 29601
(864) 242-0029
Attorney for Appellant

Other Counsel of Record:
Taylor Zane Smith, Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211
(803) 734-3970
Attorney for Respondent

STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE	)	IN THE COURT OF COMMON PLEAS FOR THE THIRTEENTH JUDICIAL CIRCUIT
Jeremy Jackson, #346000, Applicant, v. State of South Carolina, Respondent.	)	Case No. 2016-CP-23-02654 **ORDER OF DISMISSAL**

This matter comes before this Court by way of an application for post-conviction relief filed on April 26, 2016, by Jeremy Jackson ("Applicant"). The State ("Respondent") filed its return on November 7, 2016, moving for the summary dismissal of the application. An evidentiary hearing in this matter was held before the undersigned on January 7-8, 2021, with the parties appearing by WebEx due to the ongoing COVID19 pandemic. Applicant appeared by WebEx from Lee Correctional Institution and was represented by Susannah C. Ross, Esquire. Assistant Attorney General Taylor Z. Smith of the South Carolina Attorney General's Office represented Respondent. Applicant testified on his own behalf and called as witnesses John Vernon Steensen Crangle ("plea counsel"), Esquire, and Brenda Williams Emereonye. Following a thorough review of the record in its entirety and the testimony and evidence presented at the evidentiary hearing, this Court finds that Respondent's motion to dismiss should be granted because the application was not timely filed and Applicant has failed to meet the requisite burden of proof and denies the application for post-conviction relief with prejudice.

RSS

PROCEDURAL HISTORY

Applicant is presently incarcerated in the South Carolina Department of Corrections. During its November of 2014 term, the Greenville County Grand Jury indicted Applicant for four counts of first-degree burglary (2014-GS-23-7727; -7731; -7734; -7737), second-degree burglary (2014-GS-23-007733), safecracking (2014-GS-23-7736), three counts of grand larceny, between $2,000 and $10,000 (2014-GS-23-7728; -7735; -7738), petit larceny (2014-GS-23-7732), and possession of a weapon during the commission of a violence crime (2014-GS-23-7727). On March 16, 2015, Applicant appeared before the Honorable Edward W. Miller and pleaded guilty to first-degree burglary (-7734), second-degree burglary (-7733), and grand larceny (-7735). Applicant was represented by plea counsel, and Assistant Solicitor Lucas Craig Marchant of the Thirteenth Circuit Solicitor's Office prosecuted the case. Marchant's recitation of facts at that guilty plea hearing included the following facts: on June 16, 2014, Applicant forced his way into a home in the early afternoon and stole some items there, leaving his fingerprints behind at the scene; on June 30, 2014, at another home, Applicant forced his way inside during the late morning and stole some items there; at the second house, the female victim was home with her eight-week-old infant during the break-in, and she holed herself up in the home until Applicant left; Applicant later pawned off the stolen items at a pawn shop; the victim identified Applicant in a photographic lineup; and Applicant later wrote and mailed a letter to the female victim that "basically" included a confession. Plea Tran. 16-18. Applicant affirmed to Judge Miller that Marchant's recitation was "true and correct." Plea Tran. 19. Judge Miller sentenced Applicant to imprisonment for twenty-six years for first-degree burglary, for ten years for second-degree burglary, and for five years for grand larceny, with all sentences running concurrently. In accordance with the plea agreement, the State dismissed the remaining charges.

Applicant did not appeal his convictions and sentences.

CURRENT PROCEEDING

In his application for post-conviction relief, filed on April 26, 2016, Applicant alleges he is entitled to post-conviction relief based upon his claims that: (1) Applicant did not knowingly and voluntarily waive his right to direct appellate review of his convictions and sentences, (2) plea counsel was constitutionally ineffective for not receiving a full motion of discovery despite plea counsel's saying that he would do so, (3) Applicant's guilty pleas were not knowingly and voluntarily entered because he pleaded guilty because plea counsel was unprofessional and unprepared, and (4) plea counsel was constitutionally ineffective for being unprofessional and not having Applicant's best interest at heart. Applicant prayed that he be allowed to accept the original plea agreement that he "signed."

