

1. Application For Post Conviction Relief, Filed May 11, 2021.
2. Indictments No. 2007-GS-40-02000-2003, and 2007-GS-40-2048
3. Indictments No. 2007-GS-40-1938-1941, and Warrants
4. Terms of Circuit and Family Court (2007),(2008), and (2009)
4. The Supreme Court of South Carolina (Order) dated 6/21/2006
5. The Supreme Court of South Carolina (Order) dated 1/24/2008
6. The Supreme Court of South Carolina (Order) dated 7/22/2008
7. The Supreme Court of South Carolina (Order) dated 1/30/2009
8. The Richland County Grand Jury (Order) dated 11/28/2006
9. The Richland County Grand Jury (Order) dated 5/12/2008
10. The Honorable Judge, Childs; (Order), dated 9/26/2008

APPENDIX - A.

JEANETTE W. McBRIDE
Clerk of Court

VIRGINIA F. BELCHER
Chief Deputy Clerk of Court



MAILING ADDRESS:
POST OFFICE BOX 2766
COLUMBIA, SC 29202-2766

TELEPHONE:
Phone: 803.576.1934
Fax: 803.576.1785
TDD: 803.748.4999

RICHLAND COUNTY CLERK OF COURT
Richland County Judicial Center
1701 Main Street, Room 205
Columbia, South Carolina 29201

May 11, 2021

Yasmeen Klein
Attorney at Law
South Carolina Attorney General Office
Post Office Box 11549
Columbia, South Carolina 29211

Re: Randolph Ashford, #256638

Dear Ms. Klein,

I am enclosing a copy of an Application for Post-Conviction Relief that has been filed in the Office of the Clerk of Court and assigned a civil action number 2021CP4002211.

Also, I have enclosed a copy of his/her criminal records.

Sincerely,

Talisa Montgomery
Talisa Montgomery
Civil Records Clerk

Enclosures

FORM 5

STATE OF SOUTH CAROLINA

County of Richland

Randolph Ashford

Full name and prison number (if any) of Applicant

State of South Carolina

IN THE COURT OF COMMON PLEAS

2021CP400221

APPLICATION FOR
POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention South Carolina Department of Corrections
Broad River Corr. Inst.
2. Name and location of Court which imposed sentence Richland County, Court of
General Sessions
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2007-GS-40-2048, Burglary 1st degree
 - (b) 2007-GS-40-1940, CSC 1st degree

2021 MAY
15
RECEIVED
CLERK OF COURT
S.C. 2021
FILED
RECEIVED
CLERK OF COURT
S.C. 2021
FILED

(c) 2007-65-40-02001 (Carjacking)

5. The date upon which sentence was imposed and the terms of the sentence:

(a) April 3, 2009, (20) Years Consecutive
(b) April 3, 2009, (10) Years Concurrent
(c) April 3, 2009, (10) Years Concurrent

6. Check whether a finding of guilty was made:

(a) after a plea of guilty _____
(b) after a plea of not guilty _____
(c) after a plea of nolo contendere _____

7. Did you appeal from the judgment of conviction or the imposition of sentence? Yes

8. If you answered "yes" to (7), list:

(a) the name of each Court to which you appealed:

i. The South Carolina Court of Appeals

ii. _____

iii. _____

(b) the result in each such Court to which you appealed:

i. Denied / Dismissed

ii. _____

iii. _____

(c) the date of each such result:

i. Submitted 1/3/2012 Filed 1/25/2012

ii. _____

iii. _____

(d) if known, citations of any written opinion or orders entered pursuant to such results:

i. Unpublished Opinion No. 2012-UP-035

ii. _____

iii. _____

9. If you answered "no" to (7), state your reasons for not so appealing:

(a) N/A

(b) N/A

(c) N/A

10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully: Lack of Subject Matter Jurisdiction

(a) Invalid Amendment
(b) Failure to Reindict following Not Guilty Verdict and/or
(c) Invalid Amendment that Change the indicted offense

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

(a) _____
(b) J-556199 Warrant, Sex Criminal Sexual Assault
(c) Trial Court Amended Car Jacking

12. Prior to this application have you filed with respect to this conviction:

(a) any petition in a State Court under South Carolina Law? yes
(b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? yes
(c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? yes
(d) any other petitions, motions or applications in this or any other Court? yes

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

(a) the specific nature thereof:

i. Unknown at this time
ii. _____
iii. _____
iv. _____

(b) the name and location of the Court in which each was filed:

i. Unknown at this time
ii. _____
iii. _____
iv. _____

(c) the disposition thereof:

- i. Unknown at this time
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. Unknown at this time
- ii. _____
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. Unknown at this time
- ii. _____
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

Unknown at this time

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. Unknown at this time
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. Unknown at this time
- ii. _____
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) Unknown at this time

(b) _____

(c) _____

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? N/A

(b) your trial, if any? Yes Ineffective Assistance

(c) your sentencing? Yes Ineffective Assistance

(d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes Ineffective Assistance

(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?
Yes, Ineffective Assistance

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

- i. Nicole Singletary/Denn O'Neil, P.O. Box 192, Columbia, S.C. 29202
- ii. Wanda H. Carter, Tiffany L. Butler, P.O. Box 11589, Columbia, S.C. 29211-1589
- iii. David E. Belding, P.O. Box 11964, Columbia S.C. 29211

(b) the proceedings at which each such attorney represented you:

- i. Trial
- ii. Appeals
- iii. PCR

19.

State clearly the relief you seek in filing this application:

New Trial and/or Sentence to run concurrent

20.

Are you now under sentence from any other court that you have not challenged?

NO

STATE OF SOUTH CAROLINA

County of Richland

VERIFICATION

I, Randolph Ashford

upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Randolph Ashford

SWORN to and subscribed before me this 14th
day of April, 2021.

D. M. Meaght (L.S.)
Notary Public

My Commission Expires: 7-27-2020

RECEIVED
S.C. DEPT. OF JUSTICE
FILED
2021 MAY 11 AM 11:10
JEANETTE A. MCNAUL
S.C.P. & C.S.

2021CP4002211

APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF

I, Randolph Ashford

proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

Randolph Ashford
Applicant

SWORN or affirmed to and subscribed before me this
14th day of April 2021.

J. M. Mazzetti
Notary Public

My Commission Expires: 3-27-2020

NOTARY PUBLIC
STATE OF NEW YORK
JEANETTE MCGARIGLE
S.G.P. & G.D.
2021 MAY 11 AM 11:10

WITNESSES

(S) AL THOMAS - CPD

DOCKET NO. 2007-GS-40- 02000

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

The State of South Carolina

County of Richland

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

COURT OF GENERAL SESSIONS

MAY TERM 2007

42

Defendant

Witness:
C.C.C. PLS AND G.S.

THE STATE

vs.

ACTION OF GRAND JURY

RANDOLPH ASHFORD

TRUE BILL

DeWeese
Foreperson of Grand Jury
Date: *May 13 2007*

VERDICT

Indictment for
CARJACKING

SC Code: 16-3-1075(B)(1)
CDR Code: 2599
Class FEL/C

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on May 23, 2007, the Grand Jurors of Richland County present upon their oath:

CARJACKING

That RANDOLPH ASHFORD did in Richland County on or about February 24, 2007, take or attempt to take a motor vehicle from the victim, Evelin Worthy, by force and violence or by intimidation, while the person, Evelin Worthy, is operating the vehicle or while the person is in the vehicle. All in violation of § 16-3-1075.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Warren B. Giese

WARREN B. GIESE, SOLICITOR

DOCKET NO. 2007-GS-40-02000

WITNESSES

AMENDED

✓(S) AL THOMAS - CPD

The State of South Carolina

County of Richland

Defendant

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

COURT OF GENERAL SESSIONS

42 MAY TERM 2007

ARREST WARRANT NUMBER

K195896

THE STATE
vs.

RANDOLPH ASHFORD

Defendant

Witness:

C.C.C. PLS. AND G.S.

A SECTION OF GRAND JURY

11:00 AM

person of Grand Jury

SEP 19 2008

VERDICT

Guilty

Indictment for
CARJACKING

SC Code: 16-3-1075(B)(1)

CDR Code: 2599

Class: C/FELONY

11:00 AM
4/3/09
person of Plaintiff

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

CARJACKING

At a Court of General Sessions, convened on **MAY 23, 2007**, the Grand Jurors of Richland County present upon their oath:

That RANDOLPH ASHFORD did in Richland County on or about February 24, 2007, take or attempt to take a motor vehicle from the victim, Malachi James, by force and violence or by intimidation while the person, Malachi James, is operating the vehicle or while the person is in the vehicle. All in violation of § 16-3-1075(B)(1) of the Code of Laws of South Carolina, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

W. B. Giese
WARREN B. GIESE, SOLICITOR

WITNESSES

AL THOMAS - CPD

DOCKET NO. 2007-GS-40-02001

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

The State of South Carolina

County of Richland

Defendant

TRUE COPY
FILED, INDEXED
RICHLAND COUNTY
SOUTH CAROLINA

COURT OF GENERAL SESSIONS

MAY TERM 2007

42

ARREST WARRANT NUMBER
K195897

THE STATE
vs.

Defendant
Witness:
C.C.C., P.I.S. AND G.S.

ACTION OF GRAND JURY

TRUE BILL
Signed by Grand Jury

VERDICT ~~4/1/07~~ ~~4/3/07~~

Indictment for
CARJACKING

SC Code: 16-3-1075(B)(1)

CDR Code: 2599

Class FELIC

person of Petit Jury

person of Petit Jury

STATE OF SOUTH CAROLINA)

INDICTMENT

)
COUNTY OF RICHLAND)

At a Court of General Sessions, convened on May 23, 2007, the Grand Jurors of Richland County present upon their oath:

CARJACKING

That RANDOLPH ASHFORD did in Richland County on or about February 24, 2007, take or attempt to take a motor vehicle from the victims, Pearl Kelly [REDACTED] [REDACTED] by force and violence or by intimidation, while the persons, Pearl Kelly [REDACTED] [REDACTED] are operating the vehicle or while the persons are in the vehicle. All in violation of § 16-3-1075.

Amended by Agreement 3-30-09.

G. R. Giese

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Warren B. Giese
WARREN B. GIESE, SOLICITOR

DOCKET NO. 2007-GS-40-02002

WITNESSES

ICAL THOMAS - CPD

The State of South Carolina

County of Richland

Defendant

I hereby waive payment of my legal rights. I hereby waive payment to the Grand Jury.

COURT OF GENERAL SESSIONS

MAY TERM 2007

42

THE STATE

VS.

Witness:

C.C.C. PLS AND G.S.

AC^{TION} OF GRAND JURY

RANDOLPH ASHFORD

John Doe
Date: MAY 23 2007
Person: Grand Jury
Date:

John Doe
Date: MAY 23 2007
Person: Grand Jury
Date:

VERDICT

Indictment for
CARJACKING

SC Code: 16-3-1075(B)(1)
CDR Code: 2599
Class FELIC

John Doe
Date: MAY 23 2007
Person: Petit Jury
Date:

CERTIFIED TRUE COPY
OF ORIGINAL FILE
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF RICHLAND)

At a Court of General Sessions, convened on May 23, 2007, the Grand Jurors of Richland County present upon their oath:

CARJACKING

That RANDOLPH ASHFORD did in Richland County on or about February 24, 2007, take or attempt to take a motor vehicle from the victim, Barry Taylor, by force and violence or by intimidation, while the person, Barry Taylor, is operating the vehicle or while the person is in the vehicle. All in violation of § 16-3-1075.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Warren B. Giese

WARREN B. GIESE, SOLICITOR

WITNESSES

REAL THOMAS - RCSD

DOCKET NO. 2007-GS-40-02003

The State of South Carolina

County of Richland

Defendant

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

COURT OF GENERAL SESSIONS

42 MAY TERM 2007

ARREST WARRANT NUMBER

K-195899

THE STATE
vs.

Defendant

Witness:

ACTION OF GRAND JURY

TRUE BILL

Person of Grand Jury

MAY 23 2007

VERDICT

Buy/Sell

Indictment for
KIDNAPPING

John H. Pettit, Jr.

Person of Petit Jury

SC Code: 16-3-910
CDR Code: 0095
Class FELIA(V)

CERTIFIED TRUE COPY
OF ORIGINAL FILE
O.C.U. 2007
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on May 23, 2007, the Grand Jurors of Richland County present upon their oath:

KIDNAPPING

That RANDOLPH ASHFORD did in Richland County on or about February 24, 2007, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away the victim, Evelin Worthy, by any means whatsoever without authority of law. All in violation of § 16-3-910, Code of Laws of South Carolina (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Warren B. Giese
Warren B. Giese, SOLICITOR

Warren B. Giese, SOLICITOR

made and provided.

Against the peace and dignity of the State, and contrary to the statute in such case

law, All in violation of § 16-3-910, Code of Laws of South Carolina (1976) as amended, person, to wit: Debbie Anne Simmons, by any means whatsoever without authority of 2007, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away any that RANDOLPH ASHFORD did in Richland County on or about February 24,

KIDNAPPING

Richland County present upon their oaths:

At a Court of General Sessions, convened on April 18, 2007, the Grand jurors of

STATE OF SOUTH CAROLINA)
INDICTMENT)
COUNTY OF RICHLAND)

DOCKET NO. 2007-GS-40-1939

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

WITNESSES

(S) Thomas Croxton - RCSD

Eric Barnes (esr)

The State of South Carolina

County of Richland

Defendant

COURT OF GENERAL SESSIONS

42 APRIL TERM 2007

J556196

THE STATE

vs.

Defendant

Witness:

C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY

RANDALL ASHFORD
Randolph

TRUE BILL

Foreperson of Grand Jury

Date:

APR 19 2007

VERDICT

Indictment for

**ASSAULT WITH
INTENT TO KILL**

SC Code: 17-25-30

CDR Code: 768

Class MIS-UNC

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF RICHLAND

At a Court of General Sessions, convened on April 18, 2007, the Grand Jurors of Richland County present upon their oath:

ASSAULT WITH INTENT TO KILL

Randolph

That RANDALL ASHFORD, did in Richland County on or about February 24, 2007, with malice aforethought commit an assault with intent to kill upon one Deputy Unger, in violation of Section 17-25-30 C/L, Code of Laws of South Carolina, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Warren B. Giese
WARREN B. GIESE, SOLICITOR

WITNESSES

(S) Thomas Croxton - RCSD

DOCKET NO. 2007-GS-40-1939
AMENDED
The State of South Carolina

County of Richland

Defendant

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

COURT OF GENERAL SESSIONS

42 APRIL TERM 2007

ARREST WARRANT NUMBER

J556166

THE STATE

vs.

Witness: _____
Defendant: _____
C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY

RANDOLPH ASHFORD

IE BILL

TRUE BILL
Jen Sun b: Grand
APR 15 2007

Verdict

Indictment for

ASSAULT WITH
INTENT TO KILL
SC Code: 17-25-30
CDR Code: 768
Class MIS-UNC

Billy C. Pettit
4/15/07
Person of Petit Jury

CERTIFIED TRUE COPY
OF OFFICE OF
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

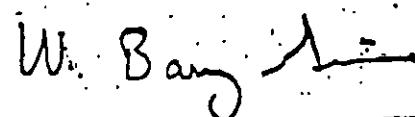
INDICTMENT

At a Court of General Sessions, convened on April 18, 2007, the Grand Jurors of Richland County present upon their oath:

ASSAULT WITH INTENT TO KILL

That RANDOLPH ASHFORD, did in Richland County on or about February 24, 2007, with malice aforethought commit an assault with intent to kill upon one Deputy Unger. All in violation of Section 17-25-30 C/L, Code of Laws of South Carolina, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



WARREN B. GIESE, SOLICITOR

WITNESSES

DOCKET NO. 2007-GS-40-1940

(S) Thomas Croxton - RCSD

Eric Barr Rec SO

The State of South Carolina

County of Richland

Defendant

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

COURT OF GENERAL SESSIONS

42 APRIL TERM 2007

Defendant

J-556199

THE STATE

vs.

