

2-21-12

Billy Lupo # 200494
Lee C-I - ASU 16 north
990 Wisacky Hwy
Bishopville SC 29010

Re: Billy J. Lupo

v.

South Carolina

Clerk,

Please find enclosed the pro se brief in the above
mentioned case

Respectfully

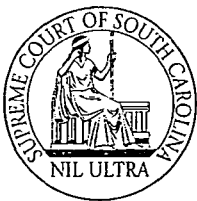
Billy Lupo

Billy Lupo #200494
Lee C-I- ASU 16 north
990 Wisacky Hwy
Bishopville SC 29010

AMS

The Supreme Court of South Carolina
P.O. Box 11330
Columbia SC 29211

LEGAL MAIL ONLY



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

January 18, 2012

Billy James Lupo #200494
Turbeville Correctional Inst.
P.O. Box 252
Turbeville, SC 29162

Re: Lupo, Billy James v. The State

Dear Mr. Lupo:

Your counsel has submitted a Petition for Writ of Certiorari indicating that this appeal is without merit and moves to be relieved as your counsel. Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988). The records of this Court reflect that counsel served you with a copy of the Petition & Appendix on January 17, 2012.

You may, within forty-five (45) days of the date of this letter, file with this Court a pro se response to the Petition filed by your counsel. In this response, you may raise and argue any issues you believe the Court should consider in this appeal. Upon receipt of your pro se response or the expiration of forty-five (45) days, the matter will be submitted to the Court for its consideration.

If you do decide to file a pro se response, the response must be either typewritten or legibly hand printed, and must have at least a one inch margin on all sides. Further, you will need to only submit one copy of your response, and this copy **should not** be stapled or bound in any manner.

Very truly yours,

Daniel E. Shearouse
33

CLERK

DES/jj

cc: Appellate Defender Dayne C. Phillips
Assistant Attorney General Suzanne H. White

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Fairfield County
J. Ernest Kinard, Circuit Court Judge

BILLY JAMES LUPO,

S.C. Supreme Court
PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE PETITION FOR WRIT OF
CERTIORARI AND APPENDIX

Counsel for Billy Lupo respectfully requests an extension of a **final** thirty (30) days in which to file the petition for writ of certiorari and appendix in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a third request for an extension. In support of this request, counsel shows:

1. The petition for writ of certiorari and appendix is due to be served and filed with the Court today, December 16, 2011.
2. Counsel for Mr. Lupo respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.
3. On December 16, 2011, counsel filed the petitions for writ of certiorari and appendices in Lillian A. Sims v. State and Charles Dominick v. State. On December 13, 2011 counsel filed the

ORIGINAL
RECEIVED

DEC 16 2011


(3)

petition for writ of certiorari and appendix in Fernando Saenz v. State. On November 29, 2011 counsel filed the petition for writ of certiorari and appendix in Dana Lockamy v. State. On November 17, 2011, counsel had an oral argument in the Court of Appeals in the case of Bradley Senter v. State. On November 15, 2011, counsel filed the petition for writ of certiorari and appendix in Carlos Hazel v. State. On November 7, 2011 counsel filed the petitions for writ of certiorari and appendices in Donald C. Brevard v. State and George Wigington v. State. On November 1, 2011 counsel had an oral argument at the Court of Appeals in the case of State v. Gerald Fripp.

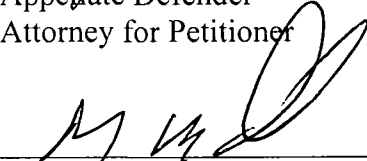
4. Counsel makes this request in good faith and not for purpose of delay.
5. As indicated by signature below, Suzanne White, of the South Carolina Attorney General's Office, does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final** thirty day extension, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

Respectfully submitted,



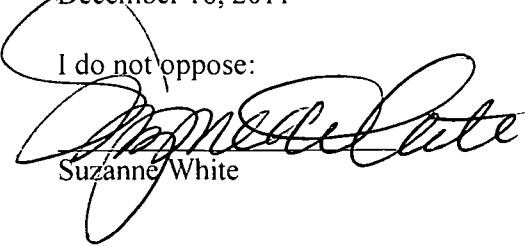
Dayne C. Phillips
Appellate Defender
Attorney for Petitioner



Robert M. Dudek
Chief Appellate Defender

December 16, 2011

I do not oppose:



Suzanne White

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NOV 16 2011

S.C. Supreme Court

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Fairfield County
J. Ernest Kinard, Circuit Court Judge

BILLY JAMES LUPO,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

MOTION FOR AN EXTENSION OF TIME
IN WHICH TO FILE THE PETITION FOR WRIT OF
CERTIORARI AND APPENDIX

Counsel for Billy James Lupo respectfully requests an extension of thirty (30) days in which to file the petition for writ of certiorari and appendix in this case. This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. This is a second request for an extension. In support of this request, counsel shows:


1. The petition for writ of certiorari and appendix is due to be served and filed with the Court today, November 16, 2011.
2. Counsel for Mr. Lupo respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.
3. On November 15, 2011, counsel filed the petition for writ of certiorari and appendix in Carlos Hazel v. State. On November 7, 2011 counsel filed the petitions for writ of certiorari and

appendices in Donald C. Brevard v. State and George Wigington v. State. On October 17, 2011 counsel filed the initial brief of appellant and designation of matter in State v. James Tinsley in the Court of Appeals today, October 17, 2011. On October 12, 2011, counsel filed the initial brief of appellant and designation of matter in the case of State v. Joseph Paugh in the Court of Appeals and the petition for writ of certiorari and appendix in the case of Kevin Mellette v. State in this Court. On October 3, 2011, counsel had an oral argument in the case of Cookie Medlock v. State in the Court of Appeals.

