

STATE OF SOUTH CAROLINA)
 COUNTY OF CHARLESTON)
)
 Marcus Bowman Jr., #235986)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
 Respondent.)
 _____)

IN THE COURT OF COMMON PLEAS
 IN THE NINTH JUDICIAL CIRCUIT

Case No.: 2018-CP-10-4542

**CONDITIONAL ORDER OF
 DISMISSAL**

FILED
 2020 JUL -6 PM 2:25
 JULIE A. ARISTON
 CLERK OF COURT

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed by Marcus Bowman Jr. (Applicant) on September 19, 2018. Respondent made its Return, requesting the application be summarily dismissed.

PROCEDURAL HISTORY

The Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Charleston County Clerk of Court. The Applicant was indicted at the April 1996 term of the Charleston County Grand Jury for murder (1996-GS-10-2282). Jimmy Smiley, Esquire represented him. On December 6, 1996, the Applicant proceeded to trial pursuant to which he was found guilty as indicted. The Honorable William P. Keesley sentenced the Applicant to confinement for life for murder.

Applicant timely filed notice of intent to appeal. The Applicant was represented in the appeal by Robert M. Dudek of the South Carolina Office of Appellate Defense. In the *Final Brief of Appellant* [App.p. 481-496], he raised the following issues:

1. Whether the judge abused his discretion by refusing to allow appellant to impeach Officer Michael Gordon with evidence the police had other leads or suspects in this case, since Gordon earlier testified appellant was the only suspect in the murder?
2. Whether the judge erred by refusing to direct a verdict of acquittal where there was not any substantial circumstantial evidence of appellant's guilt, where there were

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no eyewitnesses to the shooting , and no physical evidence linking appellant to the murder?

Final Brief of Appellant, p. 3. App.p. 484. The Respondent, represented by then Assistant Attorney general Robert E. Bogan, made a Final Brief of Respondent May 1, 1008. App.p. 497-521. The South Carolina Supreme Court affirmed Applicant's conviction. State v. Bowman, 98-MO-093 (S.C. Sup. Ct. filed November 20, 1998). App.p. 524-525. The remittitur was issued on December 10, 1998.

The Applicant subsequently filed an application for PCR on August 9, 1999. App.p. 526-554. Bowman v. State, 99-CP-10-2936. The State filed its Return on or about February 8, 2000. App.p. 562-65. In his pro se Application, the Applicant alleged the following:

- A. Applicant was denied and deprived of effective assistance of appeal & trial counsel,s (sic) and a fair trial in violations of Article one section three, and Fourteen of the South Carolina Constitution, and the Sixth and Fourteenth Amendments of the United States Constitution, when counsel failed to:
 1. Properly prepare for malice murder trial, to investigate case law, failing to obtain closing argument transcripts, for appeal. And failed to provide Appicant (sic) with such.
 2. Properly advise Applicant of all his Constitutional Rights, that he could act as co-counsel, participate in his own defense, and give closing statement to juror,
 3. Motion Court for proper voir dire of jurors during trial, especially to determine if jurors has been tampered with, and influenced in any manner, by anyone, due to the popularity of the victim, or the un-usual character of State's witnesses,
 4. Failure of Counsel to secure Applicant's rights to a fair trial, to receive an arraignment and be advised of pre-trial elements, and proceedings.
 5. Object to gross-multiple burden-shifting, erroneous, and prejudicial statements during closing statements as to Applicant's lack of testimony and evidence,