Witness:
C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY
TRUE BILL
RANDALL-ASHFORD
RAMPOLPH

For Person of Grand Jury _____ Date: 2007

VERDICT

Indictment for

CRIMINAL SEXUAL CONDUCT
1ST DEGREE

For Person of Petit Jury _____ Date:
SC Code: 16-3-652
CDR Code:0160
Class FELA(V)

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on April 18, 2007, the Grand Jurors of Richland County present upon their oath:

CRIMINAL SEXUAL CONDUCT - 1ST DEGREE

Randolph
That RANDAEL ASHFORD did in Richland County on or about February 24,

2007, engage in sexual battery with the victim, Debbie Anne Simmons, without her consent. The defendant, Randall Ashford, used aggravated force to accomplish the sexual battery, to wit: defendant threatened the use of a pistol, and/or the victim, Debbie Anne Simmons, submitted to sexual battery by Randall Ashford under circumstances where the victim is also a victim of forcible confinement, kidnapping, robbery, burglary, or housebreaking committed by the defendant, Randall Ashford. All in violation of SC Code of Laws § 16-3-652.

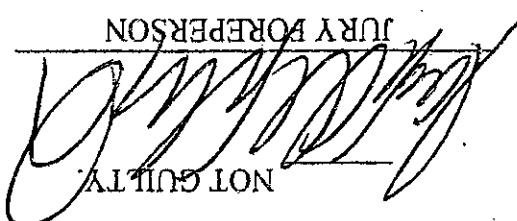
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Warren B. Giese
Warren B. Giese, SOLICITOR

PLEASE NOTIFY THE BAILIFFS WHEN YOU HAVE COMPLETED THIS FORM.

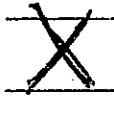
DATED: APRIL 3, 2009 IN COLUMBIA, SC

SIGNED:

JURY FOREPERSON

NOT GUILTY

 GUILTY.

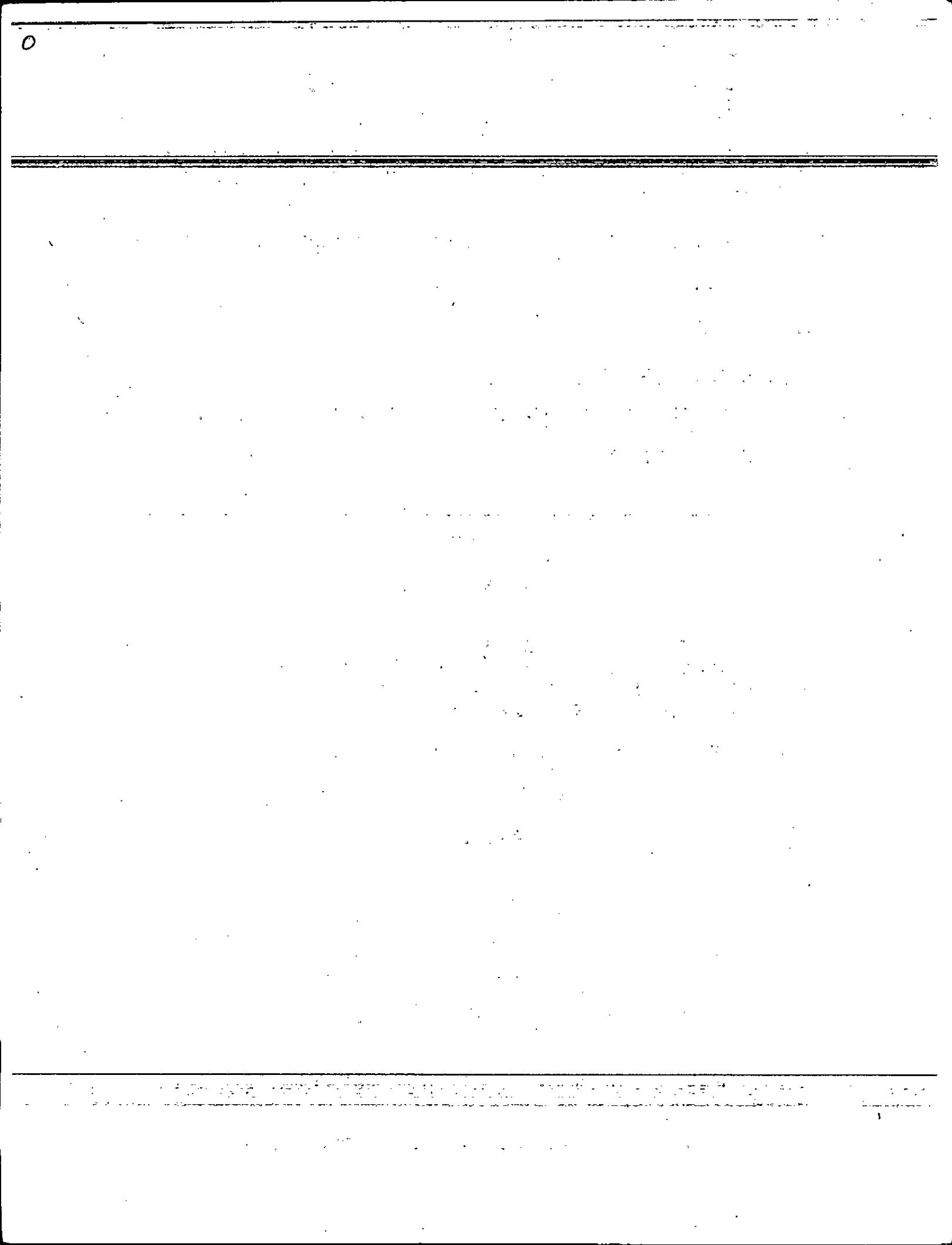
FIND THE DEFENDANT, RANDOLPH ASHFORD,
OFFENSE OF ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE,
WE, THE JURY, BY UNANIMOUS CONSENT, ON THE LESSER INCLUDED
AND BATTERY OF A HIGH AND AGGRAVATED NATURE.
DEFENDANT IS GUILTY OF THE LESSER INCLUDED OFFENSE OF ASSAULT
CRIMINAL SEXUAL CONDUCT, THEN YOU MAY CONSIDER WHETHER THE
IF YOU FIND THE DEFENDANT NOT GUILTY OF FIRST DEGREE

 NOT GUILTY.
 GUILTY.

ASHFORD,

DEGREE CRIMINAL SEXUAL CONDUCT, FIND THE DEFENDANT, RANDOLPH
WE, THE JURY, BY UNANIMOUS CONSENT, ON THE CHARGE OF FIRST

STATE OF SOUTH CAROLINA	INDICTMENT NO. 2007-GS-40-1940	DEFENDANT.)
COUNTY OF RICHLAND))
FOR THE FIFTH JUDICIAL CIRCUIT))
IN THE COURT OF GENERAL SESSIONS))
STATE OF SOUTH CAROLINA))
VS.))
RANDOLPH ASHFORD,))
VERDICT))



DOCKET NO. 2007-GS-40-1941

WITNESSES

Thomas Croxton - RCSD

Eric Barres RASN

The State of South Carolina
County of Richland
Defendant

COURT OF GENERAL SESSIONS

42 APRIL TERM 2007

ARREST WARRANT NUMBER

J55614

THE STATE
vs.
Defendant

Witness:

C.C.C. PLS. AND G.S.

Exhibit's - 1.

ACTION OF GRAND JURY

RANDALL ASHFORD

Randolph

True Bill
Person of Grand Jury
APR 19 2007

VERDICT

Indictment for

ASSAULT WITH
INTENT TO KILL

SC Code: 17-25-30

CDR Code: 768
Class MIS-UNC

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

CERTIFIED TRUE COPY
OF ORIGINAL FILED
Gennette W.McBride
C.C.C.P&G.S.
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)

INDICTMENT

)
COUNTY OF RICHLAND)

At a Court of General Sessions, convened on April 18, 2007, the Grand Jurors of Richland County present upon their oath:

ASSAULT WITH INTENT TO KILL

Ricelnd
That RANDALL ASHFORD, did in Richland County on or about February 24, 2007, with malice aforethought commit an assault with intent to kill upon one Deputy Nate White, in violation of Section 17-25-30 C/L, Code of Laws of South Carolina, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Warren B. Giese
WARREN B. GIESE, SOLICITOR

WITNESSES

(S) Thomas Croxton - RCSD

DOCKET NO. 2007-GS-40-1941

AMENDED

The State of South Carolina

County of Richland

Defendant

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

COURT OF GENERAL SESSIONS

42 APRIL TERM 2007

ARREST WARRANT NUMBER
J5561S4

THE STATE

vs.

Defendant

Witness:

C.C.C., P.L.S. AND G.S.

ACTION OF GRAND JURY

RANDOLPH ASHFORD

E BILL

TRUE BILL

Person of Grand

AUG 15 2008

VERDICT

Guilty
4/3/09

Indictment for
ASSAULT WITH
INTENT TO KILL

SC Code: 17-25-30

CDR Code: 768

Class MISUNG

CERTIFIED TRUE COPY
OF ORIGINAL
Garette C.C.C.
RICHLAND COUNTY
SOUTH CAROLINA

erson of Petit Jury

STATE OF SOUTH CAROLINA)

INDICTMENT

)
COUNTY OF RICHLAND)

At a Court of General Sessions, convened on April 18, 2007, the Grand Jurors of Richland County present upon their oath:

ASSAULT WITH INTENT TO KILL

That RANDOLPH ASHFORD, did in Richland County on or about February 24, 2007, with malice aforethought commit an assault with intent to kill upon one Deputy Nate White. All in violation of Section 17-25-30 C/L, Code of Laws of South Carolina, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

W. B. Giese

WARREN B. GIESE, SOLICITOR

WITNESSES

DOCKET NO. 2007-GS-40-2048

AMENDED

(S) Thomas Croxton -RCSD

The State of South Carolina

County of Richland

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

COURT OF GENERAL SESSIONS

42 APRIL TERM 2007

ARREST WARRANT NUMBER
J556198**THE STATE**

vs.

Defendant

Witness:

ACTION OF GRAND JURY

RANDOLPH ASHFORD

C.C.C. PLS. AND G.S.

TRUE BILL
*Jeffrey*Foreperson of Grand Jury
Date: AUG 15 2008**VERDICT**
*Jeffrey***BURGLARY/(AFTER 6/20/85)**
1ST DEGREE

Indictment for

Jeffrey
Foreperson of Petit Jury
Date: 8/13/09SC Code: 16-11-311
CDR Code: 079
Class FEL-EXM(V)

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on April 18, 2007, the Grand Jurors of Richland County present upon their oath:

BURGLARY/(AFTER 6/20/85) - 1ST DEG

That RANDOLPH ASHFORD did in Richland County on or about February 24, 2007, willfully and unlawfully enter the dwelling of Debbie Anne Simmons, without consent and with the intent to commit a crime therein and the defendant entered during the hours of darkness and/or was armed with a deadly weapon while therein and/or caused physical injury to the victim, Debbie Anne Simmons, and/or used or threatened to use a dangerous instrument and/or displayed what was or appeared to be a handgun, all in violation of Code Section §16-11-311, Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

W. Bang

Warren B. Giese — SOLICITOR

WITNESSES

DOCKET NO. 2007-GS-40-2048

(S) Thomas Croxton - RCSD

Eric Barnes RC SD

The State of South Carolina

County of Richland

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

I hereby appear in my own proper person and plead guilty to the within indictment or to

42 APRIL TERM 2007

ARREST WARRANT NUMBER

J556198

THE STATE

vs.

Randolph
RANDALL ASHFORD

Defendant

Witness:

C.C.C., PLS. AND G.S.

ACTION OF GRAND JURY

TRUE BILL

Person of Grand Jury
Date:

VERDICT

Indictment for

BURGLARY(AFTER 6/20/85)
1ST DEGREE

SC Code: 16-11-311

CDR Code: 079

Class FEL-EXM(V)

Foreperson of Petit Jury
Date:

SOUTH CAROLINA
RICHLAND COUNTY
C.C.C.R.D.S.
STATE OF SOUTH CAROLINA)
OF GENERAL SESSIONS)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on April 18, 2007, the Grand Jurors of Richland County present upon their oath:

BURGLARY/(AFTER 6/20/85) - 1ST DEG

Randall
That RANDALL ASHFORD did in Richland County on or about February 24, 2007, willfully and unlawfully enter the dwelling of Debbie Anne Simmons, without consent and with the intent to commit a crime therein and the defendant entered during the hours of darkness and/or was armed with a deadly weapon while therein and/or caused physical injury to the victim, Debbie Anne Simmons, and/or used or threatened to use a dangerous instrument and/or displayed what was or appeared to be a handgun, all in violation of Code Section §16-11-311, Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Warren B. Giese
WARREN B. GIESE, SOLICITOR

ARREST WARRANT

J-556196

STATE OF SOUTH CAROLINA

S.C. Attorney General

Form Approved by
S.C. Attorney General
Apr. 21, 2003
SCCA 518

County/ Municipality of)
 Richland Bond Court)

County/ Municipality of)
 Richland Bond Court)

County/ Municipality of RCSD 702200424)

County/ Municipality of Richland Bond Court)

Randolph Ashford

Address:

Columbia, SC 29203-

Phone: _____ SSN: _____
 Sex: M Race: B Height: _____ Weight: _____
 DL State: SC DL #: _____ DOB: 5/8/ Agency ORI #: 04000

Prosecuting Agency: Richland County Sheriff Department SER
 Prosecuting Officer: Thomas Croxton - 37 Of. Off: Officer FED

Offense: Assault / Assault with intent to kill (AWIK)

Offense Code: 0768 (L.S.)
 Code/Ordinance Sec: CL, 16-03-0620, (L.S.)

This warrant is CERTIFIED FOR SERVICE in the STATE OF SOUTH CAROLINA

County/ Municipality of Richland Bond Court

The accused is to be arrested and brought before me to be dealt with according to the law.

Date: _____ (L.S.)
 Signature of Judge _____

RETURN
 A copy of this arrest warrant was delivered to defendant Thomas Croxton - 37 on 2/25/2007

County/ Municipality of Richland Bond Court

DESCRIPTION OF OFFENSE: Assault / Assault with intent to kill (AWIK)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me _____

Signature of Constable/Law Enforcement Officer _____

RETURN WARRANT TO:

Richland General Sessions
 1701 Main Street
 P O Box 192
 Columbia, SC 29202

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

ORIGINAL

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:
 That on 2/24/07 while at 4014 Booth Street in the Dentsville Magisterial District of Richland County, one Randolph Ashford did commit the crime of Kidnapping. It is believed the def. committed the crime because he did during a standoff with law enforcement, shoot at Deputy Unger with the intent to kill him. The def. was arrested at the scene with the weapon and admitted to firing the same. Affiant and others are witness to prove the same.

Mr. Croxton for Croxton

Violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Richland Bond Court)

THE STATE

against

Randolph Ashford

Address:

Columbia, SC 29203-

Phone: _____ SSN: _____
 Sex: M Race: B Height: _____ Weight: _____
 DL State: SC DL #: _____ DOB: 5/8/ Agency ORI #: 04000

Prosecuting Agency: Richland County Sheriff Department SER
 Prosecuting Officer: Thomas Croxton - 37 Of. Off: Officer FED

Offense: Assault / Assault with intent to kill (AWIK)

Offense Code: 0768 (L.S.)
 Code/Ordinance Sec: CL, 16-03-0620, (L.S.)

