

FORM 4

**STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER
IN THE COURT OF COMMON PLEAS**

**JUDGMENT IN A CIVIL CASE
CASE NUMBER 2020CP1801677**

Ronald Blanding		South Carolina State Of	
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PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other: _____
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other: _____

RECEIVED
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 29 DEC 29 PM 2:41
 2020

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.
Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT 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.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

Edgar Dickson	2153	12/29/2021
Circuit Court Judge	Judge Code	Date

For Clerk of Court Office Use Only

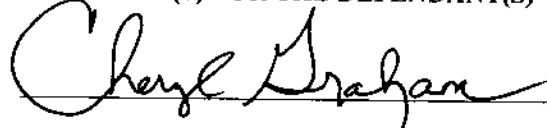
This judgment was entered on **12/29/2021**, and a copy mailed first class or placed in the appropriate attorney's box on **12/29/2021**, to attorneys of record or to parties (when appearing pro se) as follows:

Ronald Blanding Tyger Correctional Inst., #283641 200
Prison Road Enoree, SC 29335

**Megan Harrigan Jameson/
Samantha Jo Weidauer**
PO Box 11549
Columbia, SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)



Court Reporter

Cheryl Graham - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

STATE OF SOUTH CAROLINA)
COUNTY OF DORCHESTER)
Ronald Blanding, SCDC #283641,)
Applicant,)
v.)
State of South Carolina,)
Respondent.)

IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL CIRCUIT

Case No.: 2020-CP-18-01677

FINAL ORDER OF DISMISSAL

2021 DEC 29 PM 4:29
COURT CLERK
OFFICE OF THE CLERK OF COURT
1000 MARKET STREET
COLUMBIA, SC 29201
803.732.2000

This matter comes before the Court by way of a post-conviction relief (PCR) action commenced by Ronald Blanding (Applicant) on October 13, 2020. The State made its return on February 4, 2021, requesting the action be summarily dismissed because it was filed after the statute of limitations had expired; it is successive to Applicant's prior PCR actions; it is barred by the doctrine of *res judicata*; and because continued litigation by Applicant frustrates the need for finality of litigation.

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 signed September 3, 2021, and filed September 8, 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 September 23, 2021, serving the above-mentioned conditional order of dismissal on Applicant.



On September 20, 2021, Applicant filed a response to the conditional order of dismissal¹. This Court would note the response raises essentially the same claims as those enumerated in Applicant's application, previous PCR actions, and previous habeas action. In his response, Applicant argues – as he has in his previous actions – that his due process rights were violated and both his PCR counsel was ineffective and the PCR court in his first PCR application, failed to rule on all issues presented to the court and relied on incorrect legal conclusions. Applicant additionally alleges officials did not have proper documentation to extradite Applicant from New York to South Carolina.

In this case, Applicant received a hearing in his first post-conviction relief action and timely appealed to the South Carolina Supreme Court therefrom. Following the filing of the petition for writ of certiorari, the Court carefully considered the record as required by law. The Court dismissed Applicant's petition. Applicant has pursued a petition for habeas corpus relief in federal court, and was denied relief. Additionally, Applicant has filed two previous PCR applications in the circuit court. The allegations in the current application are critically similar to those pursued in Applicant's prior PCR actions and federal habeas action. Applicant had a full opportunity to litigate all of his allegations in his prior collateral actions. Accordingly, Applicant enjoyed a complete adjudication on the merits of his original application—"one full bite at the apple." Our Supreme Court has held that once a post-conviction relief applicant obtains a complete adjudication on the merits of his original application, including an appeal, he may not make successive applications based on ineffective assistance of post-conviction relief counsel. *See, e.g., Aice v. State*, 305 S.C. 448, 409 S.E.2d 392 (1991).

¹ Applicant also filed a response in opposition to the State's return and motion to dismiss on February 18, 2021, essentially raising the same allegations as enumerated in this third application and detailed in the above-mentioned response to the conditional order of dismissal.



Under the doctrine of *res judicata*, a matter that has been wholly adjudicated by a competent court is barred from further pursuit on any grounds that could have been raised in the former action. Because all allegations alleged in Applicant's instant post-conviction relief action *could have been or were raised* in Applicant's previous proceedings, this action is barred by the doctrine of *res judicata*. *Res judicata* prohibits subsequent actions by the same parties on the same issues, and a final judgment on the merits in a prior action bars subsequent consideration of those issues in a new action. *Bell v. Bennett*, 307 S.C. 286, 414 S.E.2d 786 (Ct. App. 1992); *Foran v. USAA Cas. Ins. Co.*, 311 S.C. 189, 427 S.E.2d 918 (Ct. App. 1993). *Res judicata* also bars any issues that could have been raised in the former action. *Foxworth v. State*, 275 S.C. 615, 274 S.E.2d 415 (1981).

Applicant's claims of ineffective assistance of trial counsel are therefore barred by the doctrine of *res judicata* because they were or could have been raised in Applicant's previous state and federal proceedings. See *Aice*, 305 S.C. at 452, 409 S.E.2d at 395 (“[Applicant] has filed an original PCR application, and has been allowed to seek review of the ruling against him. We refuse to grant his request for a second chance, and again we do so in order to effectuate the purposes of the Act and rules.”).

Before the Court will hold an evidentiary hearing, Applicant must make a *prima facie* showing that he is entitled to relief. *Welch v. MacDougall*, 246 S.C. 258, 143 S.E.2d 455 (1965); *Blandshaw v. State*, 245 S.C. 385, 140 S.E.2d 784 (1965). Applicant has failed to make such a showing based on the information set forth in his response, and therefore he is not entitled to an evidentiary hearing in this matter. Accordingly, this Court finds no reason why the conditional order of dismissal should not become final.

This Court therefore reasserts its finding in the conditional order of dismissal that the current PCR application must be dismissed because it was filed after the statute of limitations had expired; it is successive to Applicant's prior PCR actions; it is barred by the doctrine of *res judicata*; and because continued litigation by Applicant frustrates the need for finality of litigation.

IT IS THEREFORE ORDERED that for the reasons set forth in the 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 23rd day of December, 2021.



EDGAR W. DICKSON
Circuit Court Judge
First Judicial Circuit

Orangeburg, South Carolina.