

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2011CP3600176

FILED
NEWBERRY COUNTY

Ronnie Allen #217691
Mitchell

2012 MAR 30 A 9 46

MACKIE S. BOWERS
CLERK OF COURT

State Of South Carolina

SCAILED

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: Plaintiff Defendant
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other: _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:
Administrative Order

See attached order; (formal order to follow) Statement of Judgment by the Court.

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk:

RECEIVED

APR 18 2013

SC Court of Appeals

RECEIVED

APR 18 2013

SC Court of Appeals

FILED
STATE OF SOUTH CAROLINA NEWBERRY COUNTY IN THE COURT OF COMMON PLEAS
COUNTY OF NEWBERRY MAR 20 A 9 46 FOR THE EIGHTH JUDICIAL CIRCUIT

RONNIE ALLEN MITCHELL, #217691
MCKIE S. BOWERS
CLERK OF COURT

ADMINISTRATIVE ORDER

CASE NUMBER 2011-CP-36-00176

Petitioner,
vs.
STATE OF SOUTH CAROLINA
Respondent,

This matter comes before this presiding judge as a petition for Writ of Habeas Corpus received by the Clerk of Court in March of 2011 along with a petition to proceed *in forma pauperis*. This court granted Mitchell a conditional authorization to proceed without costs on August 22, 2011. At that time, this judge was the Chief Judge for Administrative Purposes for the Eighth Circuit. Correspondence was sent to Mitchell requesting an affidavit of petitioner regarding his monies held in trust (Cooper Trust) by the South Carolina Department of Corrections. No response was received from Mitchell prior to the end of 2011. Thereafter, the petition to proceed without paying costs and all pleadings were transferred to the Honorable Frank Addy who is currently the Chief Judge for Administrative Purposes in the Eighth Judicial Circuit. Subsequently, Judge Addy recused himself and assigned the matter for review by Judge William Keesley who was presiding in this circuit. Judge Keesley issued an order dated March 9, 2012, which questioned whether or not the petitioner had been granted leave to proceed without paying costs for the Petition for Writ of Habeas Corpus. The issue of whether Petitioner may proceed without costs is addressed herein.

Acting in his capacity at that time as Chief Judge for Administrative Purposes, this court

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allowed Mitchell to file the petition without paying costs provided he supplement the Clerk of Court's file with his "Cooper Trust" documents. No "Cooper Trust" documents nor affidavit of indigency have been received by the Clerk of Court from the petitioner in this case.

Notwithstanding the failure of the petitioner to file an appropriate affidavit, since the filing of the petition for Writ of Habeus Corpus, this Court has been apprised of a prior order of May 12, 2008 issued by the Honorable J. Ernest Kinard which restricted the petitioner in this case from filing subsequent actions in the Court of Common Pleas for Newberry County. Based upon the terms of the order of Judge Kinard, which is captioned similarly as the instant case under file number 2007-CP-36-109, the Court finds that the decision to allow this petitioner to proceed without paying costs was premature and was granted without knowledge of that order. Judge Kinard noted in his order that the Applicant (Petitioner) had filed four PCR Applications on his 1995 convictions and had appealed the dismissals of those applications twice. The Applicant also filed a Petition for Writ of Habeus Corpus prior to 2008 which was also dismissed. Based upon the specific language of Judge Kinard's order which restricts future filings, such as this petition, this Court finds that Ronnie Mitchell was improvidently granted leave to file his action without costs in this petition. This court was unaware that the applicant had previously filed numerous applications and petitions, all of which have been heard on the merits, dismissed, or denied. This court notes that Judge Kinard found that Mitchell herein had been afforded ample opportunities to seek post-conviction and/or remedial relief. Judge Kinard stated in his order that this "applicant has had his full bite of the apple at least two (2) times on that (1995) conviction. In fact, the Applicant has consumed the entire apple" in his pursuit of these types of remedies.

The court further notes that Mitchell was fully aware of Judge Kinard's order and its

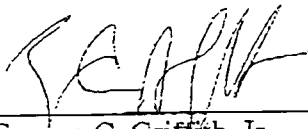
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restrictions upon future filing like the pleadings sought to be filed herein. This Court finds that even if the petitioner had filed an appropriate affidavit of his indigency in this case, that his petition to proceed without costs for a remedial writ for relief would have been duplicative and frivolous. Accordingly, this Court directs that any and all pleadings in this action be returned to the Petitioner/Applicant and that all future pleadings be reviewed consistent with the Order of Judge Kinard.

It is therefore ordered:

1. The Petitioner's conditional authority to proceed *in forma pauperis* is rescinded.
2. That the Petitioner be provided a copy of the Order dated May 12, 2008 of the Honorable Ernest Kinard. And
3. This action be dismissed.

AND IT IS SO ORDERED.



Eugene C. Griffith, Jr.
Circuit Court Judge

March 30, 2012

Newberry, South Carolina

