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1st PCR Hearing Refuse To Enter Judgment on known  
Void Judgment

STATE OF SOUTH CAROLINA

County of ☒ Charleston ☐ Berkeley

COURT OF COMMON PLEAS

Case No. 2022-CP-10-02017

Exhibit

Jerome Curry, 253067

Applicant / Petitioner

vs.

ORDER

State of South Carolina,

Respondent.

FILED  
2023 APR 19 PM 3:34  
JULIE A. ARNOLD  
CLERK OF COURT  
WCC

This post-conviction relief case came before the court for a hearing. Having now heard this matter, the court orders as indicated herein.

1. The application for post-conviction relief is hereby: \_\_\_\_\_ denied \_\_\_\_\_ granted \_\_\_\_\_ under advisement; a formal order will be filed (see below - No.6)

2. Motion(s) was/were heard in this case and the court orders:  
The motion to dismiss and/or for summary judgment is hereby \_\_\_\_\_ granted \_\_\_\_\_ denied \_\_\_\_\_ under advisement, based upon the \_\_\_\_\_ statute of limitations and/or \_\_\_\_\_ the successive nature of the application or \_\_\_\_\_ other reason as follows:

3. A conditional order of dismissal was previously filed in this case. Upon review of the matter, the court finds:

\_\_\_\_\_ Good cause as to why the case should not be dismissed has been shown in response to the order of dismissal; therefore, a hearing on the merits of the application shall be scheduled.  
\_\_\_\_\_ The court has considered the response to the conditional order of dismissal and finds that good cause has not been shown or \_\_\_\_\_ no response has been filed to the conditional order of dismissal; therefore, the application is hereby dismissed.

4. The application was freely, voluntarily, and intelligently withdrawn as indicated on the record; therefore, this case is dismissed \_\_\_\_\_ with prejudice \_\_\_\_\_ without prejudice.

X 5. Other: Motion to relieve counsel is granted.  
PCR hearing will be scheduled for the  
June 2023 term.

6. The court further orders:

\_\_\_\_\_ The \_\_\_\_\_ Attorney General \_\_\_\_\_ Applicant's counsel is directed to submit to the court a proposed order and to serve the order on opposing counsel within \_\_\_\_\_ days.

\_\_\_\_\_ Both sides are directed to submit proposed orders to the court and to serve the orders on each other within \_\_\_\_\_ days.

\_\_\_\_\_ The court does not request proposed orders.

IT IS SO ORDERED.

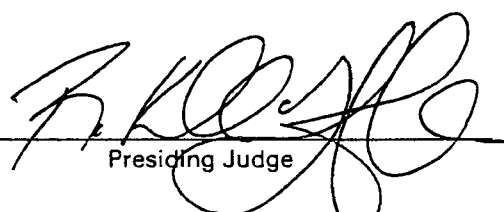
Date: 04 / 19 / 2023

Charleston, S.C.

Court Reporter: Cathy J. Provost

Attorney for State: Danielle E. Dixon

Attorney for Applicant: Christopher L. Murphy

  
Presiding Judge

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STATE OF SOUTH CAROLINA

COURT OF COMMON PLEAS

County of ☒ Charleston ☐ Berkeley

Case No. 2022-CP-10-02017

Jerome Curry, 253067

Applicant / Petitioner

vs.

ORDER

State of South Carolina,

Respondent.

FILED  
2023 JUN 27 AM 11:02  
CLERK OF COURT  
WCL

This post-conviction relief case came before the court for a hearing. Having now heard this matter, the court orders as indicated herein.

1. The application for post-conviction relief is hereby: \_\_\_\_\_ denied \_\_\_\_\_ granted \_\_\_\_\_ under advisement; a formal order will be filed (see below - No.6)

2. Motion(s) was/were heard in this case and the court orders:  
The motion to dismiss and/or for summary judgment is hereby \_\_\_\_\_ granted \_\_\_\_\_ denied \_\_\_\_\_ under advisement, based upon the \_\_\_\_\_ statute of limitations and/or \_\_\_\_\_ the successive nature of the application or \_\_\_\_\_ other reason as follows:

3. A conditional order of dismissal was previously filed in this case. Upon review of the matter, the court finds:

\_\_\_\_\_ Good cause as to why the case should not be dismissed has been shown in response to the order of dismissal; therefore, a hearing on the merits of the application shall be scheduled.

\_\_\_\_\_ The court has considered the response to the conditional order of dismissal and finds that good cause has not been shown or \_\_\_\_\_ no response has been filed to the conditional order of dismissal; therefore, the application is hereby dismissed.

4. The application was freely, voluntarily, and intelligently withdrawn as indicated on the record; therefore, this case is dismissed \_\_\_\_\_ with prejudice \_\_\_\_\_ without prejudice.

✓ 5. Other: A guardian is to be appointed for Mr. Curry due to  
concerns over his mental health status. AG's office to  
prepare formal order.

6. The court further orders:

\_\_\_\_\_ The \_\_\_\_\_ Attorney General \_\_\_\_\_ Applicant's counsel is directed to submit to the court a proposed order and to serve the order on opposing counsel within \_\_\_\_\_ days.

\_\_\_\_\_ Both sides are directed to submit proposed orders to the court and to serve the orders on each other within \_\_\_\_\_ days.

\_\_\_\_\_ The court does not request proposed orders.

IT IS SO ORDERED.

*Krista Clark*

Presiding Judge

Date: 06 / 27 / 2023

Charleston, S.C.

Court Reporter: Jamie Bickett

Attorney for State: Danielle Dixon

Attorney for Applicant: Pro Se

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	)	FOR THE NINTH JUDICIAL CIRCUIT
	)	
	)	
Jerome Curry, SCDC #253067,	)	Case No. 2022-CP-10-02017
	)	
Applicant,	)	
	)	
v.	)	ORDER APPOINTING
	)	GUARDIAN AD LITEM
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
	)	
	)	

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This matter is before the Court by way of an application for post-conviction relief (PCR) filed by Jerome Curry (Applicant) on May 2, 2022. An evidentiary hearing was scheduled for June 27, 2023. Applicant appeared, pro se. Assistant Attorney General Danielle Dixon represented Respondent. Prior to the hearing, counsel for Respondent relayed to the Court that Applicant's attorney had previously been relieved at Applicant's request. Counsel for Respondent further expressed concerns about Applicant's competency to move forward with the hearing due to a prior finding of incompetency and her conversations with Applicant's prior counsel. Counsel for Respondent moved for the appointment of a guardian ad litem to assess Applicant's competency to proceed.

Applicant objected to the appointment of a guardian ad litem and reiterated his desire to proceed pro se in this PCR action. This Court questioned Applicant to determine his competency. After questioning, this Court determined a guardian ad litem should be appointed to communicate with Applicant and assess whether Applicant can go forward at this time or whether a competency evaluation should be conducted.

[Signature page follows]

**IT IS THEREFORE ORDERED:**

1. The Charleston County Clerk of Court shall appoint a guardian ad litem to represent Applicant; and
2. The guardian ad litem's role shall be limited to communicating with Applicant to assess whether Applicant can go forward at this time or whether a competency evaluation should be conducted.

**IT IS THEREFORE ORDERED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

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KRISTI F. CURTIS  
Presiding Judge  
Ninth Judicial Circuit

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