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6. Object to trial judge's erroneous jury instructions of reasonable doubt, and charges as "a whole" that were burden shifting, and un-constitutional,
 7. Object to trial judge's erroneous burden-shifting jury instruction on malice, presumptions, that were burden-shifting, and un-constitutional,
 8. Move for Court to give jury instructions on the lesser offenses of voluntary and involuntary manslaughter, as mandated by Constitutional Amendments, & State law.
 9. Object and move for mistrial, and dismissal of indictment, upon defected (sic) indictment, Court lack of grand jury presentation of indictment, and amended indictment,
 10. Object to and challenge Trial Court's jurisdiction to prosecute Applicant upon defected (sic) structural errors, substituting elements of malice, with "unlawful act."
- B. Applicant was deprived of a fair trial by the prosecution, trial court, and State of South Carolina, in violations (sic) of Article One, Section Three, Fourteen, and Article Five, Section 21 of the South Carolina Constitution, and in violations (sic) of the 4th, 5th, 6th, and the 14th Amendments of the United States Constitution, when:
1. Court deprived Applicant of effective assistance of trial counsel, in violations (sic) of 6th & 14th Amendments USCA.
 2. Court/Prosecutor deprived Applicant of a fair trial, before and during trial, with-holding pretrial arraignment, with-holding evidence of Court's lack of grand jury presentation of indictment,
 3. State/Court allowed Applicant to be prosecuted upon erroneous reasonable doubt, and malice murder instructions to jurors, to which deprived Applicant of a fair trial,
 4. State/Trial Court, allowed Applicant to be prosecuted upon defected (sic) indictment, amended, substituted elements of indictment, verdict of guilt was void pursuant Court's lack of jurisdiction to receive such upon defected indictment, and trial counsel was totally ineffective failing to protect, Applicant's Constitutional rights to a fair trial.
 5. Court failed to charge jurors on law of manslaughter that was supported by evidence in violation of 6th & 14th. USCA.

6. The indictment being void, and there being no indictment by Grand Jury, Court had no jurisdiction to receive verdict and sentence Applicant for any crime, and State does not have jurisdiction to retain Applicant in prison.
7. The Trial Court submitted murder-felony doctrine as to jury, that was mandated presumption of malice and intent as charged by Court was unconstitutional, intent being presumed was mandatorily (sic) from the act, simply because homicide occurred during armed-felony, such totally relieved prosecution of all burden of proof of intent/malice, & substituted "unlawful act".
8. Trial Court gave erroneous reasonable doubt instructions that could have mislead jury into finding no reasonable doubt, when in fact there were some. Court failed to properly, clearly correctly instruct the jury, that if they had a reasonable doubt as to Applicant's guilt of murder or voluntary manslaughter, of involuntary manslaughter, it was there (sic) duty to resolve that doubt in Applicant's favor, and find him guilty of the lesser offense, Court's erroneous burden-shifting reasonable doubt and malice instructions, were unconstitutional, and deprived Applicant of due process of law, equal protection of law, and a fair trial, effective assistance of trial counsel. In violations of guaranteed rights of Article one, Sections 3 & 14, S.C. Const. and Fifth, Sixth, and Fourteenth Amendments of United States Constitution.

On May 8, 2001, PCR counsel Andrew Grimes for Applicant, filed a Motion to Amend the Post-Conviction Relief Application alleging:

- A. upon information and belief, trial counsel's performance fell below the threshold required by the Sixth Amendment and the South Carolina Constitution for the following reasons
 - I. trial counsel failed to move to suppress the statement of Marcus Bowman on the ground that the police violated Marcus Bowman's Fifth and Sixth Amendment rights to counsel and his right to counsel under the South Carolina Constitution when the record will show that Marcus told the police that he wanted to speak with an attorney and that he wanted to call his mother for her to get an attorney;
 - ii. trial counsel failed to call Marcus Bowman in the *Jackson v. Denno* hearing to testify that the police obtained his

- statement by threatening him with, *inter alia*, the death penalty;
- iii. trial counsel's cross-examination of James Nelson helped to bolster the testimony of James Nelson;
 - iv. trial counsel failed to investigate whether Kelvin Shine could have committed the murder despite having information that Kelvin Shine shot the victim;
 - v. trial counsel's cross-examination of Sergeant Gordon was inadequate because trial counsel failed to lay the proper foundation and to make the proper arguments to show that the police knew of other suspects in this case;
 - vi. trial counsel failed to accept the continuance offered by the court which would have allowed him the opportunity to lay the proper foundation for admitting evidence of other possible suspects;
 - vii. trial counsel failed to object to the state's closing argument where the assistant solicitor commented upon Mr. Bowman's lack of remorse, Mr. Bowman's failure to testify, and Mr. Bowman's failure to accept responsibility;
 - viii. trial counsel failed to object to the state's closing argument where the assistant solicitor's referring to Mr. Bowman as a "Rat" where there was no evidence that Mr. Bowman used "Rat" as a nickname, where the term "Rat" was not used to prove any matter in controversy, and where the use of "Rat" was designed to appeal to the passion of the jury;
 - ix. trial counsel failed to object to the trial judge's charge to the jury on reasonable doubt where the trial court shifted the burden of proof to Mr. Bowman by instructing the jury to be "in search of the truth";

App.p. 555 - 561.