Respondent filed its return on November 7, 2016, moving to dismiss the application because as untimely filed. On November 18, 2016, the Honorable Perry H. Gravely signed a conditional order of dismissal, conditionally dismissing the application and giving Applicant twenty days in which to file a response providing reasons, factual or legal, that the dismissal should not become final. Applicant was served personally with the conditional order of dismissal on January 12, 2017, as is shown by the attached affidavit of personal service, which is attached to and incorporated in this order.

On or around November 10, 2016, the Attorney General's Office received a letter in the mail that Respondent believed at the time was a letter from Applicant arguing that Applicant did not knowingly and voluntarily waive his right to direct appellate review of his convictions and sentences and that Applicant's application was not timely filed because the conditions within the Department of Corrections prevented him from filing the application before the statute of

limitations had run. That letter was not filed, by Respondent shared it with this Court and Applicant's counsel.

On November 3, 2017, a letter was filed in this matter, essentially asking for an update on the status of this post-conviction relief application, and bearing the typed name of a Shakiyla Wood.

On November 23, 2020, Applicant, through counsel, filed an amended application, alleging Applicant is entitled to post-conviction relief based upon his claims that: (1) plea counsel failed to timely appeal on behalf of Applicant, (2) plea counsel was constitutionally ineffective for failing to properly communicate with and advise Applicant regarding the State's plea offer and failing to accept the plea offer before it expired, (3) plea counsel was constitutionally ineffective for failing to review discovery with Applicant and provide applicant with a full copy thereof, and (4) Applicant's due process rights were violated because he was denied the benefit of his plea bargain as required by the United States Constitution and the South Carolina Constitution.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has thoroughly reviewed the record in its entirety. Before this Court are: the records of the Greenville County Clerk of Court regarding Applicant's convictions and sentences, the records of the Greenville County Clerk of Court regarding the charges dismissed in accordance with Applicant's plea agreement with the State, the transcript from Applicant's guilty plea hearing, Applicant's records from the South Carolina Department of Corrections, the filings made in this post-conviction relief action, and the letter Respondent received on or around November 10, 2016. Set forth below are the relevant findings of facts and conclusions of law with regards to each of the claims Applicant advanced at the evidentiary hearing and to Respondent's motion to dismiss, as required pursuant to S.C. Code Ann. §17-27-80 (1985).

Respondent's motion for the dismissal of the application is granted because the application was not timely filed and Applicant has failed to prove that the doctrine of equitable tolling is applicable.

Respondent has moved for the dismissal of the application because the application was not timely filed. Judge Gravely's conditional order of dismissal conditionally granted the motion and gave Applicant twenty days in which to file a response providing reasons, factual or legal, that that dismissal should not become final. The attached affidavit shows that Applicant was served personally with the conditional order of dismissal on January 12, 2017. On November 23, 2020, Applicant, through counsel, filed an amended application that included an argument that, among other things, the doctrine of equitable tolling required the Court to accept the application as timely filed because the hardships that Applicant faced when trying to file his application while incarcerated within the Department of Corrections and Applicant's request for a direct appeal altered the statute of limitations. It took more than three years for Applicant to file a response to the conditional order of dismissal that provided any reason that the dismissal should not become final. Applicant, therefore, failed to comply with the requirements of the order.

Not only did Applicant fail to comply with the technical requirements of the conditional order of dismissal, but Applicant's argument that the application should not be dismissed as untimely also fails on the merits. Applicant argued at the hearing before this Court that he did not knowingly and voluntarily waive his right to direct appellate review of his convictions and sentences and that his application was not timely filed because the conditions within the Department of Corrections prevented him from filing the application before the statute of limitations had run. Notwithstanding Applicant's failure to file a timely response to the conditional order of dismissal raising this argument, the argument fails on the merits.

The Uniform Post-Conviction Procedure Act requires as follows:

An application for relief filed pursuant to this chapter must be filed within one year

> after the entry of a judgment of offense or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision on appeal, whichever is later.

