

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

S/ William P. Keesley 03/09/2012

 Circuit Court Judge Judge Code Date

For Clerk of Court Office Use Only

This judgment was entered on March 9, 2012, and a copy mailed first class or placed in the appropriate attorney's box on March 13, 2012, to attorneys of record or to parties (when appearing pro se) as follows:

Ronnie Allen #217691 Mitchell S.C.D.C. F1-A-166 386
 Redemption Way McCormick, SC 29899

J Rutledge Johnson Assistant Attorney General Po Box
 11549 Columbia, SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

S/ Jackie S. Bowers

Jackie S Bowers - Clerk of Court

Court Reporter

CC: The Honorable Eugene C. Griffith, Jr. *Hand delivered 3/13/12*

Copy also sent to Judge Abady per mail

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 SC Court of Appeals

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SC Court of Appeals

STATE OF SOUTH CAROLINA)
 COUNTY OF NEWBERRY)
 RONNIE ALLEN, #217691,)
)
 Petitioner,)
)
 -vs-)
)
 STATE OF SOUTH CAROLINA,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS

ADMINISTRATIVE ORDER

Case Number 2011-CP-36-00176

FILED
 NEWBERRY COUNTY
 2012 MAR - 9 P 12:52
 CLERK OF COURT

The undersigned judge is assigned as a visiting judge holding Common Pleas court in Newberry County for the week of March 5, 2012. The court was asked by the Chief Judge for Administrative Purposes for the 8th Judicial Circuit (Judge Addy), who is recused from this case, to review this matter to determine if the documents submitted by the Petitioner should be filed. Having reviewed the status of the paperwork in the file, the court believes that the matter may have already been decided by The Honorable Eugene C. Griffith for the reasons stated below. The matter should be called to the attention of Judge Griffith. If he has not already ruled, then the court believes that the proper procedure requires that Chief Justice Toal be contacted to assign a judge to decide the issue.

WAL #1

Judge Addy is serving as the Chief Judge for 2012, but Judge Griffith was the Chief Judge in 2011. It appears that the Petitioner, Mr. Mitchell, has filed so many actions that an Order was entered by The Honorable Ernest Kinard on May 12, 2008, establishing that no further actions could be filed by Mr. Mitchell unless the Chief Judge for Administrative Purposes approved the filing. The file reflects that Mr. Mitchell submitted a proposed packet of documents, including a Petition for Writ of Habeas Corpus, dated February 7, 2011. On March 30, 2011, the Clerk of Court wrote Mr. Mitchell advising him that a Form 4 order had been

entered granting his motion to proceed in forma pauperis. While the court has not seen such an order, it appears that the action was filed and that subsequent documents submitted by Mr. Mitchell all seem to relate to that filing. The court is not passing upon the validity of any of the documents. For example, the Clerk of Court for Newberry County received a document listed as a Summons, though the court has not seen a Complaint related to it. It is unclear whether the Clerk of Court's office was mindful of Judge Kinard's order. There are notes that appear to reflect that the documents were forwarded to Judge Griffith for his review, which is typical in any case where no filing fee is forwarded (though a habeas corpus action may be viewed somewhat differently).

WPK #2
Judge Griffith being the Chief Judge at the time appears to have given some directive that the Clerk interpreted as approval of filing. He wrote, though not in an order and not making reference to Judge Kinard's order, that the action could be filed, if Mr. Mitchell submitted information regarding his Cooper Trust Fund. A copy of that notation was sent to Mr. Mitchell. The file reflects that Mr. Mitchell responded to Judge Griffith by objecting to that requirement. So, the first reason for indicating that this matter needs to be reviewed by Judge Griffith is that it appears that he has already approved filing. If he has, then the matter that the court has been asked to address does not require further action on the court's part.

If Judge Griffith has not decided to allow filing, then the undersigned judge's understanding is that Chief Justice Toal must be contacted to select a judge to review it. Judge Addy is recused from consideration of this matter. The 8th Circuit has only one Chief Judge for Administrative Purposes. Chief Justice Toal has issued an order dealing with situations where a Chief Judge for Administrative Purposes has a conflict of interest and is recused. Her order of February 4, 2011, reads, in part:

IT IS FURTHER ORDERED that when a chief judge for administrative purposes has a conflict in a matter or proceeding and is thereby prevented from performing these duties in a matter or proceeding reserved to the chief judge for administrative purposes, the following procedures shall be followed.

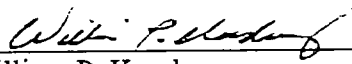
a. In those circuits with one chief administrative judge, the matter or proceeding shall be referred to the Chief Justice for assignment to the chief administrative judge of an adjoining circuit.

While the undersigned judge is a resident judge in a circuit that adjoins the 8th Circuit, there has not been an assignment from Chief Justice Toal. Further, the court is not certain that this is a matter that only the Chief Judge for the circuit can decide; and, Judge Griffith, as a resident judge of the 8th Circuit may be able to rule on the issue without reference to Justice Toal. However, if, based on the recusal, the matter needs to be delegated to another Chief Judge, that issue is to be decided by Chief Justice Toal, and she needs to be contacted. If she decides to designate the undersigned judge, the matter may be decided on a paperwork review of the status, as contemplated by Judge Kinard's order.

#3
THEREFORE, IT IS ORDERED that the matter be referred to Judge Griffith. If he has already decided that the case is filed, the issue that the undersigned judge has been asked to evaluate will not be required. If Judge Griffith has not decided whether or not the case is filed, then either he may decide it, if he feels that it is appropriate to do so, or Chief Justice Toal is to be notified and she will decide who to designate to decide this matter.

IT IS ORDERED that a copy of this order be forwarded to the Petitioner, the Attorney General's office, and Judge Griffith.

AND IT IS SO ORDERED.



William P. Keesley
Chief Judge for Administrative Purposes

March 9, 2012