On May 17, 2001, an initial hearing was convened in the matter before the Honorable Jackson Gregory, Presiding Judge. App.p. 566-648. The Applicant was present and represented by Andrew Grimes, Esquire. Respondent was represented by Derrick K. McFarland of the Attorney General's Office. Applicant testified on his own behalf at the hearing. Also testifying on behalf of the Applicant was James Smiley, Esq. The Court also had before it a copy of the transcript of

Applicant's trial, the Charleston County Clerk of Court's records and Applicant's records from the South Carolina Department of Corrections.

After the hearing, Judge Gregory orally denied and dismissed all issues except one: whether trial counsel erred while conducting the *Jackson v. Denno* hearing. App.p. 646-647. Judge Gregory took the issue under advisement and ordered both counsel to prepare a memorandum addressing the issue. Shortly after the hearing, counsel Grimes informed Judge Gregory that apparently Applicant no longer desired to proceed with the issues actually presented at the PCR hearing.

On January 28, 2002, a second hearing was conducted at the Beaufort County Courthouse before Judge Gregory. App.p. 649-659. The Applicant advised the Court that he no longer wished to pursue the state post-conviction relief action on the claims presented at the first hearing. App.p. 656-657. Instead he asserted that he wanted claims that his counsel abandoned prior to the hearing heard. App.p. 656. The PCR court denied Bowman's pro se request to have another attorney appointed and to have another PCR hearing. App.p. 657. By order dated April 4, 2002, Judge Jackson V. Gregory dismissed the action with prejudice as being withdrawn. App.p. 660-665.

A timely Notice of Appeal was filed on the Applicant's behalf. The Applicant was represented by Assistant Appellate Defender Aileen Clare of the S.C. Office of Appellate Defense. On January 15, 2003, a Johnson Petition for Writ of Certiorari was submitted by the South Carolina Office of Appellate Defense pursuant to Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988). In that petition and request to be relieved as counsel, counsel asserted as the sole arguable grounds:

1. Did the lower court err by refusing to order a new PCR hearing when PCR counsel failed to raise all of Applicant's issues?

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2. Was trial counsel ineffective for failing to call Applicant as a witness in a hearing into the voluntariness of Applicant's statement to police, when the statement may have been involuntary?

Johnson Petition (Gregory), p. 2. On April 24, 2003, the South Carolina Supreme Court denied the Petition. The remittitur was issued on May 13, 2003. [Applicant had 193 days remaining to file his federal habeas petition up to November 12, 2003].

The Applicant filed a second state post-conviction relief action on December 10, 2003 alleging ineffective assistance of PCR counsel. *Jefferson App.p.* 1- 13. The respondent on August 12, 2004 made a Return and Motion to Dismiss as "successive" and alternately as time barred under S.C. Code Section 17-27-45. Further, the State asserted that the claim of ineffective PCR counsel was not a cognizable claim for state post-conviction relief. *Jefferson App.p.* 27-29.

On January 20, 2005, a hearing was held before the Honorable Deadra Jefferson, Presiding Judge. *Jefferson App.p.* 30-61. On March 4, 2005, Judge Jefferson issued a written order of dismissal. *App.p.* 63-73. In the order Judge Jefferson concluded the application must be procedurally dismissed as "untimely" under the statute of limitations mandates of S.C. Code Section 17-27-45. *App.p.* 69-70. Second, it alternately dismissed the matter under Section 17-27-90 as "successive" to the 1999 application. The court further determined that the allegations were not cognizable in an application for post-conviction relief and did not meet the demands of "newly discovered evidence."

On April 7, 2005, the Applicant's counsel, Stanley Feldman, made a Rule 59 motion, On June 27, 2005, Judge Jefferson denied the motion. *App.p.* 75.

The Applicant timely appealed the denial. In the appeal, he was represented by Robert M. Pachak of the South Carolina Office of Appellate Defense. On December 1, 2005, he made a

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Johnson Petition for a Writ of Certiorari. In the petition, he alleged as the sole arguable ground with his request to be relieved:

“Whether there was any evidence to support the PCR judge’s findings that Applicant’s current application was barred by the statute of limitations and that it was successive?”