S.C. Code Ann. § 17-27-45(A). The statute of limitations applies to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). Applicant was convicted and sentenced on March 16, 2015, and did not appeal. The application should have been filed, therefore, on or before March 17, 2016. This application was not filed until April 26, 2016, which was after the statutory filling period had already expired. As the conditional order of dismissal provided, the application is subject to summary dismissal because it was not filed within the time period mandated by Act. Id. In response, Applicant raises the doctrine of equitable and asks this Court to find that the statute of limitations was tolled from the time when Applicant submitted the application to the Department of Corrections to be mailed for filing with the Greenville County Clerk of Court until the date on which the application was actually filed, April 26, 2016.

Applicant testified before this Court that he was not able to have his application notarized while imprisoned in the Department of Corrections because he did not have a notary public "here." Applicant testified that he attempted to get someone to help him with his application but that no one would do so. Applicant testified that a notary public named Sonita Leak tried to help him and even made phone calls to others on his behalf. Applicant testified that he started trying to file his application only a few months after he pleaded guilty. Applicant testified that he tried over and over to get his application filed. Applicant testified that he eventually had his application notarized by Leak and that he then handed it off to prison staff at Lee Correctional Institution so that they could mail it off to be filed with the clerk of court. Applicant testified that he tried to follow up with staff at the Department of Corrections about it, but that those conversations did not go anywhere. Applicant testified that he tried to write to the Greenville County Clerk of Court to check on the status of his application. Applicant testified that he really wanted to be able to file his

RSS

application and that he would have filed it on time had he been able to do so. Applicant affirmed that he did not file his application earlier because he believed that his direct appeal was pending.

On cross-examination, Applicant testified that he did not mailed the letter that was received at the Attorney General's Office on or about November 10, 2016. Applicant testified that he sometimes dictated letters to someone else who would type them, but he did not recognize this letter was one that he had dictated. Applicant testified that he recognized the letter because Ross showed it to him in preparation for the hearing after it was forwarded to her from Respondent. Applicant testified that he did not know who had written the letter or mailed it to Respondent.

Applicant testified that he signed the application for post-conviction relief and had his signature notarized on March 16, 2016. When shown that the notary's signature on the application was dated March 23, 2016, and questioned as to how he signed the application on March 16 if it was notarized on March 23, Applicant testified that he wrote down in his notes that he signed the application on March 16, 2016, and that he is not sure why he remembers a date of signature that is different from the date given on the application. Applicant admitted that he might be mistaken about the date on which the application was signed and verified and that he did not know with certainty. Applicant testified that he did not know the date on which he gave the completed and notarized application to prison staff.

Applicant testified that he and his mother were on a conference call with plea counsel not many days after his guilty plea hearing, and that plea counsel informed them during that phone call that it was too late for plea counsel to file a notice of appeal because the ten-day window had passed and that plea counsel would not file a notice. Applicant's mother, Emereonye, testified at the hearing that she talked with plea counsel by phone twice shortly after Applicant pleaded guilty. She testified that, on the second of those calls, which she thought took place on March 15 or 16,

plea counsel told her that he could not and would not file a notice of appeal on Applicant's behalf because the ten-day appeal window had already passed. She testified that she then called Applicant and shared that information with him.

The South Carolina Supreme Court has held that the doctrine of equitable tolling may be applied when the filing of an application for post-conviction relief is delayed due to prison authorities' processing of documents, if the applicant properly raises the doctrine and the circumstances warrant the application of the doctrine. Mose v. State, 420 S.C. 500, 508, 803 S.E.2d 718, 722 (2017). If an applicant relies upon the doctrine in response to a motion to dismiss, he must "substantiate that the correct and complete application was delivered to prison authorities prior to the expiration of the statute of limitations and that any delay in the Clerk of Court's receipt of the application was due to processing." Mose, at 510, 803 S.E.2d at 723. When an applicant raises the doctrine, the PCR court "should make the fact-specific determination of whether equitable tolling is justified." Mose, at 511, 803 S.E.2d at 723 (citing Hooper v. Ebenezer Senior Servs. & Rehab. Ctr., 386 S.C. 108, 687 S.E.2d 29 (2009)). When making its determination, the PCR court "should consider any reasonably verifiable evidence of the date the document was purportedly in the possession of prison authorities for purposes of mailing." Id. at 510, 803 S.E.2d at 723. A PCR court that finds that the doctrine applies should toll the statute of limitations until the application was delivered to and received by the clerk of court. Id.

