

Randall Edwin Latimer  
Appellate

vs.

State of South Carolina  
County of Greenville  
Court of General Sessions

Resident Judge C. Victor Pyle Jr.

Presiding Judge Thomas J. Ervin

Solicitor Joseph L. Watson

Assistant Attorney General

Karen C. Ratigan

State of South Carolina  
Department of Probation  
Parole and Pardon Services  
Parole Agent Leslie Dorn

Greenville City Police Dept.

Det. M.F. Banton

Officer Larry Drummond

Respondents

On January 15, 2009 I filed a State Habeas Corpus in the Court of Common Pleas.

On May 9, 2009 the Respondents filed a motion dismissing the Petition for writ of Habeas Corpus claiming that it failed to support the requested relief.

Upon my review of the dismissal it was revealed that Judge Larry R. Patterson did not sign the dismissal.

On July 22, 2009 Assistant Attorney General Karen C. Ratigan re-submitted case no. 2009-CP-23-0328 to Judge John C. Few.

In The South Carolina Supreme Court **RECEIVED**

Latimer vs State

Case No. 2009-CP-23-0328

APR 25 2013

S.C. SUPREME COURT

Dear Judge Few it has come to my attention that Judge Patterson did not have time to sign several proposed conditional orders of dismissals in various Thirteenth Circuit PCR and/or Habeas Corpus cases before his retirement.

Therefore, I am enclosing copies of the proposed conditional orders for your review.

The only change I made from the original proposed orders sent to Judge Patterson was to update your name in the signature block.

I am advising the Applicants of the re-submission of the proposed orders.

If you have any questions please let me know (803) 734-3737.

I submitted the following cases proposed orders of dismissal to Judge Patterson on March 3, 2009.

- Patrick Booker 2008-CP-23-7865
- Robert Campbell 2008-CP-23-8452
- Joseph Davis 2008-CP-23-8218
- James Nesbitt 2008-CP-23-8819
- Robert Rondeau 2008-CP-23-7886
- Dwight Spears 2008-CP-23-8342
- John Ware 2008-CP-23-8272

I submitted the following proposed conditional orders of dismissal to Judge Patterson on April 26, 2009

- Maxie Gamble 2009-CP-23-0280
- Trevon Keith 2008-CP-23-7051
- Trevon Keith 2009-CP-23-0357

I submitted the following proposed conditional orders of dismissal to Judge Patterson on April 28, 2009.

- Steve Lester 2009-CP-23-1211
- William McKennedy 2009-CP-23-1798

Joseph Murray 2009-CP-23-0971

I submitted the following proposed conditional orders of dismissal to Judge Patterson on May 12, 2009

- Gustavo Alvarado 2009-CP-23-1926
- Jonathan Arnold 2009-CP-23-1787

Randall Latimer 2009-CP-23-0328

Zachary Miller 2009-CP-23-2619

Gerald White 2009-CP-23-2625

Enclosures

cc: Gustavo Alvarado, # 288801  
Jonathan Arnold, # 320526  
Patrick Lee Booker # 297590  
Robert Bernard Campbell, #131941  
Joseph Davis, # 222918  
Maxie Gamble, # 254413  
Trevon A. Keith, # 272473  
Randall Edwin Latimer, # 135007  
Steve Lester, # 75259  
William Clayton McKennedy, # 256024  
Zachary Vincent Miller #, ~~291301~~ 291301  
Joseph David Murray, # 269067  
James Arthur Nesbitt, # 291377  
Robert A. Rondeau, # 280201  
Dwight Spears, # 12210-171  
John Lee Ware, # 271206  
Gerald Lee Whitner, # 278224

S. C. CODE OF LAWS TITLE 14 CHAPTER 5 CIRCUIT COURTS

SECTION 14-5-790 TERMS OF COURT IN THIRTEENTH CIRCUIT

The courts of the thirteenth circuit shall be held as hereinafter provided

1. Greenville County - - (a) The Court of Common Pleas for Greenville County shall be held at Greenville on the fourth Monday in January for four weeks on the fourth Monday in March with two (2) weeks for jury trials and one week for equity cases, followed by two weeks of jury trials on the third Monday in May for two weeks, the third Monday in June for two weeks, the second Monday in September for two weeks, the second Monday in October for two weeks and the second Monday in November with three (3) weeks for jury trials and one week for equity cases. The Court of General Sessions for the county shall be held at Greenville on the second Monday in January for two weeks on the second Monday in March for two weeks the first Monday in May for two weeks, the last Monday in August for two weeks the fourth Monday in October for two weeks and the first Monday in December for one week.

