

THE STATE OF SOUTH CAROLINA  
IN THE S.C. COURT OF APPEALS

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SC Court of Appeals

APPEAL FROM ANDERSON COUNTY  
COURT OF COMMON PLEAS

HON. EUGENE C. GRIFFITH, JR., CIRCUIT COURT JUDGE

APPELLATE CASE NO. 2020-001619

HERMAN BELTON  
Appellant

V. STATE OF SOUTH CAROLINA  
Respondent

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MOTION FOR AWARD OF COSTS UNDER  
RULE 207(A), SCACR

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THE APPELLANT, HERMAN BELTON, MOVES TO BE AWARDED COSTS PURSUANT TO RULE 207(A), SCACR. THIS MOTION IS BASED ON RESPONDENT(S) UNJUSTIFIABLE REFUSAL TO AGREE TO THE "AGREEMENT TO USE LESS THAN THE ENTIRE TRANSCRIPT OF THE PCR HEARING."

THIS APPEAL IS PERTAINING TO THE ORDER THAT WAS HANDLED DOWN BY JUDGE ALEXANDER S. MACAULAY ON NOV. 8, 2011 FROM MY JUNE 8, 2011 PCR HEARING. AS STATED IN MY "AGREEMENT TO USE LESS THAN THE ENTIRE TRANSCRIPT OF THE PCR HEARING" DATED JAN. 11, 2021 (COPY ENCLOSED AS EXHIBIT "A").

I CLEARLY STATED IN THE AGREEMENT THAT IT WOULD SAVE TIME AND THE COST OF ORDERING THE SAME TRANSCRIPT AGAIN BECAUSE MY ARGUMENT IS IN REFERENCE TO THE RECORDS THAT WAS INCLUDED IN MY THE TRANSCRIPT FROM APPELLANT'S PREVIOUS S.C. SUPREME COURT HEARING.

THE ONLY ISSUES THAT APPELLANT IS RAISING IS STATED BELOW, AND HAS NOTHING TO DO WITH ORDERING ANOTHER TRANSCRIPT. APPELLANT'S ISSUES ARE;

- (1) DID THE PCR COURT ERR WHEN IT FAILED TO MAKE A FINDING OF FACT AND CONCLUSION OF LAW ON ALL ISSUES THAT WAS RAISED AT THE PCR HEARING?
- (2) SHOULD THIS PETITION BE GRANTED?

THE RESPONDENT(S) DID NOT RESPOND BACK; MATTER OF FACT, IN A AMENDED MOTION TO DISMISS AND MOTION TO FILE OUT OF TIME FROM RESPONDENT(S) DATED APRIL 7, 2021, PAGE 5 #27, THE RESPONDENT(S) CLEARLY STATES; THE UNDERSIGNED "HAS NOT" CONSULTED WITH PETITIONER ABOUT THIS MOTION BECAUSE PETITIONER IS A PRO SE PARTY AND BECAUSE UNDERSIGNED BELIEVES THAT SUCH CONSULTATION WOULD SERVE NO USEFUL PURPOSE.

AS A RESULT OF THE RESPONDENT(S) FAILURE TO CONSENT, ALONG WITH A ORDER FROM THE COURT DATED MAY 5, 2021 GIVING ME THIRTY (30) DAYS TO PROVIDE PROOF THAT THE COPY OF THE OCT. 21, 2020 HEARING TRANSCRIPT HAS BEEN ORDERED; THEREFORE I WAS COURT ORDERED TO ORDER THE TRANSCRIPT THAT WAS OF NO RELEVANCE TO THE ISSUES AT HAND. THE TRANSCRIPT WAS ORDERED AND TRANSCRIBED BY THE COURT REPORTER. THE COST OF TRANSCRIBING THIS UNNECESSARY TRANSCRIPT TOTALS \$137.50 FOR 29 PAGES OR 15 PAGES FRONT AND BACK. NOTE: I SENT THE COURT REPORTER A INSTITUTIONAL CHECK FOR THE AMOUNT OF \$170.00 WHICH WAS THE AMOUNT SHE STATED IT WOULD COST AT FIRST, BUT FOR SOME REASON SHE REFUNDED ME A CHECK IN THE AMOUNT OF \$42.50; THEREFORE I PAID \$137.50.