This Court finds that Applicant has failed to prove that the doctrine of equitable tolling is applicable in his case. Applicant was unable to explain specifically what documents or records he had to wait on to be able to file his application and how his not having those documents or records was the fault of the Department of Corrections. Applicant believed that the application was signed and notarized on a date that was about a week earlier than the date given on the application by the

notary public. Applicant could not explain the discrepancy and admitted that his memory about when the application was signed and notarized may have been mistaken. Applicant did not know the date on which he turned his signed and notarized application over to prison staff at Lee Correctional so that it could be mailed to the Greenville County Clerk of Court for filing. Applicant has failed to "substantiate that the correct and complete application was delivered to prison authorities prior to the expiration of the statute of limitations and that any delay in the Clerk of Court's receipt of the application was due to processing." Mose, at 510, 803 S.E.2d at 723. Applicant has failed to provide this Court with reasonably verifiable evidence of the date the document was purportedly in the possession of prison authorities for purposes of mailing." Id. at 510, 803 S.E.2d at 723. Applicant's testimony as to when the application was signed and notarized, why the application was not signed and notarized earlier, and when the signed and notarized application was given to prison authorities to be mailed off for filing is questionable because it contradicts the documentary evidence and lacks the specificity required for the doctrine of equitable tolling to apply. Furthermore, Applicant's other explanation for the untimely filing of the application—that he did not file his application on time because he believed that his direct appeal was pending—contradicts his and his mother's testimony that plea counsel informed them a few days after the guilty plea hearing that plea counsel could not and would not file a notice of appeal because the ten-day appeal window had already passed. This Court finds that Applicant's testimony is not credible because it cannot be true that Applicant did not file his application until more than one year had passed after his guilty plea hearing because he believed that his direct appeal was pending *and* also be true that plea counsel told Applicant or Applicant and Emereonye a few days after the guilty plea hearing that there would be no appeal.

This Court finds that Applicant has failed to prove that the doctrine of equitable tolling

applies to toll the statute of limitations. As such, the untimely filing of the application is not excused and Respondent's motion to dismiss is granted. With the exception of Applicant's claim that he did not knowingly and voluntarily waive his right to direct appellate review of his convictions and sentences, Applicant's application is denied and dismissed with prejudice.

Applicant has failed to prove that he did not knowingly and voluntarily waive his right to direct appellate review of his convictions and sentences.

Applicant claims he is entitled to post-conviction relief because he did not knowingly and voluntarily waive his right to direct appellate review of his convictions and sentences. This Court has granted Respondent's motion to dismiss all other claims because the application was not timely filed, but the one-year limitations period in which to file an application for post-conviction relief does not apply when an applicant alleges that he or she was denied a direct appeal due to the ineffective assistance of counsel. Wilson v. State, 348 S.C. 215, 218, 559 S.E.2d 581, 582-83 (2002).

In White v. State, 263 S.C. 110, 119, 108 S.E.2d 35, 39 (1974), the South Carolina Supreme Court held that, even though a post-conviction relief court may find that an applicant did not voluntarily and intelligently abandon his right to a direct appeal, the PCR court does not have jurisdiction to grant a belated appeal. However, when an accused establishes in a post-conviction relief hearing that he was unconstitutionally deprived of his right to a direct appeal, the South Carolina Supreme Court, upon an appeal of the post-conviction relief decision, will review the trial record and pass upon all issues properly raised and argued as if the direct appeal has been perfected. Id. at 119, 108 S.E.2d at 39-40. Applicant seeks this relief.

Counsel has a constitutionally-imposed duty to consult with a defendant about an appeal when there is reason to think either: (1) that a rational defendant would want to appeal or (2) that this particular defendant reasonably demonstrated to counsel that he was interested in appealing.