This warrant is CERTIFIED FOR SERVICE in the STATE OF SOUTH CAROLINA

County/ Municipality of Richland Bond Court

The accused is to be arrested and brought before me to be dealt with according to the law.

Date: _____ (L.S.)
 Signature of Judge _____

RETURN
 A copy of this arrest warrant was delivered to defendant Thomas Croxton - 37 on 2/25/2007

County/ Municipality of Richland Bond Court

DESCRIPTION OF OFFENSE: Assault / Assault with intent to kill (AWIK)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me _____

Signature of Constable/Law Enforcement Officer _____

RETURN WARRANT TO:

Richland General Sessions
 1701 Main Street
 P O Box 192
 Columbia, SC 29202

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ARREST WARRANT

J-556194

STATE OF SOUTH CAROLINA

 County/ Municipality of)

Richland Bond Court)

 County/ Municipality of)

Randolph Ashford)

THE STATE) RCSD 70220424

against

Address: _____

Columbia, SC 29203-

Phone: _____

Sex: M Race: B Height: _____

SSN: _____

Weight: _____

DL State: SC DL #: _____DOB: 5/8/ Agency OR #: 04000Prosecuting Agency: Richland County Sheriff DepartmentProsecuting Officer: Thomas Croxton - 37Offense: Assault / Assault with intent to kill (AWIK)Offense Code: 0768Code/Ordinance Sec: C/L, 16-03-0620,This warrant is CERTIFIED FOR SERVICE in theCounty/ Municipality of Columbia

is to be arrested and brought before me to be

dealt with according to the law.

Date: 5-25-2007 (L.S.)

Signature of Judge

STATE OF SOUTH CAROLINA

 County/ Municipality of)

Richland Bond Court)

 County/ Municipality of)

Thomas Croxton)

 County/ Municipality of)

Randolph Ashford)

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on 2/24/2007 while at 4014 Booth Street in the Dentsville Magisterial District of Richland County, one Randolph Ashford did commit the crime of A Wik in that he did during a kidnapping standoff with Law Enforcement, shoot at Deputy Nate White with the intent to kill him. The def. was arrested at the scene with a weapon and admitted to firing. Affiant and others are witness to prove the same.

DESCRIPTION OF OFFENSE Assault / Assault with intent to kill (AWIK)

AFFIDAVIT

ORIGINAL

Signature of Affiant

Mr. Gathell for Croxton

Affiant's Address 5623 Two Notch RoadCounty/ Municipality of Columbia, SC 29223-Affiant's Telephone (803)576-3000

Signature of Affiant

Mr. Gathell for Croxton

Signature of Affiant

ARREST WARRANT

Signature of Affiant

STATE OF SOUTH CAROLINA

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 2/25/2007 defendant Randolph Ashford

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Richland Bond Court

as set forth below:

DESCRIPTION OF OFFENSE: Assault / Assault with intent to kill (AWIK)

Having found probable cause and the above affidavit having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter, as is practicable.

Sworn to and subscribed before me

on 02/25/2007 (L.S.)Judge's Address 201 John Mark Dial DriveCounty/ Municipality of Columbia, SC 29209-Judge's Telephone (803)576-3281Issuing Court: Magistrate Municipal Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ARREST WARRANT

J-556199

STATE OF SOUTH CAROLINA

 County/ Municipality of)

Richland Bond Court)

THE STATE)

RCSD 702200424)

STATE OF SOUTH CAROLINA)
S.C. Attorney General)
SCCA 51B)

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 51B

Randolph Ashford

Address:

Columbia, SC 29203-

Phone: _____

Sex: M Race: B Height: _____

SSN: _____

Weight: _____

DL State: SC DL #: _____DOB: 5/8/ Agency ORI #: 04000Prosecuting Agency: Richland County Sheriff DepartmentProsecuting Officer: Thomas Croxton - 37Offense: Sex / Criminal Sexual AssaultOffense Code: 0160Code/Ordinance Sec: 16-03-0652

Date: _____

Signature of Affiant

This warrant is CERTIFIED FOR SERVICE in the STATE OF SOUTH CAROLINA County/ Municipality of)

The accused _____

is to be arrested and brought before me to be)

dealt with according to the law.)

(L.S.)

ARREST WARRANT

*My Orders for Croxton*on or about 2/25/2007 defendant _____

did violate the criminal laws of the State of South Carolina (or ordinance of)

 County/ Municipality of)

Richland Bond Court)

Affiant's Address 5623 Two Notch Road

Columbia, SC 29223-

Affiant's Telephone (803)576-3000

Date: _____

RETURN _____

A copy of this arrest warrant was delivered to defendant _____

on 2/23/2007 _____

Signature of Constable or Law Enforcement Officer _____

RETURN WARRANT TO:

Richland General Sessions

1701 Main Street

P O Box 192

Columbia, SC 29202

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Personally appeared before me the affiant being duly sworn deposes and says that defendant Thomas Croxton did within this county and state on or about 02/25/2007 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Richland Bond Court) in the following particulars:

DESCRIPTION OF OFFENSE Sex / Criminal Sexual Assault

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:
That on 2/24/2007 while at 4014 Booth Street in the Dentsville Magisterial District of Richland County, one Randolph Ashford did commit the crime of Criminal Sexual Assault in that he did engage in sexual battery of the victim while armed with a pistol. The def. has given a sworn confession. Affiant and others are witness to prove the same.

ARREST WARRANT

K-195898

STATE OF SOUTH CAROLINA
County Municipality of
COLUMBIA

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 618

STATE OF SOUTH CAROLINA
77-6186
☐ County Municipality of
EDMUNDSON

Personally appeared before me the affiant AL THOMAS who
being duly sworn deposes and says that defendant RANDOLPH ASHFORD

16-3-1075

Address: _____

¶ further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

None. Sex: Race: Height: SSN: —
DL State: DL #: — Weight: —
DOB: 9/12/ — Agency ORN# SC040101002
Prosecuting Agency: CITY OF COLUMBIA
Prosecuting Officer: THOMAS AL/GOOD A
Offense: CAR JACKING
Offense Code: MAC
Code/Ordinance Sec: 16-3-102E

DEF DIB ON 03/24/07 AT 1200 HOURS COMMIT THE CRIME OF CARJACKING AND KIDNAPPING WHILE AT 1000 OAKLAND WITHIN THE CITY LIMITS OF COLUMBIA, SC. DEF POINTED A HAND GUN AT VICTIM BARRY TAYLOR AND ORDERED VICTIM OUT OF HIS VEHICLE. DEF DROVE THAT VEHICLE TO 5820 N MAIN ST. DEF POINTED THE WEAPON AT VICTIMS PEAL KELLY AND KING KELLY AND ORDER THEM OUT OF THEIR VEHICLE. DEF RECKED VICTIM'S VEHICLE ON 216 CUSHMAN DR. DEF WENT IN THE GILL CREEK BAPTIST CHURCH AND POINTED HIS WEAPON AT VICTIM EVELIN WORTHY. DEF GRABBED VICTIM BY THE ARM

County/ Municipality of _____

is to be arrested and brought before me to be dealt with according to law

Signature of Judge

(L.S.)

^ RETURN

A copy of this arrest warrant was delivered to defendant Henry John Marder on 2/27/10.

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of his execution, or as soon thereafter as is practicable.

RETURN WARRANT TO: OR CONN. MARSH

—
CITY OF COLUMBIA
MUNICIPAL COURT
P.O. BOX 644
COLUMBIA, S. C. 29202

ORIGINAL

ARREST WARRANT

K195899 K-195899 876186

STATE OF SOUTH CAROLINA

County/ Municipality of COLUMBIA)
 County/ Municipality of COLUMBIA)

STATE OF SOUTH CAROLINA)
 County/ Municipality of COLUMBIA)
 County/ Municipality of COLUMBIA)

AFFIDAVIT

Form Approved by
 SC Attorney General
 April 21, 2003
 SCCA 618

07/2003

THE STATE
 against

RANDOLPH ASHFORD RICH

Personally appeared before me the affiant AL THOMAS being duly sworn deposes and says that defendant RANDOLPH ASHFORD did within this county and state on 02/24/2007 violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of COLUMBIA) in the following particulars:

DESCRIPTION OF OFFENSE: KIDNAPPING

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

Phone: _____ SSN: _____
 Sex: M Race: B Height: _____ Weight: _____
 DL State: SC DL #: 9/07/
 Agency OR#: SC0400100 CITY OF COLUMBIA
 Prosecuting Agency: CITY OF COLUMBIA
 Prosecuting Officer: THOMAS AL/GOOD A
 Offense: KIDNAPPING
 Offense Code: ABD
 Code/Ordinance Sec. 16-3-910

DEF DID ON 02/24/07 AT 1200 HOURS COMMIT THE CRIME OF CARJACKING AND KIDNAPPING WHILE AT 1000 OAKLAND WITHIN THE CITY LIMITS OF COLUMBIA, SC DEF POINTED A HAND GUN AT VICTIM BARRY TAYLOR AND ORDERED VICTIM OUT OF HIS VEHICLE. DEF DROVE THAT VEHICLE TO 5820 N MAIN ST. DEF POINTED THE WEAPON AT VICTIMS PEAL KELLY AND KING KELLY AND ORDER THEM OUT OF THEIR VEHICLE. DEF RECKED VICTIM'S VEHICLE ON 2116 CUSHMAN DR. DEF WENT IN THE GILL CREEK BAPTIST CHURCH AND POINED HIS WEAPON AT VICTIM EVELIN WORTHY. DEF GRABBED VICTIM BY THE ARM

Signature of Affiant

Affiant's Address
41 JUSTICE ST
COLA, SC 29201

Affiant's Telephone 5453500

ARREST WARRANT

STATE OF SOUTH CAROLINA)
 County/ Municipality of COLUMBIA)
 The accused OF COLUMBIA)
 is to be arrested and brought before me to be
 dealt with according to law.

Signature of Judge J. L. C. C. R. P. J. S. S.
SOUTH CAROLINA
 Date: 02/24/2007

DESCRIPTION OF OFFENSE: KIDNAPPING

A copy of this arrest warrant was delivered to defendant RANDOLPH ASHFORD on 02/24/2007

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me)
 on 02/25/2007)

RETURN WARRANT FOR COLUMBIA
 MUNICIPAL COURT

P.O. BOX 644

COLUMBIA, S. C. 29202

Signature of Judge J. L. C. C. R. P. J. S. S.
 Judge's Address CITY OF COLUMBIA, SC
MUNICIPAL COURT, P.O. BOX 644 29202

Judge's Telephone

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

Terms of Circuit and Family Court
May 2007

Holidays:

Thu May 10 - Confederate Memorial Day
 Mon May 28 - National Memorial Day

Circuit Number	5/7/2007	5/14/2007	5/21/2007	5/28/2007
5	Common Pleas Non-Jury Barber, James	Common Pleas Non-Jury 14 Cooper, G. Thomas	General Sessions Richland Barber, James	General Sessions Richland Cooper, G. Thomas
	<u>HERRON</u>	<u>WILLIAMS</u> 14	<u>HARRIS</u>	<u>WILLIAMS</u>
	General Sessions Kershaw Manning, L.	Common Pleas Non-Jury 14 Manning, L.	Common Pleas Richland Childs, J.	General Sessions Kershaw Goodstein, Diane
	<u>HOLMES</u>	<u>HOLMES</u> 14	<u>MCCURDY</u>	NO CR NEEDED 28, 29, 30, 31
	Common Pleas Richland James, George	General Sessions 14 Richland Manning, L.	Common Pleas Non-Jury Cooper, G. Thomas	<u>AMBROZIAK</u> 1
	<u>RICE</u> 7, 8, 9 NO CR NEEDED 10, 11	<u>HOLMES</u> 14	<u>WILLIAMS</u>	Common Pleas Richland Childs, J.
	General Sessions Richland Keesley, William	General Sessions Richland Cooper, G. Thomas	Common Pleas Kershaw James, George	Common Pleas Richland Lee, Alison
	<u>HARRIS</u>	<u>WILLIAMS</u>	<u>RUTLEDGE</u> 21, 22, 23, 24	<u>MCCURDY</u>
	Common Pleas Richland Lee, Alison	Common Pleas Non-Jury 15 Lee, Alison	NO CR NEEDED 25	General Sessions Richland Manning, L.
	<u>THOMAS</u>	<u>HELMs</u> 15	General Sessions Richland John, Steven	
	General Sessions Richland Cooper, G. Thomas		<u>HELMs</u>	General Sessions Richland Manning, L.
	<u>WILLIAMS</u>		Common Pleas Richland Lee, Alison	HELMs 28, 29, 30 am
	General Sessions 11 Richland Barber, James		Common Pleas Richland Lee, Alison	<u>RICHARDSON</u> 30 pm HELMs 31, 1
			<u>AMBROZIAK</u>	
			General Sessions 25	
			Richland Cooper, G. Thomas	

HERRON 11

WILLIAMS 25


CERTIFIED TRUE COPY,
By M. D. Den
South Carolina Court Administration

Terms of Circuit and Family Court
April 2007

Circuit Number	4/2/2007	4/9/2007	4/16/2007	4/23/2007	4/30/2007
5	Common Pleas Non-Jury Barber, James <u>THOMAS</u>	Common Pleas Richland Barber, James <u>MCCURDY</u> 9, 10 <u>NO CR NEEDED</u> 11	General Sessions Richland Childs, J. <u>RICE</u>	Common Pleas Non-Jury Cooper, G. Thomas <u>MONTEITH</u> 23 <u>SULLIVAN</u> 24 <u>HOLSTON</u> 25, 26, 27	Common Pleas Richland Barber, James <u>RUTLEDGE</u> General Sessions
	General Sessions Richland Cooper, G. Thomas <u>WILLIAMS</u>	General Sessions Kershaw Baxley, J. <u>RUTLEDGE</u> 9, 10, 11	General Sessions Richland Few, John <u>ROLAND</u> 16 <u>WILLIAMS</u> 17, 18, 19, 20	General Sessions Richland Goodstein, Diane <u>WILLIAMS</u>	Richland Cooper, G. Thomas <u>WILLIAMS</u> Common Pleas Non-Jury Childs, J.
	Richland Few, John <u>HELMS</u>	NO CR NEEDED 12, 13 General Sessions Richland Cooper, G. Thomas <u>BAKIS-RAY</u> 9	Common Pleas Richland Keesley, William <u>MCCURDY</u> 16, 17, 18, 19 <u>NO CR NEEDED</u> 20	Common Pleas Richland John, Steven <u>MCCURDY</u> 23, 24, 25, 26 <u>NO CR NEEDED</u> 27	Common Pleas Richland Lee, Alison <u>HELMS</u> Common Pleas Richland Lee, Alison <u>HARRIS</u> 30, 1, 2
	General Sessions Richland James, George <u>AMBROZIAK</u>	WILLIAMS 10, 11, 12, 13 Administrative Week Lee, Alison <u>HARRIS</u> 2	Common Pleas Richland Lee, Alison General Sessions THUEME 16, 17, 18 am Richland Few, John <u>NO CR NEEDED</u> 18 pm, 19, 20	General Sessions Richland Keesley, William <u>NO CR NEEDED</u> 23 AMBROZIAK 24, 25, 26, 27	NO CR NEEDED 3 Common Pleas Richland Manning, L. <u>HOLMES</u> General Sessions 4 Kershaw Cooper, G. Thomas
	Common Pleas Richland Manning, L. <u>HOLMES</u>	MONTEITH 9, 10 <u>MCCURDY</u> 11 <u>HOLMES</u> 12, 13 General Sessions 13 Richland Keesley, William	Common Pleas Non-Jury/PCR Manning, L. Common Pleas Non-Jury/PCR 18	Common Pleas Richland Lee, Alison ROLAND General Sessions 27	General Sessions 4 Common Pleas Richland Lee, Alison <u>WILLIAMS</u> 4
	General Sessions 5 Kershaw Cooper, G.	<u>THOMAS</u> 13 <u>MCCURDY</u> 18	Keesley, William <u>MCCURDY</u> 18	Richland Cooper, G. Thomas	

