

The Supreme Court of South Carolina

Christopher Lemonte Hampton, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2013-000699

The Honorable Roger L. Couch
Spartanburg County
Trial Court Case No. 2006CP4203049


ORDER

Petitioner has filed a *pro se* notice of appeal from an order of the circuit court dated November 2, 2007, and filed with the clerk of the circuit court on November 5, 2007. The notice of appeal was not served on counsel for the respondent until April 3, 2013. Although requested to provide this Court with the date on which he received written notice of entry of the order on appeal, petitioner's counsel has failed to provide this information.

Accordingly, based on petitioner's failure to establish the timeliness of the service of the notice of appeal, the notice of appeal is dismissed. To the extent petitioner may be asking this Court to grant him a belated appeal under *Austin v. State*,¹ that request is denied without prejudice since *Austin* relief must be sought by filing a

¹ 305 S.C. 453, 409 S.E.2d 395 (1991).

new application for post-conviction relief in the circuit.² The remittitur will be sent as provided by Rule 221(b), SCACR.


C.J.
FOR THE COURT

Columbia, South Carolina
June 26, 2013

cc: Suzanne Hollifield White, Esquire
William Jeffrey McGurk, Esquire
Mr. Christopher Hampton, #314697

² See *King v. State*, 308 S.C. 348, 417 S.E.2d 868 (1992) (discussing appellate procedure to be followed depending on findings of PCR judge on the *Austin* claim).