 155

Roe v. Flores-Ortega, 528 U.S. 470 (2000). When counsel has consulted with the defendant regarding the right to appeal, "Counsel performs in a professionally unreasonable manner only by failing to follow the defendant's express instructions with respect to an appeal." Id. at 478 (underlining added). In order to establish that he was prejudiced by counsel's failure to file an appeal, an applicant must show he would have appealed absent counsel's deficient performance. See Id. at 484. "Acts inconsistent with the continued assertion of a right, such as a failure to insist upon the right, may constitute waiver." Bonnette v. State, 277 S.C. 17, 18, 282 S.E.2d 597, 598 (1981).

Applicant testified that his mother called him about three days after he pleaded guilty. He testified that he told her at that time that he wanted to appeal. He testified that he spoke to his mother a second time about thirteen days later while on a conference call with plea counsel, that he or his mother asked plea counsel during that second call to file a notice of appeal, and that plea counsel informed them during that phone call that it was too late for plea counsel to file a notice of appeal because the ten-day window had passed and that plea counsel would not file a notice.

Emereonye, Applicant's mother, testified before this Court about her conversations with Applicant and plea counsel about Applicant's right to appeal. She testified that she did not attend Applicant's guilty plea hearing, but she testified that Applicant called her afterwards to tell her about the charges and to tell her to call plea counsel to request that plea counsel file a notice of appeal. She testified that she tried to contact plea counsel for a few days afterwards, and, when she was finally able to talk to him on the phone, told him that she wanted him to file an appeal on Applicant's behalf. She testified that plea counsel told her that Applicant was his client and that Applicant had to be the one who contacted plea counsel to request that plea counsel file a notice of appeal. She testified that plea counsel told her that he could not appeal based off an instruction

RSS

from her. She testified that that first phone call did not last very long. She testified that she told plea counsel that she would be unable to contact Applicant until the Department of Corrections moved him out of Kirkland Correctional Institution to another prison. She testified that was eventually able to get in contact with Applicant by phone and told him what plea counsel had told her. She testified that Applicant asked her to call plea counsel back and tell him that Applicant wanted to appeal.

Emereonye testified that she then called plea counsel and had her second phone conversation with him. She testified that she told plea counsel that Applicant asked her to call plea counsel and instruct him to file a notice of appeal on Applicant's behalf. She testified that plea counsel told her that there was a ten-day appeal window, that the window had already passed, and that he would not be able to appeal on Applicant's behalf.

On cross-examination, Emereonye testified that the second phone call with plea counsel was not a conference call with Applicant participating, too. She testified that Applicant did not take part in that second phone call and her testimony indicated that she would not have even thought that such a thing was possible because Applicant was in prison at the time and would not have had the ability to participate in a three-way phone call. She testified that that second phone call occurred sooner than thirteen days after Applicant's guilty plea hearing and that she knew that the call took place earlier than that because the call happened shortly after Applicant's birthday. She testified that the second phone call probably would have taken place on March 15 or March 16. When asked if she told plea counsel during their first phone conversation if she had said that she wanted to appeal or if she said that Applicant wanted to appeal, she testified that she told plea counsel that Applicant wanted plea counsel to file a notice of appeal, but then she almost immediately testified that she told plea counsel that "we" wanted to file an appeal. She testified

that plea counsel told her that she could not file an appeal on Applicant's behalf. She denied that plea counsel asked her during the first phone conversation if Applicant had told her to call plea counsel to say that Applicant wanted to appeal.

Following his mother's testimony, Applicant was recalled as a witness. He testified that he talked to his mother by phone after he was transferred from Kirkland Correctional Institution and that, during that phone call, he asked his mother to call plea counsel and tell plea counsel that Applicant wanted to appeal.

Plea counsel testified before this Court that he met with Applicant multiples times while representing him and discussed Applicant's trial rights, the State's plea offer, the advantages and disadvantages of pleading guilty, and Applicant's right to appeal. He testified that he told Applicant what he tells most of his clients who are pleading guilty: that they have the right to appeal but that the appeal will not make any difference if the clients are pleading guilty unless there is some structural error in the case. He testified that he informed Applicant that there probably would be no benefit to Applicant if Applicant appealed, but that he would file a notice of appeal anyway if Applicant asked.