Johnson Petition, p. 2. A pro se response was filed but not served on Respondents. The South Carolina Court of Appeals entered an order dated September 13, 2007 denying the petition and granting counsel’s request to be relieved after review pursuant to Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988). The remittitur was issued on October 1, 2007.

Applicant filed a *pro se* Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 dated July 23, 2009, Bowman makes the following allegations in a pro se document dated February 28, 2009, made prior to the first PCR hearing. This document is summarized with the following:

- I. Ineffective Assistance of Trial Counsel:
 - A. Counsel failed to present a defense theory, refused to accept offer for a continuance, had a plea agreement with the judge, failed to object to circumstantial evidence instruction.
 - B. Counsel failed to have a preliminary hearing.
 - C. Counsel failed to object to false testimony concerning a baseball cap when witness changed testimony on cross-examination and the state’s closing statements concerning the baseball cap evidence.
 - D. Counsel erred in submitting the baseball cap evidence when there was no evidence Applicant was wearing a cap.
 - E. Counsel failed to preserve issues for appellate review.
 - F. Counsel failures set out above showed a conflict of interest due to divided loyalties.
 - G. Counsel failed to investigate exculpatory witnesses who could have supported

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Applicant's "three fellows" theory.

- H. Counsel failed to object to burden shifting circumstantial evidence instruction.
- I. Counsel's agreement to not object to the instruction created a conflict of interest.
- J. Counsel failed to ensure an indictment was issued and read in open court.
- K. Counsel failed to object to false testimony of witnesses based upon their bias and interest in outcome or challenge the credibility of the witnesses.

Respondent filed its Return and Motion for Summary Judgment on November 9, 2009. On June 3, 2015, the Honorable Paige J. Gossett issued the Report and Recommendation that Respondent's motion for summary judgment be granted and Applicant's petition be denied. Kelly v. McFadden, 0:14-3870-JMC-PJG. Applicant filed his objection to the Report and Recommendation on June 30, 2015.

On August 27, 2015, the Honorable J. Michelle Childs, United States District Judge adopted the Magistrate's Report and Recommendation granting Respondent's Motion for Summary Judgment and dismissed Applicant's petition. Kelly v. McFadden, 0:14-3870-JMC-PJG.

CURRENT APPLICATION

In his third and current application for post-conviction relief, Applicant alleges he is being held in custody unlawfully on the following grounds:

1. "South Carolina "great seal" not affixed to certain laws"
2. "Newly Discovered Evidence-under unconstitutional jurisdiction; Ineffective assistance of counsel; of great seal not being affixed and therefore in is fraud upon court"

Before this Court are the Charleston County Clerk of Court records, Applicant's records from the South Carolina Department of Corrections, Applicant's prior post-conviction relief action records,

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Applicant's federal habeas corpus action records, and the records for this post-conviction relief action.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Statute of Limitations

The Court finds that this application must be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-10 to -160. Specifically, the 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 conviction 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 South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. Peloquin v. State, 321 S.C. 468, 469 S.E.2d 606 (1996). A motion for summary judgment may properly be used to raise the defense of statute of limitations. McDonnell v. Consolidated School District of Aiken, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, S.C. Code Ann. § 17-27-70(c) authorizes the Court to "grant a motion by either party for summary disposition of [an] application when it appears from the pleadings ... that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law."

Applicant was convicted and sentenced on December 6, 1996. The remittitur from the direct appeal was issued on December 10, 1998. The application was therefore due on December 11, 1999. This application was filed on September 19, 2018, well beyond the statutory filing period. Therefore, the application shall be summarily dismissed for failure to file within the time mandated by Uniform Post-Conviction Procedure Act.

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Successive Applications

The Court further finds the application must be summarily dismissed because it is successive to Applicant's previous PCR application. Courts disfavor successive applications and place the burden on applicants to establish that any new ground raised in a subsequent application could not have been earlier raised in a previous application. Foxworth v. State, 275 S.C. 615, 274 S.E.2d 415 (1981); Arnold v. State, 309 S.C. 157, 420 S.E.2d 834 (1992). Section 17-27-90 of the South Carolina Code states:

All grounds for relief available to an applicant under this chapter must be raised in his original, supplemental, or amended application. Any ground finally adjudicated or not so raised, or knowingly, voluntarily, and intelligently waived in the proceeding that resulted in the conviction or sentence or in any other proceeding the applicant has taken to secure relief, may not be the basis for a subsequent application, unless the court finds a ground for relief asserted which for sufficient reason was not asserted or was inadequately raised in the original, supplemental, or amended application.

