

FORM 4

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

**JUDGMENT IN A CIVIL CASE
CASE NUMBER 2019CP1800874**

Delronezy Lee Washington		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: _____

2022 JAN 14 AM 11:50
 CLERK OF COURT
 JUDICIAL BRANCH

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	1/14/2022
Circuit Court Judge	Judge Code	Date

For Clerk of Court Office Use Only

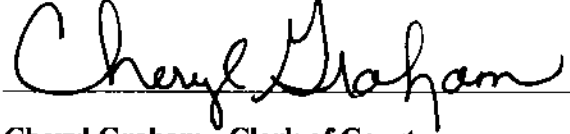
This judgment was entered on 1/14/2022, and a copy mailed first class or placed in the appropriate attorney's box on 1/14/2022, to attorneys of record or to parties (when appearing pro se) as follows:

Delronezy Lee Washington #337975 Tyger River Inst.
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)

IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL CIRCUIT

Delronezy L. Washington, SCDC #337975,)

Case No. 2019-CP-18-0874

Applicant,)

v.)

FINAL ORDER OF DISMISSAL

State of South Carolina,)

Respondent.)

FILED-RECORDED
2021 JAN 14 AM 11:50
KIM L. GRAHAM
CLERK OF COURT
FIRST JUDICIAL CIRCUIT

This matter comes before the Court by way of a post-conviction relief (PCR) action commenced by Delronezy L. Washington (Applicant) on May 14, 2019. The State made its return on August 11, 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 doctrines of *res judicata* and *laches*; Applicant failed to make a *prima facie* case of newly-discovered evidence; 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 24, 2021, and filed September 28, 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 14, 2021, serving the above-mentioned conditional order of dismissal on Applicant.



On October 22, 2021, Applicant filed a response, alleging he is entitled to proceed on the merits of the instant application because the “withdrawal of his PCR action was involuntary, unknowingly made, as he was coerced and under duress by his former PCR counsel.” Applicant further contends he is entitled to equitable tolling pursuant to *Pelzer v. State*, 378 S.C. 516, 662 S.E.2d 618 (Ct. App. 2008). Finally, Applicant contends his newly-discovered evidence claim is timely but does not provide any further explanation.

This Court disagrees. As discussed in the conditional order, the instant post-conviction relief action is Applicant’s *fourth*. The previous three applications were denied and dismissed with prejudice. Although he now claims he was coerced to withdraw his initial application in 2010, he made it clear to Judge Benjamin that his decision to withdraw his application was made freely, knowingly, and voluntarily. Additionally, he could have raised this issue in the two PCR applications he filed after withdrawing the first one.

This Court further finds Applicant is not entitled to equitable tolling. Equitable tolling has been deemed available where (1) extraordinary circumstances prevented the plaintiff from filing despite his due diligence; (2) the plaintiff actively pursued his or her judicial remedies by filing a defective pleading during the statutory period or the claimant has been induced or tricked by the defendant’s misconduct into allowing the filing deadline to pass; and (3) the plaintiff, despite all due diligence, is unable to obtain vital information bearing on the existence of his or her claim. *Pelzer*, 378 S.C. at 521, 662 S.E.2d at 619–20. None of those circumstances are present here that would justify tolling the statute of limitations nearly ten years.

Finally, this Court thoroughly addressed Applicant’s two claims of newly-discovered evidence in the conditional order. Regardless of whether these claims are timely, none of the documents provided by Applicant in support of these claims are of such a weight and quality that

the “interest of justice” requires Applicant’s guilty plea to be vacated, particularly in light of the finality that generally attaches to a guilty plea. *Jamison v. State*, 410 S.C. 456, 470, 765 S.E.2d 123, 130 (2014). See *McMann v. Richardson*, 397 U.S. 759, 773–74 (1970) (“What is at stake in this phase of the case is not the integrity of the state convictions obtained on guilty pleas, but whether, years later, defendants must be permitted to withdraw their pleas, which were perfectly valid when made, and be given another choice between admitting their guilt and putting the State to its proof. . . . This would be an improvident invasion of the State’s interests in maintaining the finality of guilty-plea convictions that were valid under constitutional standards applicable at the time.”).

Before the Court will hold an evidentiary hearing, Applicant must make a *prima facie* showing he is entitled to relief. *Welch v. MacDougall*, 246 S.C. 258, 260, 143 S.E.2d 455, 456 (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 proceed on the merits of this action. Accordingly, this Court finds no reason why the conditional order of dismissal should not become final.

This Court 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 doctrines of *res judicata* and *laches*; Applicant failed to make a *prima facie* case of newly-discovered evidence; 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
Chief Administrative Judge
First Judicial Circuit



, South Carolina