Plea counsel testified that Applicant's mother called him on March 23, 2015. He testified that, during that call, Applicant's mother said that she wanted plea counsel to file a notice of appeal on her son's behalf. He testified that he asked Applicant's mother if Applicant himself had asked her to relay that instruction to plea counsel or if she was requesting that on her own initiative. He testified that Applicant's mother said that Applicant had not asked her to call plea counsel to ask for an appeal. He testified that he made a note in his file specifically about that conversation, in which he also wrote that he would not file a notice of appeal because Applicant had not requested it.

Plea counsel testified that Applicant's mother left a voicemail for him on April 10, 2015, in which she stated that Applicant wanted to appeal. He testified that he then informed either Applicant or both Applicant and Applicant's mother that the ten-day appeal deadline had passed and that he would not file a notice of appeal. He testified that he had given his contact information to Applicant previously and that he had received from calls from Applicant even while Applicant was in jail.

He testified that he would have filed a notice of appeal had Applicant requested it. He testified that he did not think that Applicant had any legitimate issues for appeal and that he normally tells clients who plead guilty that appealing does not traditionally have much benefit for them. He testified that he does file notices of appeal when requested, though.

Upon questioning from this Court, plea counsel testified that he last met with Applicant at the guilty plea hearing. He testified that he did not have any notes in his file that were about his conversation with Applicant about appealing.

Plea counsel testified that he did not know whether defendants who were recently sentenced had difficulty contacting their attorneys to request an appeal within the ten-day window. He testified that he had had clients relay appeal requests to him through family members and shout to him that they wanted to appeal while being led out of the courtroom in handcuffs. He testified that he will take direction about appealing a conviction or sentence only from his client and not from client's family members, especially in a case such as Applicant's where Applicant could face a potential sentence of life without the possibility of parole if he were to prevail on direct appeal.

This Court finds that Applicant has failed to prove he asked plea counsel to file a notice of appeal on his behalf before the ten-day window had expired. Plea counsel's testimony, which was more credible than Applicant's and Applicant's mother, establishes that Applicant's mother called

plea counsel shortly after Applicant pleaded guilty to say that she wanted plea counsel to appeal, that plea counsel informed her that he would file a notice of appeal only at Applicant's request, and that Applicant's request for an appeal—made through the voicemail that Applicant's mother left on plea counsel's phone—reached plea counsel after the ten-day window had expired. At that point, it did not matter if Applicant decided to appeal; he was too late. Applicant's testimony contradicted his mother's testimony on the timing of their phone calls and the participants on those calls. Furthermore, as discussed above, Applicant's testimony in support of his argument that the filed his application late because he believed that his direct appeal was still pending, contradicts his testimony that he learned from plea counsel within two weeks of pleading guilty that he could not appeal his convictions and sentences.

Plea counsel's decision not to file a notice of appeal at the request of Applicant's mother alone was reasonable. Plea counsel's testimony shows that he will appeal on a client's behalf if the client asks him to do so directly or indirectly through a family member. In this case, plea counsel's more credible testimony proves that Applicant's mother told him that she was not making the request for an appeal during their first phone conversation on Applicant's behalf. By the time that she had gotten leave from Applicant to make the request on his behalf, it was too late for Applicant to appeal. Plea counsel's decision to appeal merely because a client's family members wants him to do so was particularly sound in this case in light of the possibility that Applicant could be sentenced to prison for life without the possibility of parole if he had been successful on appeal.

Applicant's claim that he did not knowingly and voluntarily waive his right to direct appellate review of his convictions and sentences is denied and dismissed with prejudice.

CONCLUSION

Based on all the foregoing, this Court finds that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application for post-conviction relief. Therefore, this application is denied and dismissed with prejudice.

This Court notes Applicant, through counsel, must file and serve a notice of appeal within thirty days from the receipt of this Order by counsel to secure the appropriate appellate review. See Rule 203 and 243, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides if the applicant wishes to seek appellate review, he must serve and file a Notice of Appeal. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. This application for post-conviction relief is denied and dismissed with prejudice; and
2. Applicant shall remain in the custody of the State within the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 3 day of February, 2021.

R. Scott Sprouse
Presiding Judge

Walhalla, South Carolina

Cop... to general / S. Ross
on 3 / 3 / 2021