(b) In addition to the terms of court herein above set forth, there shall be held additional terms of the court of common pleas for Greenville County to hear equity matters and any other non jury matters as follows:  
On the second Monday in January, for one week on the second Monday in May for one week, and the first Tuesday in September, for one week

(c) The terms of court provided for in paragraph (b) of this subsection shall be presided over by a judge other than the resident judge of the thirteenth judicial circuit or the presiding judge regularly assigned at that said circuit. Such judge shall be selected by the Chief Justice of the Supreme Court from among the regular circuit judges or the retired circuit judges or lawyers admitted to practice in the Supreme Court. If found at any time to be unnecessary the term of court provided for in paragraph (b) of this subsection shall be cancelled in the manner provided by law for cancellation of other terms.

Patterson, Larry R. ("Choppy") (1991-2003) Judge of Thirteenth Judicial Circuit Greenville County Courthouse 305 E. North St. Ste. 315 Greenville 29601 Tel. (864) 467-8406 Court Reporter Mary Sprague 1970-71 Appointed Family Court Judge Thirteenth Judicial Circuit 1981

Few, John C. (2000-2006) Judge of Thirteenth Judicial Circuit 305 E. North St. Ste. 318 Greenville 29601 Tel (864) 467-8448

Floyd, Henry F. (1992-2004) Judge of Thirteenth Judicial Circuit P.O. Box 1390 Pickens 29671 Tel. (864) 899-5790 or 5791 Fax (864) 898-5792 b. Nov. 5, 1947

Johnson R. Kinard Jr. (1982-2007) Judge of Thirteenth Judicial Circuit P.O. Box 757 Greenville 29602 Tel. (864) 467-5839 Court Reporter Maria Smith

Bartlett Stephen S. (1996-2007) Judge of Thirteenth Judicial Circuit P. O. Box 757 Greenville 29602 Court Reporter vacant

### Counties - Greenville, Pickens

#### Thirteenth Judicial Circuit

Theron G. Cochran, Greenville

Greenville County - 13th Circuit Founded in 1786.

Courthouse Address: E. North St. Greenville 29601

Family Court: 305 E. North St. P.O. Box 757 Greenville 29602 467-5800

Circuit Court: 305 E. North St. Greenville 29602 - 467-8551

Circuit Contact Number for Visiting Judges: 467-8668 (Circuit) 5839 (Family)

County Code 23:

Population 379,616

Area Code: 864

Paul B. Wickensimer Clerk of Court 467-8551 & 305 E. North St. Greenville 29601

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )  
 )  
Randall Edwin Latimer, )  
S.C.D.C. No. 135007, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
State of South Carolina, )  
 )  
Respondent. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
C.A. No. 2009-CP-23-0328

**RECEIVED**

APR 25 2013

**S.C. SUPREME COURT**

**RETURN AND MOTION TO DISMISS  
PETITION FOR WRIT OF  
HABEAS CORPUS**

This matter comes before the Court by way of a document filed January 15, 2009, and captioned "Petition for Writ of Habeas Corpus." The Respondent submits the petition should be summarily dismissed because it fails to support the requested relief.

I.

The Petitioner is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Clerk of Court for Greenville County. The Petitioner was indicted at the February 1986 term of the Greenville County Grand Jury for first-degree attempted criminal sexual conduct (1986-GS-23-1137) and first-degree burglary (1986-GS-23-1138). He was represented by H.W. "Pat" Paschal, Jr., Esquire.

After the State brought the case to trial, the Petitioner was found guilty of first-degree burglary. At the conclusion of the trial – on April 15, 1986 – the Honorable C. Victor Pyle, Jr. ordered an evaluation. On July 29, 1986, the Honorable Thomas J. Ervin sentenced the Applicant to life imprisonment.

A notice of appeal was filed at the South Carolina Supreme Court. Stephen P. Williams,

Court affirmed the Applicant's conviction and sentence. State v. Latimer, Op. No. 87-MO-331 (S.C. Sup. Ct. filed August 3, 1987).

#### **1997-CP-23-0701**

The Applicant filed a PCR application on February 27, 1997 (1997-CP-23-0701). The Respondent filed a return and motion to dismiss on May 21, 1997. The Applicant raised the following issues in his PCR application:

1. Ineffective assistance of trial counsel.
2. Violation of Constitutional rights.

The Honorable Gary E. Clary denied and dismissed the PCR application by order on May 29, 1997. The Applicant did not file an appeal.