Thomas

HOLSTON 27

NO CR NEEDED 5

CERTIFIED TRUE COPY

By _____

South Carolina Court Administration

April 2008 [Go To Date](#)

Terms of Circuit and Family Court
April 2008

Circuit Number	4/7/2008	4/14/2008	4/21/2008	4/28/2008
5	Common Pleas Richland Barber, James <u>HELMS</u> 7, 8, 9 <u>NO CR NEEDED</u> 10, 11 Common Pleas Richland Childs, J. <u>REED</u> General Sessions Richland Cooper, G. Thomas <u>WILLIAMS</u> General Sessions Richland Lee, Alison <u>RUTLEDGE</u> 9, 10, 11 <u>YOUNG</u> 7, 8 General Sessions Richland Manning, L. <u>HOLMES</u> General Sessions Richland Childs, J. <u>REED</u>	Administrative Week Manning, L. <u>HOLMES</u> 14, 15 <u>PANTSARI</u> 16, 17, 18 Common Pleas Richland Buckner, Perry <u>THOMAS</u> Common Pleas Non-Jury Childs, J. <u>RUTLEDGE</u> General Sessions Richland Keesley, William <u>SHEPPARD</u> Common Pleas Richland Lee, Alison <u>AMBROZIAK</u> 14, 15, 16, 17 <u>NO CR NEEDED</u> 18 General Sessions Richland Barber, James <u>WILLIAMS</u>	General Sessions Kershaw Barber, James <u>RUTLEDGE</u> Common Pleas Richland Buckner, Perry <u>WILLIAMS</u> Common Pleas Non-Jury Keesley, William <u>SHEPPARD</u> General Sessions Richland Manning, L. <u>HERRON</u> 21 <u>HOLMES</u> 22, 23, 24, 25 Common Pleas Richland Lee, Alison <u>REED</u>	General Sessions Richland Manning, L. <u>HOLMES</u> General Sessions Richland Childs, J. <u>HELMS</u> Common Pleas Non-Jury/PCR Cooper, G. Thomas <u>BEHLES</u> 28 <u>WILLIAMS</u> 29, 30, 1, 2 General Sessions Richland Keesley, William <u>SHEPPARD</u> Common Pleas Richland Lee, Alison <u>REED</u>
	Family Court Richland Rucker, John M. Sitting With: Pogue, Timothy	Family Court Richland Morehead, A. E. <u>SALTERS</u>	Family Court 21 Kershaw Abbott, Haskell T.	Family Court Richland Rucker, John M. <u>BERRY</u> 28, 29, 30 am

BERRY		RICHARDSON 21	GRAINGER 30 pm
Family Court Richland Chewning, Richard W.	Family Court Richland Allen, Kellum W.	Family Court 21 Kershaw Jones, Dorothy Mobley	BERRY 1, 2 Family Court Kershaw Murdock, Jamie L.
SHEALY	Family Court Kershaw Jones, Dorothy Mobley	GRAINGER 21	LEWIS
Family Court Richland Strom, Donna S.	GRAINGER	Family Court 22 Kershaw / Richland Strom, Donna S.	Family Court Richland Strom, Donna S. Sitting With: Fuge, Peter
MOLLOHAN 8, 9, 10, 11		MOLLOHAN 22	MOLLOHAN
VIZER-HANKS 7			Family Court Richland Jones, Dorothy Mobley
Family Court Richland Jones, Dorothy Mobley			GRAINGER
GRAINGER			Family Court Richland Neese, Deborah
			DERRICK

September 2008

Go To Date

Terms of Circuit and Family Court

September 2008

Holiday:
Mon Sep 01, Labor Day

Circuit Number	9/1/2008	9/8/2008	9/15/2008	9/22/2008	9/29/2008
5	Common Pleas Non-Jury Barber, James HELMS General Sessions Richland Childs, J. <u>AMBROZIAK</u> General Sessions Richland Cooper, G. Thomas WILLIAMS 1, 2, 3, 4 HOLMES 5 Common Pleas Richland Lee, Alison RUTLEDGE Common Pleas Richland Manning, L. HOLMES 1, 2, 3, 4 am NO CR NEEDED 4 pm, 5	Common Pleas 8 Richland Barber, James <u>AMBROZIAK</u> 8 <u>NO CR NEEDED</u> 9, 10 <u>AMBROZIAK</u> 11, 12 General Sessions Richland Lee, Alison <u>HARRIS</u> 8, 9 <u>NO CR NEEDED</u> 10 <u>HARRIS</u> 11, 12 Common Pleas Non-Jury Cooper, G. Thomas WILLIAMS Common Pleas Richland Goode, Kenneth VIZER-HANKS Common Pleas Richland Manning, L. HOLMES Common Pleas Richland Manning, L. HOLMES	General Sessions Richland Barber, James <u>AMBROZIAK</u> Common Pleas Richland Cooper, G. Thomas <u>WILLIAMS</u> 15, 16, 17 <u>NO CR NEEDED</u> 18, 19 General Sessions Kershaw Kinard, J. General Sessions WILLIAMS 15, 16, 17 General Sessions Richland Childs, J. HOLMES 15, 16, 17 Common Pleas Richland Manning, L. HOLMES	General Sessions Richland Alford, Lee <u>HELMS</u> 22, 23 <u>AMBROZIAK</u> 24, 25, 26 General Sessions Richland Childs, J. BAKIS-RAY 22 WILLIAMS 23, 24, 25, 26 Common Pleas Non-Jury/PCR Keesley, William SHEPPARD 22, 23, 24, 25 <u>NO CR NEEDED</u> 26 Common Pleas Richland Manning, L. HOLMES	Common Pleas Non-Jury 30 Williams, James WALKER 30 Common Pleas Non-Jury 2 Manning, L. HOLMES 2

HOLMES

General Sessions				
	Richland Childs, J.			
	RUTLEDGE			
General Sessions				
	Kershaw Milling, John			
	HELM			
Common Pleas				
	11, 12			
	Richland Barber, James			
	<u>AMBROZIAK</u> 11, 12			
General Sessions				
	11, 12			
	Richland Barber, James			
Family Court Richland Rucker, John M.	Family Court Richland Nuessle, Peter R.	Family Court Richland Strom, Donna S.	Family Court Richland Mobley, Berry L.	Family Court 29 Richland Jones, Dorothy Mobley
BERRY	JORDAN 8, 9, 10 OZMENT-CARTEE 11	MOLLOHAN	DERRICK	GRAINGER 29
Family Court Richland Strom, Donna S.	JORDAN 12	Family Court Richland Jones, Anne Gue	Family Court Richland Morehead, A. E.	Family Court 29
MOLLOHAN	Family Court Richland Rucker, John M.	RANSOM	SMITH 22 NO CR NEEDED 23 SMITH 24, 25, 26	Kershaw Morris, Dana A.
Family Court Richland Jones, Dorothy Mobley	SINGLETARY 6, 9 RICHARDSON 10 YOUNG 11, 12	Family Court Kershaw McFaddin, George M.	Family Court Richland Jones, Dorothy Mobley	SALTERS 29 Family Court 1
GRAINGER	Family Court Kershaw Strom, Donna S.	NAY	GRAINGER	Richland Strom, Donna S.
Family Court Richland	MOLLOHAN 8	Family Court Richland		MOLLOHAN 1

Neese, Deborah	<u>AMBROZIAK</u> 9 <u>MOLLOHAN</u> 10, 11, 12	Jones, Dorothy Mobley <u>GRAINGER</u>	Family Court Richland Morris, Dana A. <u>SALTERS</u>	Family Court Family Court 1 Kershaw Morris, Dana A. <u>SALTERS</u> 1
Family Court Kershaw Morris, Dana A.	Family Court Richland McFaddin, George M.	Family Court Richland Morris, Dana A.	Family Court 26	<u>SALTERS</u> 1
<u>SALTERS</u> 1, 2, 3, 4	<u>NAY</u>	<u>SALTERS</u> 15, 16 <u>CARTER</u> 17 <u>SALTERS</u> 18, 19	Richland Strom, Donna S. <u>DERRICK</u> 26	Family Court 3 Richland Morris, Dana A. <u>SALTERS</u> 3
<u>VARNADOE</u> 5	Family Court Richland Jones, Dorothy Mobley <u>GRAINGER</u>	am Family Court 19 Kershaw Morris, Dana A.		
	Family Court 8, 9 Richland Sprott, W. Thomas <u>VARNADOE</u> 8, 9	<u>SALTERS</u> 19 pm		

Terms of Circuit and Family Court
March 2009

Circuit Number	3/2/2009	3/9/2009	3/16/2009	3/23/2009	3/30/2009
5	Common Pleas Richland Barber, James <u>NO CR NEEDED 2</u> <u>RUTLEDGE 3, 4, 5, 6</u> General Sessions Richland Childs, J. <u>NO CR NEEDED 2</u> <u>HELMS 3, 4, 5 am</u> <u>MCCURDY 5 pm, 6</u> General Sessions Richland Manning, L. <u>NO CR NEEDED 2</u> <u>HOLMES 3, 4, 5, 6</u> Common Pleas Richland Lee, Alison WILLIAMS Common Pleas Non-Jury 9, 10, 11 Manning, L. <u>HOLMES 9, 10</u> <u>NO CR NEEDED 11</u> General Sessions 6 Kershaw Keesley, William <u>SHEPPARD 6</u>	Common Pleas Richland Barber, James <u>HARRIS</u> Common Pleas Richland Lee, Alison <u>AMBROZIAK</u> General Sessions Richland Kinard, J. <u>General Sessions</u> Richland Kinard, J. <u>MCCURDY</u> General Sessions Richland Childs, J. <u>RUTLEDGE</u> Common Pleas Non-Jury 9, 10, 11 Manning, L. <u>HOLMES 9, 10</u> <u>NO CR NEEDED 11</u> General Sessions Richland Manning, L. <u>HOLMES 16, 17, 18</u> <u>NO CR NEEDED 19 pm, 20</u> General Sessions Richland Childs, J. <u>JORDAN</u> General Sessions Richland Manning, L. <u>HOLMES 16, 17, 18</u> <u>NO CR NEEDED 19</u> <u>WILLIAMS 20</u>	Common Pleas Richland Barber, James <u>DAVENPORT 23, 24</u> General Sessions Kershaw Kinard, J. <u>MCCURDY</u> Common Pleas Richland Lee, Alison <u>WILLIAMS 16, 17, 18, 19 am</u> <u>NO CR NEEDED 19 pm, 20</u> General Sessions Richland Childs, J. <u>THUEME 30</u> <u>WILLIAMS 31, 1, 2, 3</u> <u>THUEME 3 pm</u> Common Pleas Richland Kinard, J. <u>MCCURDY</u> Common Pleas Non-Jury/PCR Manning, L. <u>HOLMES</u>	Common Pleas Richland Barber, James <u>HARRIS 30</u> <u>AMBROZIAK 31, 1, 2</u> <u>NO CR NEEDED 3</u> General Sessions 30, 31, 1, 2 Richland Childs, J. <u>HELMS</u> General Sessions Richland Cooper, G. Thomas <u>WILLIAMS 31, 1, 2, 3</u> <u>THUEME 3 pm</u> Common Pleas Richland Kinard, J. <u>MCCURDY</u> Common Pleas Non-Jury/PCR Manning, L. <u>HOLMES</u>	

By 
 CERTIFIED TRUE COPY

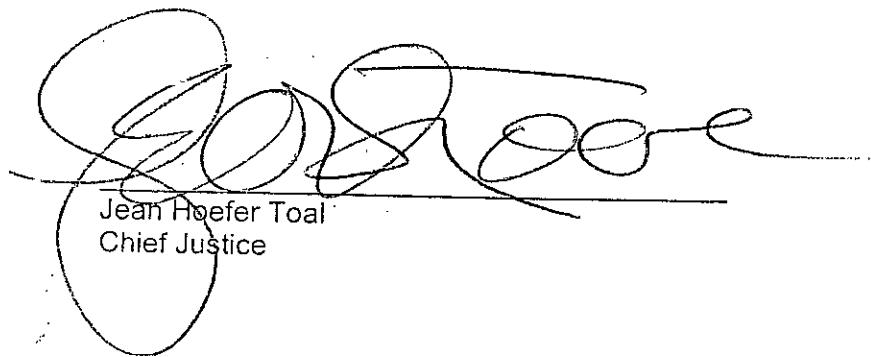
South Carolina Court Administrator

The Supreme Court of South Carolina

ORDER

Pursuant to the provisions of S. C. CONST. Art. V, §4, the statutory terms of circuit court set forth in §14-5-620 through §14-5-820, 1976 Code of Laws of South Carolina, as amended, for the period commencing December 31, 2006 and ending June 30, 2007, are hereby canceled.

IT IS ORDERED that the terms of circuit court for the period commencing December 31, 2006 and ending June 30, 2007, shall be as set forth on the South Carolina Judicial Department's WEB site at www.judicial.state.sc.us/calendar which schedule is incorporated herein and made a part hereof by reference. Additional terms of court may be scheduled during this period by subsequent orders. Where a circuit-wide nonjury term is indicated, the Chief Circuit Judge for Administrative Purposes for the circuit shall designate the time and location of the term among the counties within the circuit. A term designated as a circuit wide administrative week shall also be held at such times and locations within the circuit as designated by the Chief Circuit Judge for Administrative Purposes assigned to that term. In those circuits with two chief judges for administrative purposes, these responsibilities shall be assumed by the chief judge for administrative purposes for the court of common pleas.



Jean Hoefer Toal
Chief Justice

June 21, 2006
Columbia, South Carolina

The Supreme Court of South Carolina

ORDER

Pursuant to the provisions of S. C. CONST. Art. V, §4, the statutory terms of circuit court set forth in §14-5-620 through §14-5-820, 1976 Code of Laws of South Carolina, as amended, for the period commencing July 6, 2008 and ending January 3, 2009, are hereby canceled.

IT IS ORDERED that the terms of circuit court for the period commencing July 6, 2008 and ending January 3, 2009, shall be as set forth on the South Carolina Judicial Department's WEB site at www.judicial.state.sc.us/calendar which schedule is incorporated herein and made a part hereof by reference. Additional terms of court may be scheduled during this period by subsequent orders. Where a circuit-wide nonjury term is indicated, the Chief Circuit Judge for Administrative Purposes for the circuit shall designate the time and location of the term among the counties within the circuit. A term designated as a circuit wide administrative week shall also be held at such times and locations within the circuit as designated by the Chief Circuit Judge for Administrative Purposes assigned to that term. In those circuits with two chief judges for administrative purposes, these responsibilities shall be assumed by the chief judge for administrative purposes for the court of common pleas.



Jean Hoefer Toal
Chief Justice

January 24, 2008
Columbia, South Carolina

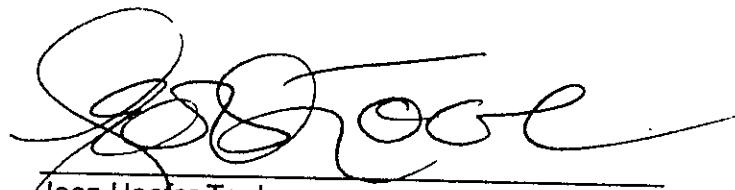
The Supreme Court of South Carolina

ORDER

Pursuant to the provisions of S. C. CONST. Art. V, §4, the statutory terms of circuit court set forth in §14-5-620 through §14-5-820, 1976 Code of Laws of South Carolina, as amended, for the period commencing January 4, 2009 and ending July 4, 2009, are hereby canceled.