Under this statute, successive post-conviction relief applications are forbidden unless an applicant can indicate a "sufficient reason" why new grounds for relief were not raised or were not properly raised in previous applications. Aice v. State, 305 S.C. 448, 409 S.E.2d 392 (1991). Any new ground raised in a subsequent application is limited to those grounds that "could not have been raised ... in the previous application." Id. at 450. If the applicant could have raised these allegations in a previous application, then the applicant may not raise those grounds in successive applications. Id. Applicant bears the burden of showing the allegations could not have been previously raised. Land v. State, 274 S.C. 243, 262 S.E.2d 735 (1980).

Applicant's current allegations were or could have been raised in the proceedings based on Applicant's prior application for post-conviction relief; thus, the current application is successive and barred under S.C. Code Ann. § 17-27-90. Applicant has failed to establish any sufficient

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reason why he could not have raised his current allegations in his previous applications for post-conviction relief. Therefore, he has failed to meet the burden imposed upon him, and the Court shall summarily dismiss the application as successive to Applicant's previous PCR application.

Newly Discovered Evidence

Applicant's assertion that he is being held in custody unlawfully as a result of newly-discovered evidence, such that he should be entitled to vacation of his sentence and immunity, is without merit. The Uniform Post-Conviction Relief Act states that a person may institute a post-conviction relief action if "there exists evidence or material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice." S.C. Code Ann. § 17-27-20(A)(4). If the applicant contends there is evidence of material fact not previously presented, the post-conviction relief application must be filed within one year after the date of actual discovery of the facts by the applicant or after the date when the facts could have been ascertained by the exercise of reasonable diligence. S.C. Code Ann. §17-27-45(C).

In South Carolina, a guilty plea is regarded as a waiver of non-jurisdictional defects and claims of violations of constitutional rights. State v. Rice, 401 S.C. 330, 331-32, 737 S.E.2d 485, 485-86 (2013) (citing Hyman v. State, 397 S.C. 35, 44, 723 S.E.2d 375, 379 (2012)). Therefore, an applicant requesting a new trial based on after-discovered evidence following a guilty plea must show that;

"(1) the newly discovered evidence was discovered after the entry of the plea and, in the exercise of reasonable diligence, could not have been discovered prior to the entry of the plea; and (2) the newly discovered evidence is of such a weight and quality that, under the facts and circumstances of that particular case, the "interest of justice" requires the applicant's guilty plea to be vacated. In other words, a PCR applicant may successfully disavow his or her guilty plea only where the interests of justice outweigh the waiver and solemn admission of guilt encompassed in a plea of guilty and the

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compelling interests in maintaining the finality of guilty-plea convictions.”

Jamison v. State, 410 S.C. 456, 470, 765 S.E.2d 123, 130 (2014).

Applicant alleges in support of his claim of newly discovered evidence Article III, Section 18 of the South Carolina Constitution, “No Bill or Joint Resolution shall have the force of law until it shall have been read three times and on three several days in each house, has had the Great Seal of the State affixed to it...” Applicant alleges there is no visible impression of the Great Seal on the following Acts he was convicted of: 1993 Act No. 184, 1995 Act No. 7.

