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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM ORANGEBURG COUNTY
Edgar W. Dickson, Circuit Court Judge

2015-CP-38-00006

Stanley M. Felder, #284425,

Appellant,

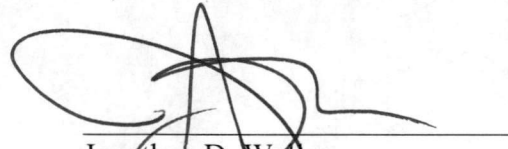
v.

STATE OF SOUTH CAROLINA,

Respondent.

NOTICE OF APPEAL

Stanley M. Felder, #284425, appeals the Order of Dismissal denying his Application for Post-Conviction Relief filed October 21, 2021, issued by the Honorable Edgar W. Dickson, Chief Administrative Judge, First Judicial Circuit.



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November 10, 2021

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at least one attorney of record who is an active member of the South Carolina Bar; if a pleading, motion, or other paper is not signed, "it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant.") While this Court will not take any action on this document, out of an abundance of caution, this Court summarizes the document below.

In this document, Applicant reiterates the allegations made in his post-conviction relief application, arguing: the court does not have subject matter jurisdiction¹, procedural errors exist, Applicant was prejudiced by solicitor and victim working in concert against him, and indictment defects exist.

This Court finds Applicant has failed to show why his application should be considered timely pursuant to S.C. Code Ann. §17-27-45. S.C. Code § 17-27-45(A) states, "[a]n 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 upon an appeal, whichever is later." Summary dismissal of a PCR application is appropriate when the application is filed after the statutory filing period. *Leamon v. State*, 363 S.C. 432, 611 S.E.2d 494 (2003). Applicant pleaded guilty and was sentenced on May 21, 2002. Applicant's motion to withdraw the guilty plea and vacate sentence, grant a new trial, recuse trial judge, and disqualify solicitor's office was denied on January 24, 2005. On February 28, 2006, the South Carolina Court of Appeals issued an Order of Dismissal and Remittitur granting Applicant's motion to dismiss the appeal. Therefore Applicant's application for post-

¹ An Applicant may challenge the subject matter jurisdiction of the trial court and such a claim is one that may be raised at any time. *Brown v. State*, 343 S.C. 342, 346, 540 S.E.2d 846, 848-49 (2001), *overruled in part by State v. Gentry*, 363 S.C. 93, 610 S.E.2d 494 (2005). However, Applicant has failed to establish any sufficient reason why he could not have raised this subject matter jurisdiction claim timely in his first application. Accordingly, Applicant has not shown sufficient reason why the Conditional Order should not become final.

conviction relief was due February 28, 2007. The current application was not filed until December 29, 2014 – well after the one-year statutory filing period expired. Therefore, this application is barred by the statute of limitations.

Additionally, Applicant's application is barred on successiveness grounds. Applicant's current allegations were or could have been raised in earlier proceedings based upon Applicant's prior PCR applications. Applicant has not sufficiently proven why these issues could not have been raised earlier. Therefore, this current application is barred as successive.

Thus, the Court reasserts its finding in the Conditional Order of Dismissal that the current PCR application must be dismissed as untimely and successive as Applicant has not set forth sufficient reason to excuse his non-compliance with the statute of limitations and this application is successive to Applicant's previous PCR applications.

This Court hereby advises 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 the Court's Conditional Order of Dismissal and herein, this application for post-conviction relief is hereby **DENIED** and **DISMISSED WITH PREJUDICE**.

AND IT IS SO ORDERED this 14th day of October, 2021.



EDGAR W. DICKSON
Chief Administrative Judge for Common Pleas
First Judicial Circuit

Orangeburg, South Carolina

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

STANLEY M. FELDER, #284425

Applicant,

v.

STATE OF SOUTH CAROLINA,

Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Final Order of Dismissal has been served upon the applicant by mailing one copy in the United States mail, postage prepaid, addressed to:

**Jonathan D. Waller, Esquire
Waller Law Group, LLC
1821 Hampton Street
Columbia, SC 29201**

This 4th day of November, 2021.



Katie Wade
Legal Assistant for Respondent