IT IS ORDERED that the terms of circuit court and assignment of circuit judges to preside over these terms for the period commencing January 4, 2009 and ending July 4, 2009, shall be as set forth on the South Carolina Judicial Department's WEB site at www.judicial.state.sc.us/calendar which schedule is incorporated herein and made a part hereof by reference. Additional terms of court may be scheduled and assignments or reassignments of circuit judges may be made during this period by subsequent orders. Where a circuit-wide nonjury term is indicated, the Chief Circuit Judge for Administrative Purposes for the circuit shall designate the time and location of the term among the counties within the circuit. In those circuits with two chief judges for administrative purposes, these responsibilities shall be assumed by the chief judge for administrative purposes for the court of common pleas. A term designated as a circuit wide administrative week shall be held at such times and locations within the circuit as designated by the Chief Circuit Judge for Administrative Purposes assigned to that term.

The general assignment of judges to judicial circuits pursuant to the provisions of S.C. CONST. Art V, §14, will be made by separate order.



Jean Hoefer Toal
Chief Justice

July 22, 2008
Columbia, South Carolina

The Supreme Court of South Carolina

ORDER

Pursuant to the provisions of S. C. CONST. Art. V, §4, the statutory terms of circuit court set forth in §14-5-620 through §14-5-820, 1976 Code of Laws of South Carolina, as amended, for the period commencing July 5, 2009 and ending January 2, 2010, are hereby canceled.

IT IS ORDERED that the terms of circuit court and assignment of circuit judges to preside over these terms for the period commencing July 5, 2009 and ending January 2, 2010, shall be as set forth on the South Carolina Judicial Department's WEB site at www.judicial.state.sc.us/calendar which schedule is incorporated herein and made a part hereof by reference. Additional terms of court may be scheduled and assignments or reassignments of circuit judges may be made during this period by subsequent orders. Where a circuit-wide nonjury term is indicated, the Chief Circuit Judge for Administrative Purposes for the circuit shall designate the time and location of the term among the counties within the circuit. In those circuits with two chief judges for administrative purposes, these responsibilities shall be assumed by the chief judge for administrative purposes for the court of common pleas. A term designated as a circuit wide administrative week shall be held at such times and locations within the circuit as designated by the Chief Circuit Judge for Administrative Purposes assigned to that term.

The general assignment of judges to judicial circuits pursuant to the provisions of S.C. CONST. Art V, §14, will be made by separate order.

S/Jean Hoefer Toal

Jean Hoefer Toal
Chief Justice

January 30, 2009
Columbia, South Carolina

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF RICHLAND) FIFTH JUDICIAL CIRCUIT
IN RE:)
The Richland County Grand Jury) ORDER

IT IS ORDERED that the Richland County Grand Jury shall meet in 2007 as follows:

9:00 a.m.	Wednesday, January 24, 2007
9:00 a.m.	Wednesday, February 14, 2007
9:00 a.m.	Wednesday, March 21, 2007
9:00 a.m.	Wednesday, April 18, 2007
9:00 a.m.	Wednesday, May 23, 2007
9:00 a.m.	Wednesday, June 20, 2007

AND IT IS SO ORDERED.

PRESIDING JUDGE
FIFTH JUDICIAL CIRCUIT

Columbia, South Carolina

This 28 day of November, 2006

971

Open 29 AM 9:51

STATE OF SOUTH CAROLINA

) IN THE COURT OF GENERAL SESSIONS
FIFTH JUDICIAL CIRCUIT

COUNTY OF RICHLAND

IN RE:

The Richland County Grand Jury

ORDER

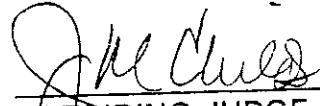
BOOK 213 PAGE 960

IT IS ORDERED that the Richland County Grand Jury shall meet in 2008 as follows:

9:00 a.m.	Wednesday, July 16, 2008
9:00 a.m.	Wednesday, August 13, 2008
9:00 a.m.	Wednesday, September 17, 2008
9:00 a.m.	Wednesday, October 15, 2008
9:00 a.m.	Wednesday, November 12, 2008
9:00 a.m.	Wednesday, December 17, 2008

IT IS FURTHER ORDERED THAT the Richland County Grand Jury shall begin on the above listed dates at 9:00 a.m. and continue through Friday and/or until all cases have been presented.

AND IT IS SO ORDERED.


PRESIDING JUDGE

FIFTH JUDICIAL CIRCUIT

Columbia, South Carolina

This 6th day of May, 2008

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
The State of South Carolina,)
v.
Randolph Rofford
Defendant)

ORDER

BOOK 217 PAGE 490
2007-6S40-2048-
1938-
Indictment No.: 1940-
Warrant No.: 1941-
and 0931655DM 1939-
2001-
2002-
2003-
-2-0-0-6

This matter came before the Court on September 24, 2008. Present at the hearing were Carolyn Griggs, representing the Defendant; and _____, representing the State.

The following motions were presented:

Motion to Relieve Counsel

2008 SEP 26
BARBARA A. SCOTT
C.C.C. & ES.
P.M. 4:01
F1 F2
F1 F2

Attached pertinent documents were submitted by the State/Defendant and were made a part of the record.

The Court determined: Counsel Relieved; Defendant's new Counsel is Jonathan Welling
Defendant is entitled to a Mental Health Evaluation;
The parties are set for a status conference on
Monday, October 20, 2008 to discuss a trial date.
IT IS SO ORDERED.

Date

AM
9/26/08

J. M. Middle Child
Presiding Judge for Fifth Judicial
Circuit

IT IS FURTHER ORDERED that the Richland County Public Defender's Office will resume representation of Mr. Ashford in the above-captioned matter, and

IT IS FINALLY ORDERED that, as new counsel is hereby appointed for Mr. Ashford, the above-captioned matter will not be called for trial for a period of at least sixty (60) days so that new counsel can properly prepare this matter for trial and appropriately represent Mr. Ashford.

IT IS SO ORDERED!



The Honorable J. Michelle Childs
Chief Administrative Judge
General Sessions
Fifth Judicial Circuit

Columbia, South Carolina

12-31, 2008

APPENDIX - B.

11. Return and Motion To Dismiss, August 13, 2021
12. Applicant Response To Respondent, Respondent Return and Motion To Dismiss
13. Conditional Order of Dismissal, Dated August 17, 2021.
14. Proposed Final Order of Dismissal, Dated September 21, 2021.

APPENDIX - B.



ALAN WILSON
ATTORNEY GENERAL

August 13, 2021

The Honorable Jeanette W. McBride
Clerk of Court, Richland County
Post Office Box 2766
Columbia, SC 29202-2766

Re: Randolph Ashford, #256638 v. State of South Carolina
2021-CP-40-2211

Dear Ms. McBride:

Enclosed please find the original **Return & Motion To Dismiss** of the Respondent, with its accompanying attachments, in the above-captioned case, for filing in your office.

Sincerely,

Yasmeen E. Klein
Assistant Attorney General

YEK/kw
Enclosure

cc: The Honorable L. Casey Manning, Chief Administrative Judge
Randolph Ashford, #256638

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND)	FOR THE FIFTH JUDICIAL CIRCUIT
))
Randolph Ashford, #256638)	2021-CP-40-2211
))
Applicant))
))
v.)	RETURN AND MOTION TO DISMISS
))
State of South Carolina,))
))
Respondent))

In response to Applicant, Randolph Ashford's action for post-conviction relief (PCR) commenced May 11, 2021, Respondent, the State of South Carolina, makes the following return and moves to dismiss the application as untimely, successive to Applicant's previous PCR application, and fails to state a cognizable claim for relief pursuant to S.C. Code Ann. § 17-27-20, § 17-27-45, and § 17-27-90. Respondent respectfully offers the following in support of its return and motion to dismiss:

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections (SCDC). During the April 2007 term, the Richland County Grand Jury indicted Applicant for kidnapping (2007-GS-40-1938), two counts of assault and battery with intent to kill (ABWIK) (2007-GS-40-1939; -1941), ABHAN with the lesser included of first degree criminal sexual conduct (2007-GS-40-1940), and first-degree burglary (2007-GS-40-2048). Applicant was additionally indicted during the May 2007 term for three counts of carjacking (2007-GS-40-2000; -2001; -2002) and kidnapping (2007-GS-40-2003). Deon S. O'Neil and Nicole Singletary, Esquires, represented

Applicant. Assistant Solicitor Kathryn Luck Campbell and Will Bryant of the Fifth Circuit Solicitors Office prosecuted the case.

Applicant proceeded to trial March 31 - April 3, 2009, before the Honorable G. Thomas Cooper Jr., and a jury. The jury found Applicant guilty as indicted and Judge Cooper sentenced Applicant to a term of imprisonment of twenty years for each count of kidnapping, ten years for each count of ABWIK, ten years for ABHAN and first-degree criminal sexual conduct, and ten years for each count of carjacking, to run concurrently. Applicant was additionally sentenced to twenty years for first-degree burglary, to run consecutive to the two counts of kidnapping. By order dated April 9, 2009, Judge Cooper clarified the sentence reflects an aggregate total of forty years' imprisonment.

Applicant appealed and an *Anders*¹ brief was submitted on Applicant's behalf by the South Carolina Office of Appellate Defense. The Court of Appeals dismissed the appeal by order dated January 25, 2012. *State v. Ashford*, 2012-UP-035 (S.C. Ct. App. filed January 25, 2012). The remittitur was issued February 15, 2012.

First PCR Action and Subsequent Appeal (2012-CP-40-1053)

Applicant subsequently filed an application for PCR on February 6, 2012, in which he alleged the following grounds for relief:

1. Ineffective Assistance of Trial Counsel
 - a. Trial Counsel failed to object to improper jury instructions
 - b. Trial Counsel failed to examine all the evidence prior to trial
 - c. Trial Counsel failed to impeach state witnesses
 - d. Trial Counsel failed to pursue leads provided by the defendant prior and during trial
2. Ineffective Assistance of Appellate Counsel
 - a. Failure to present on appeal an issue concerning the Solicitor's withholding evidence that the defendant requested

¹ *Anders v. California*, 386 U.S. 738 (1967).

- b. Failure to obtain defendant's discovery and/or the 911 tape, or to include the tape as part of the record on appeal
- 3. Prosecutorial Misconduct
 - a. Misconduct during closing arguments
 - b. Solicitor withheld evidence favorable to the defendant
 - c. Solicitor vouched for the credibility of the state's witnesses

Respondent submitted its return on April 30, 2012. An evidentiary hearing into the matter was convened on March 31, 2015, at the Richland County Courthouse. Applicant was present at the hearing and was represented by David Belding, Esquire. On November 19, 2015, the Honorable Brooks Goldsmith issued the order of dismissal denying Applicant's application for post-conviction relief with prejudice, finding no constitutional violations or deprivations for which Applicant was entitled to relief.

On October 26, 2016, Deputy Chief Appellate Defender Wanda H. Carter filed a *Johnson*² petition for writ of certiorari in the Supreme Court of South Carolina on behalf of Applicant. Applicant additionally filed a *pro se* petition for certiorari raising additional issues. On February 28, 2018, by written order the Court of Appeals denied the petition. The Remittitur was issued on March 16, 2018.

DNA Testing Application and Appeal

During the pendency of his PCR action, Applicant initiated an application for DNA testing. The State filed a response in opposition, arguing that Applicant did not meet the PCR DNA Testing and Preservation of Evidence requirements and because his identity was not at issue at trial. After a hearing before the Honorable Robert Hood on January 5, 2015, Applicant's application was denied. At the hearing, Applicant was represented by PCR Counsel David Belding. Applicant appealed the denial with a *Johnson* petition for writ of certiorari submitted on his behalf by the

² Pursuant to *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988).

South Carolina Office of Appellate Defense. The Court of Appeals denied certiorari to review the circuit court's dismissal of the application for DNA testing. *Ashford v. State*, Appellate Case No. 2015-001268 (S.C. Ct. App. filed November 18, 2018). The remittitur in this action was issued on December 6, 2016.

Habeas Corpus Action (0:18-1262-JFA-PJG)

Applicant subsequently filed a *pro se* petition for habeas corpus under 28 U.S.C. § 2254, raising seven grounds for relief. Respondent filed its return and motion for summary judgment on August 21, 2018. The Honorable Paige J. Gossett, United States Magistrate Judge, issued the report and recommendation on January 4, 2019, recommending the Respondent's motion for summary judgment be granted and Applicant's petition denied. On March 29, 2019, the Honorable Joseph F. Anderson Jr., United States District Judge, accepted the report and recommendation granting Respondent's motion for summary judgment and denying Applicant's petition. *Ashford v. Stephan*, No. CV 0:18-1262-JFA, 2019 WL 1416874 (D.S.C. Mar. 29, 2019). Applicant appealed the decision and the United States Court of Appeals for the Fourth Circuit dismissed the appeal and denied a certificate of appealability on October 25, 2019. *Ashford v. Stephan*, 781 F. App'x 275 (4th Cir. 2019). Thereafter, Applicant petitioned the United States Supreme Court for certiorari, which the Court denied on October 5, 2020. *Ashford v. Stephan*, 141 S. Ct. 334, 208 L. Ed. 2d 72 (2020).

II. CURRENT APPLICATION

In his second and current application for PCR, Applicant alleges he is being held in custody unlawfully on the following grounds:

1. "Lack of Subject Matter Jurisdiction;"
2. "Invalid Amendment;"
 - a. "Failure to reindict following not guilty verdict and/or invalid amendment that change the indicted offense"

As requested relief, Applicant is seeking a new trial or to have his sentences run concurrent.

Attached to this return and incorporated herein are the Richland County Clerk of Court records, Applicant's SCDC records, the trial transcript, Applicants appellate records, the records from Applicant's prior PCR action and subsequent appeal, the records from Applicant's prior federal habeas corpus action, and the records of this PCR action. Respondent reserves the right to amend this return upon receipt of any relevant materials.

III. MOTION TO DISMISS

Respondent moves for summary dismissal pursuant to section 17-27-70 of the South Carolina Code of Laws on the basis that there is no genuine issue of material fact, which would necessitate an evidentiary hearing. Because there is no question of law or fact to necessitate a hearing, Respondent requests the issue a conditional order of dismissal indicating the Court's intent to dismiss the application and its reasons for so doing.³ See S.C. Code Ann. § 17-27-70(b) (establishing procedure for summary disposition of PCR applications); *Leamon v. State*, 363 S.C. 432, 434, 611 S.E.2d 494, 495 (2005) (summary disposition appropriate when there is no need to develop facts and the applicant is not entitled to relief); *Re: Appointment of Counsel in Post-Conviction Relief Cases before the Circuit Court*, S.C. Sup. Ct. Order filed October 6, 2008; Rule 71.1(d), SCRCP (providing for appointment of counsel only where there is a question of law or fact which necessitates a hearing). Respondent moves for summary dismissal for the following reasons:

i. Statute of Limitations

³ A proposed Conditional Order of Dismissal consistent with this return and motion to dismiss is concurrently submitted for the Court's consideration.

Respondent submits this application should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-10 to -160. Specifically, the act requires as follows:

- (A) An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.
- (B) When a court whose decisions are binding upon the Supreme Court of this State or the Supreme Court of this State holds that the Constitution of the United States or the Constitution of South Carolina, or both, impose upon state criminal proceedings a substantive standard not previously recognized or a right not in existence at the time of the state court trial, and if the standard or right is intended to be applied retroactively, an application under this chapter may be filed not later than one year after the date on which the standard or right was determined to exist.
- (C) If the applicant contends that there is evidence of material facts not previously presented and heard that requires vacation of the conviction or sentence, the application must be filed under this chapter within one year after the date of actual discovery of the facts by the applicant or after the date when the facts could have been ascertained by the exercise of reasonable diligence.