#### **Federal Habeas Corpus**

The Applicant filed a petition for writ of habeas corpus in the United States District Court for the District of South Carolina on December 3, 1997 (6:97-3739-17AK). The Respondent submitted a motion for summary judgment on January 22, 1998. The Honorable William M. Catoe, Jr., United States Magistrate Judge, issued a report and recommendation to grant the motion for summary judgment dated April 16, 1998. On June 29, 1998, the Honorable Joseph F. Anderson, Jr., United States District Judge, issued an order dismissing the petition with prejudice.

#### **State Habeas Corpus**

The Applicant filed a "Petition for Writ of Habeas Corpus" in the Court of Common Pleas on January 15, 2009 (2009-CP-23-0328). The Respondent submitted a return, arguing the matter should be dismissed. The Honorable John C. Few signed a conditional order of dismissal on July 24, 2009. Judge Few signed a final order of dismissal on October 13, 2009. The

STATE OF SOUTH CAROLINA )

IN THE COURT OF COMMON PLEAS )

COUNTY OF GREENVILLE )

Randall Edwin Latimer, 135007 )

CASE NO.  
2009-CP-23-0328 )

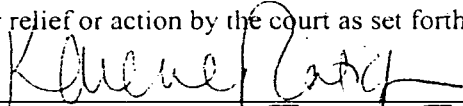
Plaintiff )

v. )

MOTION AND ORDER INFORMATION  
FORM AND COVER SHEET )

State Of South Carolina )

Defendant. )

Plaintiff's Attorney: Randall Edwin Latimer, 135007, Bar No. Address: Perry Correctional Institution 430 Oaklawn Road Pelzer SC 29669 phone: fax: e-mail: other:	Defendant's Attorney: Karen C. Ratigan, Bar No. Address: Post Office Box 11549 Columbia SC 29211-1549 phone: (803) 734-3737 fax: (803) 734-4113 e-mail: other:
<input type="checkbox"/> MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) <input type="checkbox"/> FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) <input checked="" type="checkbox"/> PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)	
<b>SECTION I: Hearing Information</b>	
Nature of Motion: Estimated Time Needed: Court Reporter Needed: <input type="checkbox"/> YES / <input type="checkbox"/> NO	
<b>SECTION II: Motion/Order Type</b>	
<input type="checkbox"/> Written motion attached <input checked="" type="checkbox"/> Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.	
 Signature of Attorney for <input type="checkbox"/> Plaintiff / <input checked="" type="checkbox"/> Defendant	May 8, 2009 Date submitted
<b>SECTION III: Motion Fee</b>	
<input type="checkbox"/> PAID - AMOUNT: <input checked="" type="checkbox"/> EXEMPT: <input type="checkbox"/> Rule to Show Cause in Child or Spousal Support (check reason) <input type="checkbox"/> Domestic Abuse or Abuse and Neglect <input type="checkbox"/> Indigent Status <input type="checkbox"/> State Agency v. Indigent Party <input type="checkbox"/> Sexually Violent Predator Act <input checked="" type="checkbox"/> Post-Conviction Relief <input type="checkbox"/> Motion for Stay in Bankruptcy <input type="checkbox"/> Motion for Publication <input type="checkbox"/> Motion for Execution (Rule 69, SCRCF) <input type="checkbox"/> Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: <input type="checkbox"/> Other:	
<b>JUDGE'S SECTION</b>	
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order. <input type="checkbox"/> Other:	_____ JUDGE  CODE: _____ Date: _____
<b>CLERK'S VERIFICATION</b>	
Collected by: _____  <input type="checkbox"/> MOTION FEE COLLECTED: _____ <input type="checkbox"/> CONTESTED - AMOUNT DUE: _____	Date Filed: _____

"Furthermore, if a person is procedurally barred, his only means of obtaining state habeas corpus relief is to file a petition in the original jurisdiction of the Supreme Court." Id.

III.

Based upon its review of the pleadings in this matter, this Court expresses its intent to summarily dismiss this matter unless the Petitioner advises this Court with specific reasons, factual or legal, why it should not dismiss the matter in its entirety. The Petitioner is granted twenty (20) days from the date of service of this Order upon him to show why this Order should not become final by filing any reasons he may have with the Clerk of Court for Greenville County, South Carolina, and also by filing a copy of his reasons with the Office of the Attorney General, Attn: Karen C. Ratigan, Post Office Box 11549, Columbia, South Carolina, 29211.

**AND IT IS SO ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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Larry R. Patterson  
Chief Administrative Judge  
Thirteenth Judicial Circuit

\_\_\_\_\_, South Carolina.