THEREFORE, AS A RESULT OF THE RESPONDENT(S)  
UNJUSTIFIABLY REFUSING TO NOT ORDER A TRAN-  
SCRIPT WHICH WAS IRRELEVANT TO THIS APPEAL;  
ACCORDINGLY, THE APPELLANT ASK THAT THE COURT  
AWARD HIM \$137.50 IN COST(S) PURSUANT TO RULE  
207(A) SCACR AND FOR SUCH OTHER AND FURTHER  
RELIEF AS THE COURT DEEM(S) JUST AND APPROPRIATE.

Respectfully submitted

DATE: JAN. 31, 2022

Herman Belton #256396  
HERMAN BELTON #256396  
GOODMAN CORR. INST.,  
4556 BROAD RIVER Rd.  
COLUMBIA, SC 29210

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EXHIBIT "A"

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

JAN. 11, 2021

APPEAL FROM ANDERSON COUNTY

HON. EUGENE C. GRIFFITH JR. CIRCUIT COURT JUDGE

CASE NO: 2020-001619

STATE OF SOUTH CAROLINA - RESPONDENTS

v.

HERMAN BELTON - APPELLANT

AGREEMENT TO USE LESS  
THAN THE ENTIRE TRANSCRIPT  
OF THE PCR HEARING.

THE UNDERSIGNED AGREE TO USE THE PCR  
TRANSCRIPT FROM APPELLANT PCR HEARING.  
THIS WOULD BE THE CERTIFIED COPY.

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JAN 11 2021

MAIL ROOM

ACI

HERMAN BELTON  
ALLENDALE CORR INST  
P.O. BOX 1151  
FAIRFAX, SC 29827

S.C. ATTORNEY GEN.  
TAYLOR Z. SMITH, AAG  
P.O. BOX 11549  
COLUMBIA, SC 29201

This AGREEMENT would SAVE TIME AND THE  
COST OF ORDERING THE SAME TRANSCRIPT AGAIN.  
THIS TRANSCRIPT IS FROM APPELLANT'S PREVIOUS  
S.C. SUPREME COURT HEARING.

Respectfully

Herman Belton #256396

HERMAN BELTON #256396  
ALLENDALE CORR. INST.

P.O. BOX 1151

FAIRFAX, SC 29827

CC: CLERK, S.C. SUPREME COURT

S.C. ATTORNEY GENERAL

FILE

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STATE OF SOUTH CAROLINA  
IN THE S.C. COURT OF APPEALS

SC Court of Appeals

APPEAL FROM ANDERSON COUNTY  
Hon. Eugene C. Griffith, Circuit Court Judge  
Appellate Case No. 2020-001619

HERMAN BELTON — Appellant

STATE OF SOUTH CAROLINA — Respondent(s)

Certificate of Service

I CERTIFY THAT A TRUE COPY OF MOTION FOR AWARD OF COSTS UNDER RULE 207(A), SCACR HAVE BEEN MAILED TO THE PARTIES LISTED BELOW BY U.S. MAIL THIS 31<sup>st</sup> DAY OF JAN., 2022.

Taylor Z. Smith, AAG  
S.C. Attorney General's Office  
P.O. Box 11549  
Columbia, SC 29211

Sincerely

Herman Belton #256396  
HERMAN BELTON #256396  
Goodman Corr. Inst.,  
4556 Broad River Rd.  
Columbia, SC 29210

THE S.C. COURT OF APPEALS  
Jenny Abbott Kitchings, Clerk  
P.O. Box 11629  
Columbia, SC 29211

DATE: Jan. 31, 2022

cc: File

ENCLOSURE(S): 1 (2 PAGES)

HERMAN BELTON #256396

Goodman CORR. Inst.,  
4556 Broad River Rd.  
Columbia, SC 29210



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SC Court of Appeals

Hon. Judy Abbott Kitchings, CLERK  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211