S.C. Code Ann. § 17-27-45.

The South Carolina Supreme Court has held the statute of limitations shall apply to all applications filed after July 1, 1996. *Peloquin v. State*, 321 S.C. 468, 469 S.E.2d 606 (1996). A motion for summary judgment may properly be used to raise the defense of statute of limitations. *McDonnell v. Consolidated School District of Aiken*, 315 S.C. 487, 445 S.E.2d 638 (1994). Additionally, S.C. Code Ann. § 17-27-70(c) authorizes the Court to “grant a motion by either party for summary disposition of [an] application when it appears from the pleadings . . . that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.”

In the present case, Applicant is alleging he is entitled to post-conviction relief based on allegations of subject matter jurisdiction and indictment issues. However, Applicant failed to comply with the filing requirements under S.C. Code Ann. § 17-27-45. Applicant was convicted and sentenced on April 3, 2009, and pursued a direct appeal. The remittitur issued February 15, 2012. Pursuant to section 17-27-4(A), Applicant needed to file his application for post-conviction relief on or before February 16, 2013. Applicant did not file his application until May 11, 2021, beyond the statute of limitations. Moreover, sections 17-27-45(B) and 17-27-45(C) are inapplicable to Applicant's current PCR application as he alleges no new rights to be applied retroactively, and raised no allegations of newly discovered evidence. Accordingly, this application is untimely pursuant to section 17-27-45 and should be dismissed for failure to file within the time mandated by Uniform Post-Conviction Procedure Act.

ii. Successive

The Court should summarily dismiss the current Application because it is successive to the previous application for post-conviction relief. Courts disfavor successive applications and place the burden on applicants to establish that any new ground raised in a subsequent application could not have been earlier raised in a previous application. *Foxworth v. State*, 275 S.C. 615, 274 S.E.2d 415 (1981); *Arnold v. State*, 309 S.C. 157, 420 S.E.2d 834 (1992). Section 17-27-90 of the South Carolina Code states:

All grounds for relief available to an applicant under this chapter must be raised in his original, supplemental, or amended application. Any ground finally adjudicated or not so raised, or knowingly, voluntarily, and intelligently waived in the proceeding that resulted in the conviction or sentence or in any other proceeding the applicant has taken to secure relief, may not be the basis for a subsequent application, unless the court finds a ground for relief asserted which for sufficient reason was not asserted or was inadequately raised in the original, supplemental, or amended application.

Pursuant to section 17-27-90, successive PCR actions are barred unless an applicant can indicate a “sufficient reason” why new grounds for relief were not raised or were not properly raised in previous applications. *Aice v. State*, 305 S.C. 448, 409 S.E.2d 392 (1991). The South Carolina Supreme Court held the PCR rules “contemplate an adjudication on the merits of the original petition, one bite at the apple as it were.” *Id.* at 452, 409 S.E.2d at 395 (citing *Gamble v. State*, 298 S.C. 176, 178, 379 S.E.2d 118, 119 (1989)). The Court also noted, “[f]inality must be realized at some point in order to achieve a semblance of effectiveness in dispensing justice.” *Id.* at 451, 409 S.E.2d at 395. Any new ground raised in a subsequent application is limited to those grounds that “could not have been raised . . . in the previous application.” *Id.* at 450, 409 S.E.2d at 394. If the applicant could have raised these allegations in a previous application, then the applicant may not raise those grounds in successive applications. *Id.* Applicant bears the burden of showing the allegations could not have been previously raised. *Land v. State*, 274 S.C. 243, 262 S.E.2d 735 (1980).

Here, Applicant’s current allegations were or could have been raised in the proceedings based on Applicant’s prior action for post-conviction relief; thus, the current application is successive and barred under section 17-27-90 of the South Carolina Code. Applicant has failed to establish any sufficient reason why he could not have raised his current allegations in his previous application for post-conviction relief. Accordingly, Applicant has failed to meet the burden imposed upon him, and the Court should summarily dismiss the application as successive to Applicant’s previous PCR action.

iii. Subject Matter Jurisdiction

Applicant’s allegations regarding jurisdiction are without merit. Applicant’s claim of an “invalid amendment” that changed the indicted offense, and failure to re-indict, are not claims that

the court lacked subject matter jurisdiction. *See State v. Gentry*, 363 S.C. 93, 610 S.E.2d 494 (2005) (clarifying that the concepts of subject matter jurisdiction and sufficiency of an indictment are distinct). “Circuit courts obviously have subject matter jurisdiction to try criminal matters.” *Gentry*, 363 S.C. at 101, 610 S.E.2d at 499. Further, a circuit court has subject matter jurisdiction to convict a defendant of an offense if there is an indictment that sufficiently states the offense, the defendant waives presentment, or the offense is a lesser-included offense of the crime charged in the indictment.” *State v. Wilkes*, 353 S.C. 462, 464-465, 578 S.E.2d 717, 719 (2003) (citing *Brown v. State*, 343 S.C. 342, 540 S.E.2d 846 (2001)).

In this case, despite Applicant’s allegations against the indictments, the records reflect that the Richland County Grand Jury validly indicted Applicant. These indictments contain all the necessary elements of the offenses, and further cites the applicable statute. Further, “[a]n indictment is merely a notice document.” *State v. Baker*, 390 S.C. 56, 62, 700 S.E.2d 440, 442 (Ct. App. 2010) (citing *Gentry*, 363 S.C. 93, 610 S.E.2d 494 (2005)). A presumption of regularity attaches to all proceedings in the courts of this State, and it is incumbent upon one who challenges a proceeding to prove his claims. *See, e.g., Tate v. State*, 345 S.C. 577, 549 S.E.2d 601 (2001); *Pringle v. State*, 287 S.C. 409, 339 S.E.2d 127 (1986).

Here, Applicant cannot show any irregularity, because the indictments in question are sufficient on their face. Moreover, “an indictment passes legal muster when it charges the crime substantially in the language of the statute prohibiting the crime or so plainly that the nature of the offense charged may be easily understood.” *Id.* at 63, 700 S.E.2d at 443 (citing *State v. Tumbleston*, 376 S.C. 90, 98, 654 S.E.2d 849, 853 (Ct. App. 2007.) In order to challenge the sufficiency of an indictment, an objection must be made before the jury is sworn in. S.C. Code Ann. §17-19-90 (2003). Therefore, Applicant’s allegations regarding jurisdiction, and every part of the application

based thereupon, fails as a matter of law. For these reasons and pursuant to Rule 12(b)(6), SCRCR, the Court should dismiss the application for failing to state a cognizable claim for which relief can be granted under the Post-Conviction Relief Act.

IV. ALL OTHER CLAIMS

Each and every allegation contained within the application not expressly admitted, qualified, or explained in this return is hereby denied.

V. CONCLUSION

WHEREFORE, Respondent moves to summarily dismiss the application because it is untimely, successive, and failed to state a cognizable claim for relief.

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

YASMEEN E. KLEIN
Assistant Attorney General

By:


ATTORNEYS FOR RESPONDENT
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211

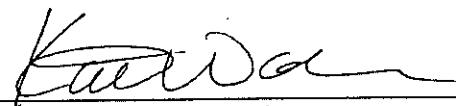
August 13 2021

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
RANDOLPH ASHFORD, #256638)
Applicant,)
vs)
STATE OF SOUTH CAROLINA,)
Respondent,)
IN THE COURT OF COMMON PLEAS
2021-CP-40-2211
CERTIFICATE OF SERVICE BY MAIL

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return & Motion To Dismiss** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

Randolph Ashford, #256638 (MAB-0253-B)
Broad River Correctional Institution
4460 Broad River Road
Columbia, SC 29210

DATED this 13th day of August, 2021.



Katie Wade, Legal Assistant
For Respondent

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT

Randolph Ashford # 256638) Case No. 2021-CP-40-2211
' Applicant,)
) **APPLICANT RESPONSE TO RESPONDENT**
v.)
) **RETURN AND MOTION TO DISMISS**
State of South Carolina)
Respondent,)
)

In Response To Respondent, Return And Motion To Dismiss
timely post-conviction relief (PCR) filed on or about May
11, 2021. Applicant asserts the following in support of
response to respondent motion to dismiss.

2021 SEP 16 AM 11:00
RECEIVED
RICHLAND COUNTY CLERK'S OFFICE
RECEIVED
RICHLAND COUNTY CLERK'S OFFICE

Applicant asserts, Respondent procedural history of the
Applicant Randolph Ashford is fraud on the court, Respondent
claim applicant was indicted for two counts of assault and
battery with intent to kill. Indictment No. 2007-GS-40-1939-
1941, and one count of assault and battery of a high and
aggravated nature.

PROCEDURAL HISTORY

Randolph Ashford is presently confined in the South Carolina Department of Corrections (SCDC) April 2007, The Richland County Grand Jury alleged to have indicted Applicant for Kidnapping 2007-GS-40-1938). (Two counts of Assault with intent to kill (AWIK) 2007-GS-40-1939;-1941). (One count of criminal sexual conduct 1st degree 2007-GS-40-1940). (One count of first degree burglary 2007-GS-40-2048).

On May 2007. The Richland County Grand Jury was alleged to have indicted Applicant of three counts of Carjacking 2007-

Here, Applicant will show the court, The indictments in question of Case No. 2021-CP-40-2211, Indictments that do not include the date on when they were filed and that are not marked "Filed" and are not dated and signed by court clerk are invalid.

CONCLUSION

WHEREFORE, Applicant prays this court will appoint counsel, and grant a hearing in this matter.

Respectfully submitted

Randolph Ashford

Randolph Ashford # 256638

Broad River Corr. Inst.

4460 Broad River Rd.

Columbia, South Carolina

29210

Pro-se

CERTIFICATE OF SERVICE

I do hereby certify that I have serve the following counsels of record a copy of the Response To Respondent Return and Motion To Dismiss, by placing the same in the U.S. Postal Service, with sufficient postage affixed thereto here at Broad River Corr. Ints. mail-room on this 7th day of September 2021.

Case No. 2021-CP-40-2211

September 7, 2021.
Columbia, South Carolina

Randolph Ashford

Randolph Ashford # 256638

2021 SEP 16 AM 11:00
S.C. ATTORNEY GENERAL'S OFFICE
RECEIVED
S.C. ATTORNEY GENERAL'S OFFICE

CC: Clerk of Court, Richland County
Jeanette W. McBride

Yasmeen Klein
S.C Attorney General Office



ALAN WILSON
ATTORNEY GENERAL

August 13, 2021

The Honorable L. Casey Manning
Chief Administrative Judge
Post Office Box 192
Columbia, SC 29202-0192

Re: Randolph Ashford, #256638 v. State of South Carolina
2021-CP-40-2211

Dear Judge Manning:

Enclosed please find the proposed Conditional Order of Dismissal in the above-captioned case. Respondent's return and motion to dismiss has also been sent to your chambers for your consideration. If this proposed order meets your approval, please sign and forward to the Richland County Clerk of Court for filing with the enclosed stamped envelope.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Yasmeen E. Klein
Assistant Attorney General

YEK/kw
Enclosure(s)

cc: Randolph Ashford, #256638

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Randolph Ashford, #256638

Applicant,

v.

State of South Carolina,

Respondent.

) IN THE COURT OF COMMON PLEAS
IN THE FIFTH JUDICIAL CIRCUIT

) 2021-CP-40-2211

**CONDITIONAL ORDER OF
DISMISSAL**

JEANETTE W. McBRIDE
C.C.P., E.S., & F.C.

2021 AUG 17 PM 2:36

RICHLAND COUNTY
FILED

This matter comes before the Court by way of Applicant Randolph Ashford's application for post-conviction relief (PCR) filed on May 11, 2021. Respondent made its return and motion to dismiss on August 13, 2021. The Court grants Respondent's motion to dismiss because the action is untimely, successive, and fails to state a cognizable claim for relief.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections (SCDC). During the April 2007 term, the Richland County Grand Jury indicted Applicant for kidnapping (2007-GS-40-1938), two counts of assault and battery with intent to kill (ABWIK) (2007-GS-40-1939; -1941), ABHAN with the lesser included of first degree criminal sexual conduct (2007-GS-40-1940), and first-degree burglary (2007-GS-40-2048). Applicant was additionally indicted during the May 2007 term for three counts of carjacking (2007-GS-40-2000; -2001; -2002) and kidnapping (2007-GS-40-2003). Deon S. O'Neil and Nicole Singletary, Esquires, represented Applicant. Assistant Solicitor Kathryn Luck Campbell and Will Bryant of the Fifth Circuit Solicitors Office prosecuted the case.

Applicant proceeded to trial March 31 - April 3, 2009, before the Honorable G. Thomas Cooper Jr., and a jury. The jury found Applicant guilty as indicted and Judge Cooper sentenced

Applicant to a term of imprisonment of twenty years for each count of kidnapping, ten years for each count of ABWIK, ten years for ABHAN and first-degree criminal sexual conduct, and ten years for each count of carjacking, to run concurrently. Applicant was additionally sentenced to twenty years for first-degree burglary, to run consecutive to the two counts of kidnapping. By order dated April 9, 2009, Judge Cooper clarified the sentence reflects an aggregate total of forty years' imprisonment.

Applicant appealed and an *Anders*¹ brief was submitted on Applicant's behalf by the South Carolina Office of Appellate Defense. The Court of Appeals dismissed the appeal by order dated January 25, 2012. *State v. Ashford*, 2012-UP-035 (S.C. Ct. App. filed January 25, 2012). The remittitur was issued February 15, 2012.

i. First PCR Action and Subsequent Appeal (2012-CP-40-1053)

Applicant subsequently filed an application for PCR on February 6, 2012, in which he alleged the following grounds for relief:

1. Ineffective Assistance of Trial Counsel
 - a. Trial Counsel failed to object to improper jury instructions
 - b. Trial Counsel failed to examine all the evidence prior to trial
 - c. Trial Counsel failed to impeach state witnesses
 - d. Trial Counsel failed to pursue leads provided by the defendant prior and during trial
2. Ineffective Assistance of Appellate Counsel
 - a. Failure to present on appeal an issue concerning the Solicitor's withholding evidence that the defendant requested
 - b. Failure to obtain defendant's discovery and/or the 911 tape, or to include the tape as part of the record on appeal
3. Prosecutorial Misconduct
 - a. Misconduct during closing arguments
 - b. Solicitor withheld evidence favorable to the defendant
 - c. Solicitor vouched for the credibility of the state's witnesses

¹ *Anders v. California*, 386 U.S. 738 (1967).

Respondent submitted its return on April 30, 2012. An evidentiary hearing into the matter was convened on March 31, 2015, at the Richland County Courthouse. Applicant was present at the hearing and was represented by David Belding, Esquire. On November 19, 2015, the Honorable Brooks Goldsmith issued the order of dismissal denying Applicant's application for post-conviction relief with prejudice, finding no constitutional violations or deprivations for which Applicant was entitled to relief.

On October 26, 2016, Deputy Chief Appellate Defender Wanda H. Carter filed a *Johnson*² petition for writ of certiorari in the Supreme Court of South Carolina on behalf of Applicant. Applicant additionally filed a *pro se* petition for certiorari raising additional issues. On February 28, 2018, by written order the Court of Appeals denied the petition. The Remittitur was issued on March 16, 2018.

ii. DNA Testing Application and Appeal

During the pendency of his PCR action, Applicant initiated an application for DNA testing. The State filed a response in opposition, arguing that Applicant did not meet the PCR DNA Testing and Preservation of Evidence requirements and because his identity was not at issue at trial. After a hearing before the Honorable Robert Hood on January 5, 2015, Applicant's application was denied. At the hearing, Applicant was represented by PCR Counsel David Belding. Applicant appealed the denial with a *Johnson* petition for writ of certiorari submitted on his behalf by the South Carolina Office of Appellate Defense. The Court of Appeals denied certiorari to review the circuit court's dismissal of the application for DNA testing. *Ashford v. State*, Appellate Case No. 2015-001268 (S.C. Ct. App. filed November 18, 2018). The remittitur in this action was issued on December 6, 2016.

