

STATE OF SOUTH CAROLINA  
COUNTY OF ORANGEBURG

VICTOR E. MASON #87818-071  
Petitioner,

-vs-

STATE OF SOUTH CAROLINA,  
Respondent.

IN THE COURT OF COMMON PLEA  
FOR THE FIRST JUDICIAL CIRCUIT

Case No.: 2010-CP-1583

FINAL ORDER OF DISMISSAL

RECEIVED

JUN 24 2013

S.C. SUPREME COURT

NOTICE OF APPEAL--  
Pursuant to SCACR, Rule 203....

NOW COMES, the Petitioner, Victor E. Mason, to hereby request of this Honorable Court of Common Pleas for the First Judicial Circuit, to accept this Notice of Appeal.

A FINAL ORDER OF DISMISSAL was handed down by this Court on July 13, 2012, dismissing this Petitioner's Post-Conviction Relief Application. On July 30, 2012, I filed with this Court a Notice of Appeal, requesting that this Court "Stays in Abeyance this appeal process, pending exhaustion of the issue in state court." (See attachment #1). I have now received a FINAL ORDER OF DISMISSAL for a Post Conviction Relief (PCR) that was filed concerning prior convictions in the County of Richland, State of South Carolina. (See attachment #2).

I would now like to have this case (2010-CP-38-1583) proceed to the Appeals Court for appellate purposes.

Please, contact me as soon as possible, if there is any concern with pursuing the appeal in this matter.

Thank you.

Humbly & Respectfully,

1/1 *Victor E. Mason*

Victor E. Mason #87818-071  
USP Lee County  
P.O. Box 305  
Jonesville, VA. 24263-0305

cc: Personal File/3-38-2013

Attachment #1

STATE OF SOUTH CAROLINA  
COUNTY OF ORANGEBURG

VICTOR E. MASON, #87818-071  
Applicant,

-vs-

STATE OF SOUTH CAROLINA,  
Respondent.

/ IN THE COURT OF COMMON PLEAS  
/ FOR THE FIRST JUDICIAL CIRCUIT  
/

/ Case. No.: 2010-CP-38-1583  
/

/ FINAL ORDER OF DISMISSAL  
/

**NOTICE OF APPEAL--**  
**Pursuant to SCACR, Rule 203....**

NOW COMES, the Petitioner, Victor E. Mason, to hereby request of this Honorable Court of Common Pleas for the First Judicial Circuit to accept this Notice of Appeal.

A FINAL ORDER OF DISMISSAL was handed down by this Court on July 13, 2012, dismissing this Petitioner's Post-Conviction Relief Application.

**Jurisdiction**

This Honorable Court's jurisdiction is invoked under Rule 243, SCACR.

**Statement....**

Petitioner further requests that this Court stays in abeyance this Appeal process, pending exhaustion of the issue in the State Court. There appears to be an avenue available before the PCR avenue.

Last, Petitioner wishes to proceed In Forma Pauperis, but, is not equipped with the proper papers to submit to this Court because Federal Prisons do not carry such.

Humbly & Respectfully,

1/s/ Victor E. Mason

Victor E. Mason #87818-071  
USP Lee County  
P.O. Box 305  
Jonesville, VA. 24263-0305

# CERTIFICATE OF SERVICE

I, Victor E. Mason hereby certify that I have served a true and correct copy of the following:

Correspondence to the Supreme Court  
Concerning Mistake in This Petitioner's  
Filing of Notices of Appeals in  
Case Nos. 2010-CP-38-1583 (Orangeburg County &  
2010-CP-40-07673 (Richland County)

RECEIVED

JUN 24 2013

S.C. SUPREME COURT

Which is deemed filed at the time it was delivered to prison authorities for forwarding to the court, Houston v Lack 101 L.Ed.2d 245 (1988), upon the court and parties to litigation and or his/her attorney(s) of record, by placing same in a sealed, postage prepaid envelope addressed to:

RICHLAND COUNTY	)	ORANGEBURG COUNTY	)	ASSISTANT ATTORNEY GENERAL,
Clerk of Court	)	Clerk of Court	)	Robert D. Corney &
P.O. Box 2766	)	P.O. Box 9000	)	Brian T. Petrano
Columbia, S.C. 29202	)	Orangeburg, S.C. 29115	)	P.O. Box 11549
				Columbia, S.C. 29211

and deposited same in the United States Postal Mail at the United States Penitentiary, Lee County, Virginia, on this: 17th day of: June 2013

Victor E. Mason

87877-071

P.O. Box 305  
Jonesville, VA 24263

STATE OF SOUTH CAROLINA )  
COUNTY OF ORANGEBURG )  
) )  
Victor E. Mason, #87817-071 )  
) )  
Applicant, )  
) )  
v. )  
) )  
State of South Carolina, )  
) )  
Respondent. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
FOR THE FIRST JUDICIAL CIRCUIT

Case No.: 2010-CP-38-1583

**RECEIVED**

JUN 24 2013  
**FINAL ORDER OF DISMISSAL**

**S.C. SUPREME COURT**

This matter comes before the Court pursuant to an application for post-conviction relief filed November 1, 2010. The State made its Return and Motion to Dismiss without Prejudice on July 8, 2011, requesting that the application be summarily dismissed for failure to state a cognizable claim. 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 without Prejudice dated September 8, 2011, provisionally denying and dismissing this action. This Court gave 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 November 8, 2011, serving the above-mentioned Conditional Order of Dismissal on the Applicant.

The Applicant responded to the Conditional Order of Dismissal by way of a document captioned "Response to -- The Court's Conditional Order of Dismissal..." filed December 1, 2011. In his response the Applicant alleges the following claims:

- "The Court does not address any of the issues responded to in 'Applicant's Reply to- 'Attorneys for the Respondents' Request for RETURN AND MOTION TO DISMISS' (Filed August 1, 2011);"
- "The Court contends that South Carolina's Code(s) (S.C. Code Ann.) and this Applicants claim that an "Uncounseled Guilty Plea" for the prior crimes hailing

out of this Court, which resulted in a violation of Fifth (5th), Fourteenth (14th) and Sixth (6th) Amendment rights to the Constitution, are one in the same claim;”

- “The Court merely reasserts its timeliness defense without considering the collateral consequence caused by the uncounseled priors, and refuses to acknowledge the underlying basis of the claim raised in the PCR petition and this Applicant’s ‘Reply to the RETURN AND MOTION TO DISMISS’;”
- “The Court continues to asset that this Applicant was represented by Marshall B. Williams, Esquire, for the prior offense, even though, this Applicant submitted in the PCR petition and the reply to the ‘RETURN AND MOTION TO DIMSS’ that Mr. Williams only represented the Applicant during the bond hearing, not the judicial stages of the proceedings;”
- “Furthermore, properly submitted documents were attached to the PCR petition and the reply to the ‘RETURN AND MOTION TO DISMISS’ showing that this Applicant was not represented by counsel at the judicial stages of the proceedings, and the surest way to contest the claim would be to counteract the proof submitted by those documents.”
- “The Applicant maintains the claims set forth in the PCR petition and the reply motion to the ‘RETURN AND MTOIN TO DIMSSS’ filed by the Court.”

The Court finds that the Applicant has shown no reason why these issues were not raised within the statute of limitations for filing a Post-Conviction Relief application pursuant to S.C. Code. § 17-27-45(a). S.C. Code Ann. §17-27-45(a) reads as follows:

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.

The South Carolina Supreme Court has held that 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). The Applicant pled guilty to the offense(s) he challenges in this Application on July 22, 1988. The Applicant was therefore required to file his application before July 23, 1989. This Application was filed on November 1, 2010, over two decades beyond the expiration of the statutory filing period. Accordingly, this Court finds no reason why the Conditional Order of Dismissal should not become final.

