

State of South Carolina
In The Supreme Court

Appeal From Richland County
Honorable L. Casey Manning
Case No: 2019-CP-406468

Herbert Bell.....petitioner;

VS

State of South Carolina.....Respondent.

Explanation

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JAN 14 2022

S.C. SUPREME COURT

Now Comes the petitioner Herbert Bell
Submit this explanation to this Honorable

Supreme Court pursuant to SCACR, Rule 243
C5; based on the sufficient reason under
the created legislative PCR filing statutory
exception procedural provision clause of
17-27-20 C5; a statutory safeguard
controlling law; this is why the petitioner current
file PCR application is not successive nor
untimely; and the petitioner did state a
cognizable claim for relief; which the
petitioner asserted the cognizable PCR filing
procedural exception 17-27-20 C5; in
his PCR application allegation in question
C10; that he is only collaterally attacking his
unlawful parole procedure termination
process of restraint; as it was held in

Kerr vs State 547 S.E.2d 449; also in support of this controlling filing exception procedural law; 17-27-20 Ga C5; which subsection 17-27-45 Ga does not apply to this PCR filing exception procedural safeguard; as it was held in supra Kerr vs State; based on such explanation outlined the petitioner pray in the interest of justice that this Honorable Court issuance a administrative order remanding this case back to the lower Court ordering that an evidentiary hearing be held under the PCR filing procedural exception of 17-27-20 Ga C5; to determine such unlawful parole procedure termination restraint under the holding of Kerr vs State 547 S.E.2d 449; as a matter of law therein.

petitioner finally assent that he did
file a 59 ce) motion in this case at
bar.

Dated: January 11 2022

s/ ~~Herbert Bell~~
Herbert Bell

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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
Herbert Bell, #132646,)
Applicant,)
v.)
State of South Carolina,)
Respondent.)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

2019-CP-40-6468

FINAL ORDER OF DISMISSAL

RICHLAND COUNTY
FILED
2021 DEC -1 PM 1:35
CLERK, DIST. CLERK & REC.

This matter comes before the Court pursuant to an application for post-conviction relief filed by Applicant Herbert Bell on November 15, 2019. Respondent made its Return and Motion to Dismiss on September 30, 2021, requesting the application be summarily dismissed because it was untimely, successive to Applicant’s prior PCR actions, and failed to state a cognizable claim for relief.

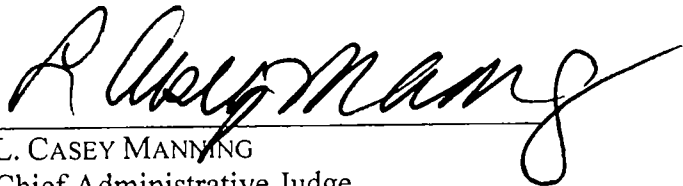
Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal filed October 6, 2021, provisionally denying and dismissing this action, while giving Applicant twenty days from the date of service of said Order in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated October 25, 2021, serving the above-mentioned Conditional Order of Dismissal on the Applicant.

Applicant has failed to respond to either the Respondent’s Motion to Dismiss or this Court’s Conditional Order of Dismissal. Therefore, this Court finds a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final.

IT IS THEREFORE ORDERED that, for the reasons set forth in this Court's Conditional Order of Dismissal, the application for post-conviction relief is hereby denied and dismissed with prejudice.

This Court hereby advises Applicant 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.

AND IT IS SO ORDERED this 23 day of November, 2021.



L. CASEY MANNING
Chief Administrative Judge
Fifth Judicial Circuit

Columbia, South Carolina

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

HERBERT BELL, #132646

Applicant,

v.

STATE OF SOUTH CAROLINA

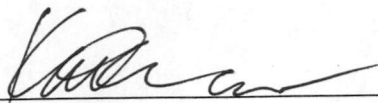
Respondent.

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:

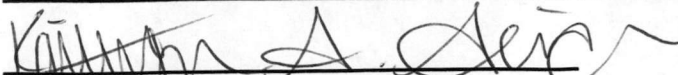
**Herbert Bell, #132646 (Q4B-0106-T)
Perry Correctional Institution
430 Oaklawn Road
Pelzer, SC 29669**

This 10th day of December, 2021.



Katie Wade
Legal Assistant for the Respondent

SWORN to before me this 10th day of December, 2021



Notary Public for South Carolina.
My Commission Expires: 10/1/2025

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S.C. SUPREME COURT



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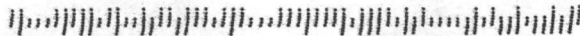
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