² Pursuant to *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988).

iii. Habeas Corpus Action (0:18-1262-JFA-PJG)

Applicant subsequently filed a *pro se* petition for habeas corpus under 28 U.S.C. § 2254, raising seven grounds for relief. Respondent filed its return and motion for summary judgment on August 21, 2018. The Honorable Paige J. Gossett, United States Magistrate Judge, issued the report and recommendation on January 4, 2019, recommending the Respondent's motion for summary judgment be granted and Applicant's petition denied. On March 29, 2019, the Honorable Joseph F. Anderson Jr., United States District Judge, accepted the report and recommendation granting Respondent's motion for summary judgment and denying Applicant's petition. *Ashford v. Stephan*, No. CV 0:18-1262-JFA, 2019 WL 1416874 (D.S.C. Mar. 29, 2019). Applicant appealed the decision and the United States Court of Appeals for the Fourth Circuit dismissed the appeal and denied a certificate of appealability on October 25, 2019. *Ashford v. Stephan*, 781 F. App'x 275 (4th Cir. 2019). Thereafter, Applicant petitioned the United States Supreme Court for certiorari, which the Court denied on October 5, 2020. *Ashford v. Stephan*, 141 S. Ct. 334, 208 L. Ed. 2d 72 (2020).

CURRENT APPLICATION

In his second and current application for PCR, Applicant alleges he is being held in custody unlawfully on the following grounds:

1. "Lack of Subject Matter Jurisdiction;"
2. "Invalid Amendment;"
 - a. "Failure to reindict following not guilty verdict and/or invalid amendment that change the indicted offense"

For purposes of this Conditional Order of Dismissal, the Court incorporates the Richland County Clerk of Court records regarding Applicant's conviction, Applicant's SCDC records, Applicants appellate records, the records from Applicant's prior PCR action and subsequent

appeal, the records from Applicant's prior federal habeas corpus action, and the records of this PCR action.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the pleadings, the records submitted to it by the parties, and the applicable law. Pursuant to South Carolina Code Annotated Sections 17-27-70 and -80, this Court informs the parties of its intent to dismiss the application as there is no genuine issue of material fact which would necessitate an evidentiary hearing. *See S.C. Code Ann. § 17-27-70(b)* (establishing procedure for summary disposition of PCR applications); *Leamon v. State*, 363 S.C. 432, 434, 611 S.E.2d 494, 495 (2005) (summary disposition appropriate when there is no need to develop facts and the applicant is not entitled to relief). Respondent moved for summary dismissal, and this Court finds summary dismissal is appropriate for the following reasons:

Statute of Limitations

The Court finds that this PCR shall be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-10 to -160. Specifically, the act requires as follows:

(A) An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.

(B) When a court whose decisions are binding upon the Supreme Court of this State or the Supreme Court of this State holds that the Constitution of the United States or the Constitution of South Carolina, or both, impose upon state criminal proceedings a substantive standard not previously recognized or a right not in existence at the time of the state court trial, and if the standard or right is intended to be applied retroactively, an application under this chapter may be filed not later than one year after the date on which the standard or right was determined to exist.

(C) If the applicant contends that there is evidence of material facts not previously presented and heard that requires vacation of the conviction or sentence, the application must be filed under this chapter within one year after the date of actual discovery of the facts by the applicant or after the date when the facts could have been ascertained by the exercise of reasonable diligence.

S.C. Code Ann. § 17-27-45.

The South Carolina Supreme Court has held the statute of limitations shall apply to all applications filed after July 1, 1996. *Peloquin v. State*, 321 S.C. 468, 469 S.E.2d 606 (1996). A motion for summary judgment may properly be used to raise the defense of statute of limitations. *McDonnell v. Consolidated School District of Aiken*, 315 S.C. 487, 445 S.E.2d 638 (1994). Additionally, S.C. Code Ann. § 17-27-70(c) authorizes the Court to “grant a motion by either party for summary disposition of [an] application when it appears from the pleadings . . . that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.”

In the present case, Applicant is alleging he is entitled to post-conviction relief based on allegations of subject matter jurisdiction and indictment issues. However, Applicant failed to comply with the filing requirements under S.C. Code Ann. § 17-27-45. Applicant was convicted and sentenced on April 3, 2009 and pursued a direct appeal. The remittitur issued February 15, 2012. Pursuant to section 17-27-45(A), Applicant needed file his application for post-conviction relief on or before February 16, 2013. Applicant did not file this application until May 11, 2021, well beyond the statute of limitations. Moreover, sections 17-27-45(B) and 17-27-45(C) are inapplicable to Applicant’s current PCR application as he alleges no new rights to be applied retroactively, and has not satisfied a showing of newly discovered evidence. Accordingly, this application is untimely pursuant to section 17-27-45 and shall be dismissed for failure to file within the time mandated by Uniform Post-Conviction Procedure Act.

Successive Applications

The Court further finds the application must be summarily dismissed because it is successive to Applicant's previous PCR application. Courts disfavor successive applications and place the burden on applicants to establish that any new ground raised in a subsequent application could not have been earlier raised in a previous application. *Foxworth v. State*, 275 S.C. 615, 274 S.E.2d 415 (1981); *Arnold v. State*, 309 S.C. 157, 420 S.E.2d 834 (1992). Section 17-27-90 of the South Carolina Code states:

All grounds for relief available to an applicant under this chapter must be raised in his original, supplemental, or amended application. Any ground finally adjudicated or not so raised, or knowingly, voluntarily, and intelligently waived in the proceeding that resulted in the conviction or sentence or in any other proceeding the applicant has taken to secure relief, may not be the basis for a subsequent application, unless the court finds a ground for relief asserted which for sufficient reason was not asserted or was inadequately raised in the original, supplemental, or amended application.

Pursuant to section 17-27-90, successive PCR actions are barred unless an applicant can indicate a "sufficient reason" why new grounds for relief were not raised or were not properly raised in previous applications. *Aice v. State*, 305 S.C. 448, 409 S.E.2d 392 (1991). The South Carolina Supreme Court held the PCR rules "contemplate an adjudication on the merits of the original petition, one bite at the apple as it were." *Id.* at 452, 409 S.E.2d at 395 (citing *Gamble v. State*, 298 S.C. 176, 178, 379 S.E.2d 118, 119 (1989)). The Court also noted, "[f]inality must be realized at some point in order to achieve a semblance of effectiveness in dispensing justice." *Id.* at 451, 409 S.E.2d at 395. Any new ground raised in a subsequent application is limited to those grounds that "could not have been raised . . . in the previous application." *Id.* at 450, 409 S.E.2d at 394. If the applicant could have raised these allegations in a previous application, then the applicant may not raise those grounds in successive applications. *Id.* Applicant bears the burden

of showing the allegations could not have been previously raised. *Land v. State*, 274 S.C. 243, 262 S.E.2d 735 (1980).

This Court finds Applicant's current allegations were or could have been raised in the proceedings based on Applicant's prior action for post-conviction relief; thus, the current application is successive and barred under S.C. Code Ann. § 17-27-90. Applicant has failed to establish any sufficient reason why he could not have raised his current allegations in his previous application for post-conviction relief. Therefore, he has failed to meet the burden imposed upon him, and the Court shall summarily dismiss the application as successive to Applicant's previous post-conviction action.

Subject Matter Jurisdiction

This Court finds Applicant's allegations regarding jurisdiction are without merit. Applicant's claim of an "invalid amendment" that changed the indicted offense, and failure to re-indict, are not claims that the court lacked subject matter jurisdiction. *See State v. Gentry*, 363 S.C. 93, 610 S.E.2d 494 (2005) (clarifying that the concepts of subject matter jurisdiction and sufficiency of an indictment are distinct). "Circuit courts obviously have subject matter jurisdiction to try criminal matters." *Gentry*, 363 S.C. at 101, 610 S.E.2d at 499. Further, a circuit court has subject matter jurisdiction to convict a defendant of an offense if there is an indictment that sufficiently states the offense, the defendant waives presentment, or the offense is a lesser-included offense of the crime charged in the indictment." *State v. Wilkes*, 353 S.C. 462, 464-465, 578 S.E.2d 717, 719 (2003) (citing *Brown v. State*, 343 S.C. 342, 540 S.E.2d 846 (2001)).

In this case, despite Applicant's allegations against the indictments, the records reflect that the Richland County Grand Jury validly indicted Applicant. These indictments contain all the necessary elements of the offenses, and further cites the applicable statute. Further, "[a]n

indictment is merely a notice document." *State v. Baker*, 390 S.C. 56, 62, 700 S.E.2d 440, 442 (Ct. App. 2010) (citing *Gentry*, 363 S.C. 93, 610 S.E.2d 494 (2005)). A presumption of regularity attaches to all proceedings in the courts of this State, and it is incumbent upon one who challenges a proceeding to prove his claims. *See, e.g., Tate v. State*, 345 S.C. 577, 549 S.E.2d 601 (2001); *Pringle v. State*, 287 S.C. 409, 339 S.E.2d 127 (1986).

Here, Applicant cannot show any irregularity, because the indictments in question are sufficient on their face. Moreover, "an indictment passes legal muster when it charges the crime substantially in the language of the statute prohibiting the crime or so plainly that the nature of the offense charged may be easily understood." *Id.* at 63, 700 S.E.2d at 443 (citing *State v. Tumbleston*, 376 S.C. 90, 98, 654 S.E.2d 849, 853 (Ct. App. 2007).) In order to challenge the sufficiency of an indictment, an objection must be made before the jury is sworn in. S.C. Code Ann. §17-19-90 (2003). Therefore, Applicant's allegations regarding jurisdiction, and every part of the application based thereupon, fails as a matter of law. For these reasons and pursuant to Rule 12(b)(6), SCRCP, this Court shall dismiss the application for failing to state a cognizable claim for which relief can be granted under the Post-Conviction Relief Act.

CONCLUSION

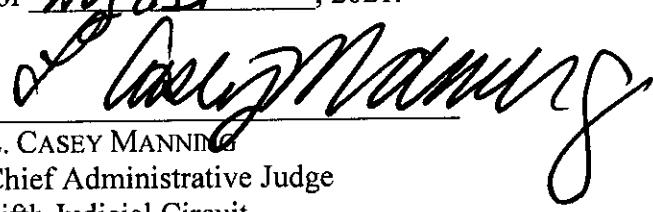
Pursuant to S.C. Code Ann. § 17-27-70(b), the Court intends to dismiss this application with prejudice unless Applicant provides specific reasons, factual or legal, why the application should not be dismissed in its entirety. Applicant is granted twenty (20) days from the date of service of this Order upon him to show why this Order should not become final. Applicant shall file any reasons he may have with the Richland County Clerk of Court and shall serve opposing counsel at the following address:

Office of the Attorney General
Yasmeen E. Klein, Assistant Attorney General

PCR Division – Fifth Circuit
P.O. Box 11549
Columbia, South Carolina 29211

Applicant is cautioned that his response to this order must be actually received by the Richland County Clerk of Court and opposing counsel within twenty (20) days from the date of the service of this Order, and that the Court will not consider any issues raised in his response if not so timely filed and served.

AND IT IS SO ORDERED this 12 day of August, 2021.


L. CASEY MANNING
Chief Administrative Judge
Fifth Judicial Circuit

Columbia, South Carolina



ALAN WILSON
ATTORNEY GENERAL

September 21, 2021

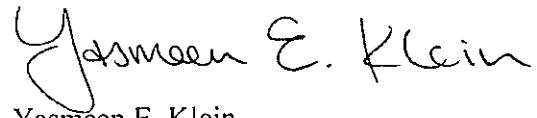
The Honorable L. Casey Manning
Chief Administrative Judge
Post Office Box 192
Columbia, SC 29202-0192

*RE: Randolph Ashford, #256638 v. State of South Carolina
2021-CP-40-2211*

Dear Judge Manning:

Enclosed please find a proposed Final Order of Dismissal on the above case. If this proposed order meets your approval, please sign and forward to the Richland County Clerk of Court for filing.

Sincerely,



Yasmeen E. Klein
Assistant Attorney General

YEK/kw
Enclosure

cc: Randolph Ashford, #256638

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
 COUNTY OF RICHLAND) FOR THE FIFTH JUDICIAL CIRCUIT
 Randolph Ashford, #256638)
) 2021-CP-40-2211
 Applicant)
 v.)
 State of South Carolina,)
 Respondent.)

FINAL ORDER OF DISMISSAL

RICHLAND COUNTY
 FILED
 S.C.P., G.S., & F.C.

2021 DEC -3 AM 10:14

This matter comes before the Court pursuant to an application for post-conviction relief filed by Applicant Randolph Ashford on May 11, 2021. Respondent made its Return and Motion to Dismiss on August 13, 2021, requesting the application be summarily dismissed because it was untimely, successive, 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 August 17, 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 August 30, 2021, serving the above-mentioned Conditional Order of Dismissal on the Applicant.

Applicant submitted a response filed on September 16, 2021, titled "Applicant Response to Respondent Return and Motion to Dismiss." In his response, Applicant argues a lack of subject matter jurisdiction for purposes of his current PCR action. Applicant thereafter lists the following under a section titled "Findings of Fact and Conclusions of Law":

1. U.S. Const. Section 1. XIV Amendment;
2. S.C. Const. Article I. Section 1, 3, 11, and 22;
3. S.C. Rules of Court, Rule – 3.(a)(b)(c)(d)(e);

4. Statutes & Court Rules: S.C. Code Ann 14-5-670; 14-9-210; 17-19-10; 17-19-20; 17-19-100;
5. Terms of Circuit and Family Court 2007, 2008, and 2009.

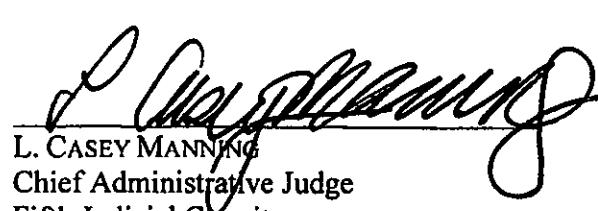
Applicant further objects to the Conditional Order, arguing his indictments were unconstitutionally defective, illegal and invalid. Applicant argues the indictments that do not include the date when they were filed, were not marked "Filed" and were not dated and signed by the clerk of court, are invalid.

This Court has reviewed Applicant's response to the Conditional Order of Dismissal in its entirety, in conjunction with the original pleadings, and 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 2nd day of December 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

RANDOLPH ASHFORD, #256638

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:

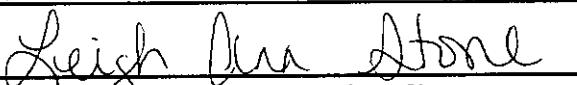
**Randolph Ashford, #256638 (MAB-0253-B)
Broad River Correctional Institution
4460 Broad River Road
Columbia, SC 29210**

This 7th day of December, 2021.



Katie Wade
Legal Assistant for the Respondent

SWORN to before me this 7th day of December, 2021



Leigh Ann Stone
Notary Public for South Carolina.
My Commission Expires: May 16, 2029

APPENDIX - C.