IT IS THEREFORE ORDERED that, for the reasons set forth in the Court's Conditional Order of Dismissal, the Application for Post-Conviction Relief is hereby denied and dismissed with prejudice.

This Court hereby advises the Applicant that 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. The 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 \_\_\_\_\_ day of \_\_\_\_\_, 2012.

---

DIANE S. GOODSTEIN  
Administrative Judge  
First Judicial Circuit

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

Attachment #2

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
Victor E. Mason, FCI #87817-071, )  
Applicant, )  
v. )  
State of South Carolina, )  
Respondent. )

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT

2010-CP-40-07673

FINAL ORDER

This matter comes before this Court by way of an application for post conviction relief (PCR) filed October 29, 2010. The Respondent made its Return and Motion to Dismiss on June 21, 2011, requesting that the Application be summarily dismissed as untimely filed and for failing to set forth any genuine issue of material fact for this Court to consider. Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Condition Order of Dismissal on January 17, 2013, provisionally denying and dismissing this action, while giving the Applicant thirty (30) days from the date of said Order in which to show why the dismissal should not become final.

Copied herein is the certified mail receipt confirming service on Applicant at the United States Penitentiary in Jonesville, Virginia, on February 5, 2013.

SUPREME COURT  
STATE OF SOUTH CAROLINA  
1231 Gervais Street  
Columbia, SC 29201

RECEIVED

JUN 24 2013

S.C. SUPREME COURT

Victor E. Mason  
#87817-071  
U.S.P. Lee County  
P.O. Box 305  
Jonesville, VA. 24263-0305

6-16-2013

RE: Case No(s): 2010-CP-38-1583 (Orangeburg County) &  
2010-CP-40-07673 (Richland County)

Dear, Clerk of Court (or Whomever This Concerns):

How are you? Enclosed, please find attached, Notices of Appeals that I have forwarded to the County of Orangeburg and the County of Richland concerning the abovementioned case numbers. (Attached Sheets)

I am an inmate in the federal penitentiary in Lee County (Jonesville, VA), and I do not have access to state law. Therefore, when both courts (Richland and Orangeburg counties) notified me in their "FINAL ORDER(s) OF DISMISSAL(s)" about filing Notices of Appeals within thirty (30) days of those Orders, I was not aware that those Notices of Appeals were supposed to be filed in this Supreme Court.

Although the "FINAL ORDER(s)" did notify me of Rule 203, SCACR, I had no way of knowing what that rule implied without having access to state law. Therefore, the procedure I followed was to send the Notices of Appeals to the Courts where the PCR petitions were filed; as is done in federal court {In federal court the Notice of Appeal is filed in the District Court, who then forwards everything to the Appeals Court}.

Hence, I respectfully ask this Court for the opportunity to appeal the abovementioned cases by reinstating the appellate process, or any relief deemed just and appropriate.

Please, respond as soon as possible.

Thank you.

Humbly & Respectfully,

/s/ Victor E. Mason

Victor E. Mason

#87817-071

**\*\* P.S.**

Please note that the attached Notices of Appeals are my own very copies of the ones submitted to Orangeburg County and Richland County. The Notices of Appeals sent to these Courts had the correct dates on them; although my copies (which are enclosed) do not show the correct dates. The Orangeburg County copy of the Notice of Appeal has an incorrect date, and the Richland County copy of the Notice of Appeal has no date.

**\*\* Attached Sheets\*\***  
**Notices of Appeals**  
**Richland & Orangeburg Counties**

**\*\* Attached Sheets\*\***  
**Notices of Appeals**  
**Richland & Orangeburg Counties**

**\*\* Attached Sheets\*\***  
**Notices of Appeals**  
**Richland & Orangeburg Counties**

CERTIFIED MAIL



7007 2680 0000 8293 1595



Quoniam Mason  
7817-071

United States Penitentiary, Lee Con  
Box 305  
Newmarket, VA 22463-0305

SUPREME COURT  
STATE OF SOUTH CAROLINA  
1231 Garveys St  
Columbia, S.C. 29201