The South Carolina Supreme Court has held that absolute literal compliance is not essential to valid legislation, but substantial compliance is sufficient. Smith v. Jennings, 67 S.C. 324; 45 S.E. 821, 824 (1903). Furthermore, under the enrolled bill rule, an act is deemed to be properly passed when it has been ratified by the presiding officers of the General Assembly, approved by the Governor, and enrolled in the Office of Secretary of State. Medical Soc. of SC v. Medical Univ. of SC, 334 SC 270, 278, 513 S.E.2d 352, 356 (1999); Beaufort Cty v. Jasper Cty, 220 S.C. 469, 487, 68 S.E.2d, 421, 430 (1951); State v. Town Council of Chester 39 S.C. 307, 17 S.E. 752, 755 (1893)(“when the bill...is deposited in the department of state, according to law, its authentication as a bill that has passed congress is complete and unimpeachable). There has not been a court to address this question directly in South Carolina. However, other jurisdictions have upheld acts challenged as invalid because there was not strict compliance with a constitutional provision. See Taylor v. Wilson, 22 N.W. 119 (Neb. 1885)(citing Cottrell v. State, 1 N.W. 1008 (Neb. 1879)); See Commr’s of Leavenworth Co. v. Higginbotham, 17 Kan. 62 (1876). Additionally, the South Carolina Supreme Court has upheld the appointment of an officer whose commission lacked the Great Seal as required by law. State v. Toomer, 7 Rich. 216, 229, 41 S.C.L.

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216, 229 (1854). The Court explained if the State excused the delinquency of the officer and cured the defects, then the title has related back to the time of the election. Id.

Additionally, Section 2-7-45 of the South Carolina 1976 Code states:

"The Code of Laws of South Carolina, 1976, which contains the permanent laws of general application through the 1975 session of the General Assembly and which was presented to the members of the General Assembly during the 1977 session is hereby adopted as the Code of Laws of South Carolina, 1976, and is declared to be the only general statutory law of the State as of January 1, 1976."

The South Carolina Supreme Court has held that codification of an act will cure a constitutional defect, and is part of the general statutory law of the State. SC Tax Comm'n v. York Elec. Co-op., Inc., 275 S.C. 326, 333, 270 S.E.2d 626, 629-30 (1980). The Acts had substantial compliance with the requirements and were codified into the 1976 Code, thus making them enforceable.

Furthermore, in the alternative, Applicant's discovery of the missing Great Seals under Article III, Section 18 does not constitute newly discovered evidence. This evidence was discoverable prior to the entry of the plea. By entering a guilty plea, Applicant waived his right to present any and all defenses that he may have had, and he certainly cannot raise them now in his current application for post-conviction relief under the guise of "newly discovered evidence".

Before the Court will hold an evidentiary hearing, Applicant must make a *prima facie* showing that he is entitled to relief. Welch v. MacDougall, 246 S.C. 258, 143 S.E.2d 455 (1965); Blandshaw v. State, 245 S.C. 385, 140 S.E.2d 784 (1965). Applicant has failed to make a showing that he is entitled to relief based on the information set forth and, therefore, he is not entitled to an evidentiary hearing in the matter. Accordingly, this matter must be summarily dismissed with prejudice.

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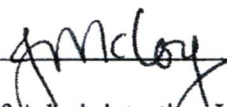
CONCLUSION

Pursuant to S.C. Code Ann. § 17-27-70(b), the Court intends to dismiss this application with prejudice unless Applicant provides specific reasons, factual or legal, why the application should not be dismissed in its entirety. Applicant is granted twenty (20) days from the date of service of this Order upon him to show why this Order should not become final. Applicant shall file any reasons he may have with the Charleston County Clerk of Court and shall serve opposing counsel at the following address:

Office of the Attorney General
Attn: Benjamin Limbaugh, Esquire
PCR Division – 9th Circuit
P.O. Box 11549
Columbia, South Carolina 29211

Applicant is cautioned that his response to this order must be actually received by the Charleston County Clerk of Court and opposing counsel within twenty (20) days, and that the Court will not consider any issues raised in his response if not so timely filed and served.

AND IT IS SO ORDERED this 15th day of June, 2020.



Chief Administrative Judge
Ninth Judicial Circuit

Charleston, South Carolina

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ALAN WILSON
ATTORNEY GENERAL

July 1, 2020

The Honorable Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street Suite 106
Charleston, South Carolina 29401-2210

Re: **Marcus Bowman, Jr., #235986 v. State of South Carolina**
2018-CP-10-4542

Dear Ms. Armstrong:

Enclosed please find the original **Conditional Order of Dismissal** signed by the Honorable Jennifer B. McCoy, in the above-captioned case, for filing in your office.

Should you have any questions, please do not hesitate to call me at (803) 734-3737.

Sincerely,

s/ Benjamin Limbaugh
Benjamin Limbaugh
Assistant Attorney General

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Enclosure