15. Notice of Appeal, Dated December 13, 2021.
16. The Supreme Court of South Carolina, Letter dated 12/16/2021.
17. Written Explanation of Randolph Ashford, Dated 1/12/2021.
18. The Supreme Court of South Carolina, (Order) 1/26/2022.
19. Motion For Rehearing, Dated 2/7/2022.
20. Remittitur, Dated 2/11/2022.
21. The Supreme Court of South Carolina, Letter dated 3/2/2022.
22. The Supreme Court of South Carolina, Letter dated 2/14/2022.

APPENDIX - C.

Randolph Ashford # 256638
B.R.C.I. Marion Unit # 253
4460 Broad River Rd.
Columbia, South Carolina - 29210

December 13, 2021.

Supreme Court of South Carolina
Daniel E. Shearouse
Clerk of Court
P. O. Box 11330
Columbia, South Carolina - 29202

Re: Notice of Appeal, Case No. 2021-CP-40-2211

Dear Mr. Shearouse:

Enclosed you will find the original Notice of Appeal, in the above reference case for your filing. Please file the original and return the enclosed copy to me for my record. I have enclosed a envelope for that purpose.

Thank you very much.

Sincerely,

Randolph Ashford

CC:

RECEIVED

DEC 15 2021

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

Appeal From Richland County
Court of Common Pleas

The Honorable L. Casey Manning, Chief Administrative Judge

Case No. 2021-CP-40-2211

Randolph AshfordAppellant,

v.

State of South Carolina.....Respondent,

NOTICE OF APPEAL

Randolph Ashford # 256638 appeal from the order of the Honorable L. Casey Manning, Chief Adminstrative Judge in this case dated December 2, 2021. and filed December 3, 2021., dismissing Applicant's Application for Lack of Subject Matter Jurisdiction, Appellant receive notice of entry of this order on December 8, 2021.

Columbia, South Carolina
December 13, 2021.

Randolph Ashford
Randolph Ashford # 256638
B.R.C.I. Marion Unit # 253
4460 Broad River Rd.
Columbia, South Carolina-
29210

RECEIVED
DEC 15 2021
S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM RICHLAND COUTY
COURT OF COMMON PLEAS

The Honorable L. Casey Manning, Chief Administrative Judge

Case No. 2021-CP-40-2211

Randolph Ashford.....Appellant,
v.

State of South Carolina.....Respondent,

PROOF OF SERVICE

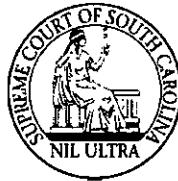
I do hereby certify that I have served the Notice of Appeal on the following counsel of records, by depositing a copy of the same in the United States mail with sufficient postage affixed thereto. On December 13, 2021. here at the Broad River Corr. Inst mailroom.

Randolph Ashford
Randolph Ashford # 256638

CC: Supreme Court of South Carolina
P.O. Box 11330
Columbia, South Carolina-29211

South Carolina, Attorney General Office
P.O. Box 11549
Columbia, South Carolina - 29211

RECEIVED
DEC 15 2021
S.C. SUPREME COURT



The Supreme Court of South Carolina

PATRICIA A. HOWARD
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211

1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

December 16, 2021

Randolph Ashford, 256638
Broad River Correctional Institution
4460 Broad River Road
Columbia SC 29210

Re: Randolph Ashford v. State
Appellate Case No. 2021-001460

Dear Mr. Ashford:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. The order can be found at www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02. Please note that the responsibility for insuring that information is redacted or sealed as

required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

Further, Rule 243(c) of the South Carolina Appellate Court Rules requires you to provide a written explanation as to why this determination was improper. This explanation must contain sufficient facts, argument and citation to legal authority to show that there is an arguable basis for asserting that the determination by the lower court was improper. The failure to make a sufficient showing may result in the dismissal of this matter.

Please provide the explanation required by Rule 243(c) within twenty (20) days of the date of this letter.

Very truly yours,

Patricia A. Howard

CLERK

cc:

Yasmeen Ebbini Klein, Esquire

Randolph Ashford # 256638
B.R.C.I. Marion Unit # 253
4460 Broad River Rd.
Columbia, South Carolina - 29210

January 12, 2022.

The Supreme Court of South Carolina
PATRICIA A. HOWARD, CLERK OF COURT
Post Office Box 11330
Columbia, South Carolina - 29211

Re: Written explanation, Randolph Ashford V. State

Appellate Case No. 2021-001460

Dear Honorable Clerk;

1

The fact of this matter, as to why the determination of the lower court was improper is that (1) One I brought to the lower court attention, that Respondent's claim of me being indicted for (2) two counts of Assault and Battery with Intent to Kill is fraud upon the court. Indictment No. 2007-GS-40-1939; and Indictment No. 2007-GS-40-1941, Both of those allege indictments is Assault with Intent to Kill (AWIK), and the lower court did nothing to correct the record and continued to violate my Constitutional rights and the Constitution of the State of South Carolina, Article I. Declaration of Rights, Section 3. equal protection of law., Also the South Carolina Rules of Court, Rule - 501. Code of Judicial Conduct, Canon - 1.3. and 4.. etc.

PROCEDURAL HISTORY

Randolph Ashford, is presently confined in the South Carolina Department of Corrections. Applicant was alleged to have been indicted by the Richland County Grand Jury for (1) One count of Kidnapping Indictment No. 2007-GS-40-1938. (2) Two

counts of Assault with the Intent to Kill (AWIK), Indictment No. 2007-GS-40-1939; and 2007-GS-40-1941. (1) One count of Criminal Sexual Conduct 1st degree, Indictment No. 2007-GS-40-1940. Applicant was found not guilty of (CSC) 1st degree. Court then charged, Applicant with Assault and Battery of a High and Aggravated Nature. (1) One count of 1st degree Burglary, Indictment No. 2007-GS-40-2048). Applicant was alleged to have been indicted for (3) Three counts of Carjacking; Indictment No. 2007-GS-40-2000 through 2002; and (1) One count of Kidnapping Indictment No. 2007-GS-40-2003.

Applicant submitted his response to Respondent's Return and Motion to Dismiss on September 7, 2021. Houston V. Lack, 487 U.S. 266, 274-76 (1988); Court filed on September 16, 2021, titled Applicant Response to Respondent Return and Motion to Dismiss. In my response, Applicant asserts, Lack of Subject Matter Jurisdiction, and not for the purpose of a current PCR action the Respondent's argue that do not exist.

Applicant asserts, the South Carolina Rules of Court, Rule 3. Disposition of Arrest Warrants (c). Action on Warrant, Within (90) days after receipt of an arrest warrant from the Clerk of Court, the solicitor shall take action on the warrant by (1) preparing an indictment for presentment to the grand jury, Which indictment shall be filed with the Clerk of Court assigned a criminal case number, and presented to the grand jury etc. etc.

In this case none of the indictment's of Applicant by law has been met, rendering Applicant's indictments illegal, void, invalid, and defective. The Constitution of the State

¹ The Honorable, Clerk of Court letter dated December 16, 2021. Was received at the Broad River Correctional Institution Mail-room, December 23, 2021. Applicant received the letter on December 29, 2021.

of South Carolina. Article I. Section 11. No person may be held to answer for any crime the jurisdiction over which is not within the magistrate's court, unless on a presentment or indictment of a grand jury of the county where the crime has been committed, etc.

Applicant further asserts, that he was not legally indicted. S.C. Code Ann - 14 - 9 - 210, In which requires strict compliance. The county solicitor shall prepare and, through the presiding judge of the court of general sessions, submit to the grand jury, while in attendance upon the court of general sessions bills of indictment in all cases pending in the county court in which the punishment may exceed a fine of one hundred dollars or imprisonment for thirty days, when such cases have not been previously acted on by the grand jury etc. S.C. Code Ann - 14 - 5 - 670, The court of the fifth judicial circuit, The court of general sessions for Richland County shall be held at Columbia on the second Monday in January for two weeks, on the second Monday in April for two weeks, on the third Monday in June for two weeks and on the Tuesday following the first Monday in September for three weeks and on the second Monday in December for two weeks etc.

(3) Additional terms for certain matters - In addition to the terms of court herein before set forth, there shall be held additional terms of court, without juries, to hear equity matters and all matters not requiring jury trials, such terms to be held as follows:

(a) Richland County: On the third Monday in February, on the third Monday in May and on the fourth Monday in October, each for one week.

In Reverse, By order of the Honorable Judge Childs; Filed September 26, 2008. The parties are set for a status conference on Monday, October 20, 2009, to discuss a trial date. App. Page - 26 - 34, Lines - 1 - 25.

Applicant proceeded to trial on March 31 - April 3, 2009, before the Honorable G. Thomas Cooper Jr. and a jury, despite his request to relieve counsel's and a motion for a continuance. See: App. 284 - 307, Lines - 1 - 25.

LACK OF SUBJECT MATTER JURISDICTION

The lower court lack subject matter jurisdiction to indict Applicant, subject matter jurisdiction can be raised at any time for the following reasons:

(1). U.S. Const. Section 1. XIV Amendment; (2) S.C. Const. Article 1. Section 1, 3, 11, and 22; (S.C. Rules of Court, Rule 3.(a)(b)(c)(d)(e); Statues & Court Rules; Code Ann - 14-5-670; 14-9-210, 17-19-10, 17-19-20; 17-19-100; and the Terms of Circuit and Family Court, 2007, 2008, 2009.

Designation of Matters To Be included In The Record On Appeal.

Applicant request the following to be included in the written explanation on appeal.

1. The Honorable J. Michelle Childs, Judge; ORDER., 2. Terms of Circuit and Family Court, 2007, 2008, 2009. Indictments No. 2007-GS-40-1938, 1939, 1940, 1941., Indictments No. 2007-GS-40-2000 through 2003., and 2007-GS-40-2048.

I certify that this designation contains no matter which is irrelevant to this written explanation.

Conclusion

For the written explanation Applicant respectfully request this court grant ceritiorari, and/or with the ultimate relief of appoint counsel and a hearing.

January 12, 2022.
Columbia, South Carolina

Randolph Ashford
Randolph Ashford # 256638
B.R.C.I. Marion Unit # 253
4460 Broad River Rd.
Columbia, South Carolina-
29210

CERTIFICATE OF SERVICE

Re: Randolph Ashford V. State
Appellate Case No. 2021-00146

I do hereby certify that have served the following counsels of record the original and copy of the written explanation, by placing the same in the United States mail with sufficient postage affixed thereto here at the Broad River Corr. Inst. mail-room on January 12, 2022.

January 12, 2022.
Columbia, South Carolina

Randolph Ashford
Randolph Ashford # 256638

CC: The Supreme Court of South Carolina

Patricia A. Howard

Yasmeen E. Klein, AAG
South Carolina, Attorney General's Office

The Supreme Court of South Carolina

Randolph Ashford, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2021-001460

ORDER

Petitioner has filed a notice of appeal from the circuit court's order, which dismissed Petitioner's post-conviction relief action based upon the circuit court's determination that the action is barred as being successive and untimely under the statute of limitations. In his explanation pursuant to Rule 243(c), SCACR, Petitioner has failed to show that there is an arguable basis for asserting the circuit court's determination was improper. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.



FOR THE COURT

C.J.

Columbia, South Carolina
January 26, 2022

cc:

Yasmeen Ebbini Klein, Esquire
Robert Michael Dudek, Esquire

Randolph Ashford # 256638
B.R.C.I. Marion Unit # 253
4460 Broad River Rd.
Columbia, South Carolina - 29210

February 7, 2022.

Supreme Court of South Carolina
PATRICIA A. HOWARD, Clerk of Court
Post Office Box 11330
Columbia, South Carolina - 29211

Re: Lower Court Case No. 2021-CP-40-2211 Ashford V. State
Appellant Court Case No. 2021-0014660 State V. Ashford

Dear Ms. Howard:

Enclosed you will find a Motion For Rehearing for your
filing, Please file the motion with the court.

Thank you very much.

Sincerely,

Randolph Ashford

CC: Yasmeen Ebbini, Esquire

2. The material facts, statues, and the constitution of the State of South Carolina, and the United States Constitution was over looked and requires a different decision from that rendered by the Supreme Court C.J..

3. The decision that should have been rendered is for Randolph Ashford.

WHEREFORE, the appellant respectfully request the Supreme Court of South Carolina, Order dated January 26, 2022. be modified and rule in favor of the appellant.

February 7, 2022.
Columbia, South Carolina

Randolph Ashford
Randolph Ashford # 256638
B.R.C.I. Marion Unit#253
4460 Broad River Rd.
Columbia, South Carolina
29210

CC: Yasmeen Ebbini Klein, Esquire

CERTIFICATE OF SERVICE

Lower Court Case No. 2021-CP-40-2211

Appellate Court Case No. 2021-001460

I do hereby certify that I have serve the following counsel of record the original an a copy of the Applicant's Motion For Rehearing, by placing a copy of the same in the United States mail with sufficient postage affixed thereto on this 7th day of February 2022.

February 7, 2022.

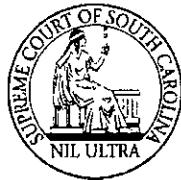
Columbia, South Carolina

Randolph Ashford

Randolph Ashford # 256638

CC: Yasmeen E. Klein, AAG
S.C. Attorney General Office
P.O. Box 11549
Columbia, South Carolina - 29211-1549

CC: Supreme Court of South Carolina
PATRICIA A. HOWARD, Clerk of Court
Post Office Box 11330
Columbia, South Carolina - 29211



The Supreme Court of South Carolina

PATRICIA A. HOWARD
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211

1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

February 11, 2022

The Honorable Jeanette W. McBride
PO Box 2766
Columbia SC 29202-2766

REMITTITUR

Re: Randolph Ashford v. State
Lower Court Case No. 2021CP4002211
Appellate Case No. 2021-001460

Dear Clerk of Court:

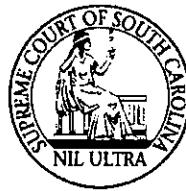
The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

A handwritten signature in cursive script that reads "Brenda F. Shealy".

CHIEF DEPUTY CLERK

cc: Yasmeen Ebbini Klein, Esquire
Robert Michael Dudek, Esquire
Mr. Randolph Ashford, 256638



The Supreme Court of South Carolina

PATRICIA A. HOWARD
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211

1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

March 02, 2022

Randolph Ashford, 256638
Broad River Correctional Institution
4460 Broad River Road
Columbia SC 29210

Re: Randolph Ashford v. State
Appellate Case No. 2021-001460

Dear Mr. Ashford,

This responds to your letter dated February 28, 2022. Please be advised that the remittitur was sent in this case on February 11, 2022. Since the sending of the remittitur ended appellate jurisdiction over this case, no action will be taken on your letter by this Court.

Also attached is a copy of a letter that was mailed to you on February 14, 2022, which explained why no action would be taken on your rehearing.

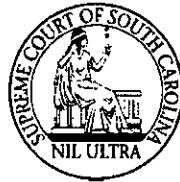
Very truly yours,

A handwritten signature in cursive script that appears to read "Brenda F. Shealy".

CHIEF DEPUTY CLERK

Enclosure

cc: Yasmeen Ebbini Klein, Esquire
Robert Michael Dudek, Esquire



The Supreme Court of South Carolina

PATRICIA A. HOWARD
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211

1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

February 14, 2022

Randolph Ashford, 256638
Broad River Correctional Institution
4460 Broad River Road
Columbia SC 29210

Re: Randolph Ashford v. State
Appellate Case No. 2021-001460

Dear Mr. Ashford,

This responds to your letter dated February 14, 2022. Please be advised that the remittitur was sent in this case on February 11, 2022. Since the sending of the remittitur ended appellate jurisdiction over this case, no action will be taken on your letter by this Court.

Very truly yours,

A handwritten signature in black ink that reads "Brenda F. Shealy".

CHIEF DEPUTY CLERK

cc: Yasmeen Ebbini Klein, Esquire
Robert Michael Dudek, Esquire