4. Counsel makes this request in good faith and not for purpose of delay.
5. Counsel for the Attorney General's office has been informed of this request.

WHEREFORE, the undersigned counsel would respectfully request a thirty day extension, in which to file the petition for writ of certiorari and appendix in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the petition be held in abeyance pending a ruling on this motion.

Respectfully submitted,


Dayne C. Phillips
Appellate Defender

Attorney for Petitioner

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Fairfield County
J. Ernest Kinard, Circuit Court Judge

BILLY JAMES LUPO,

PETITIONER,

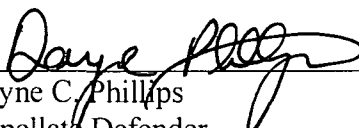
V.

STATE OF SOUTH CAROLINA,

RESPONDENT

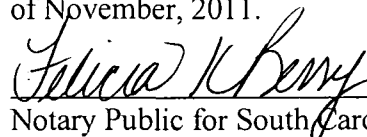
CERTIFICATE OF SERVICE

I certify that a true copy of the motion for an extension of time in which to file the petition for writ of certiorari and appendix in the above case has been served upon Suzanne White, Esquire, this 16th day of November, 2011.


Dayne C. Phillips
Appellate Defender

ATTORNEY FOR PETITIONER

SWORN TO BEFORE ME this 16th day
of November, 2011.


(L.S.)
Notary Public for South Carolina

My Commission Expires: June 21, 2020.



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

October 17, 2011

RECEIVED

OCT 17 2011

S.C. Supreme Court

The Honorable Daniel E. Shearouse
Clerk of Court, S.C. Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

(1)

Re: Billy James Lupo v. The State

Dear Mr. Shearouse:

The petition for writ of certiorari and appendix in this case are due to be served and filed with the Court October 17, 2011. However, because of my heavy workload at this time, I am requesting an extension for 30 days, in which to serve and file the petition.

By copy of this letter, I am informing Suanne H. White, of the Attorney General's Office, of my request.

Sincerely,

Dayne C. Phillips
Appellate Defender

DCP/pds

cc: Suzanne H. White, Esquire



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332

Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1343
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

August 18, 2011

RECEIVED

AUG 18 2011

The Honorable Daniel E. Shearouse
Clerk, S.C. Supreme Court
Post Office Box 11330
Columbia, SC 29211

S.C. Supreme Court

Dear Mr. Shearouse:

The following case falls under the 60 day rule for appeals, and the date we received the transcript is listed to the side.

Billy James Lupo v. State of South Carolina

8/18/2011

I would appreciate you beginning our time limits from the above date, and if you need additional information, or have any questions please contact me.

Thank you for your assistance in this matter.

Sincerely,

Sharon A. Graham
Administrative Coordinator



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

June 28, 2011

RECEIVED

JUN 28 2011

S.C. Supreme Court

Ms. Rema Gantt Thomas
Circuit Court Reporter
806 Yacht Club Pointe
Chapin, SC 29036-9998

Dear Ms. Thomas:

Please provide us with the following transcript:

Billy James Lupo v. State of South Carolina Case #: 10-CP-20-00150

County: Fairfield Date of Trial: February 22, 2011

Presiding Judge: J. Ernest Kinard, Jr.

To ensure prompt payment, please sign and complete the enclosed CID FORM 3500 and include the original criminal case number (Indictment number) where the space is provided.

Please number the lines on the paper from 1-25, and include any and all recorded motions, pre and post-trial. Additionally, please transcribe the jury selection, and the State and defense counsel's opening and closing arguments.

If you are aware of any co-defendants or if the Attorney General's Office has already requested a transcript, please let us know.

Sincerely,

Sharon A. Graham
Administrative Coordinator

cc: S.C. Supreme Court
Attorney General's Office

STATE OF SOUTH CAROLINA)
COUNTY OF FAIRFIELD)

STATE OF SOUTH CAROLINA
(IN THE SUPREME COURT)

STATE OF SOUTH CAROLINA)
Respondent,)
vs.)
BILLY J. LUPO)
Appellant.)
_____)

PROOF OF SERVICE
OF A NOTICE OF APPEAL
CASE NO: 2010-CP-20-00150

I, Delloris Ackerman-Hill, Paralegal to James J. Leventis, Esquire do certify that I have served the Notice of Appeal on Billy J. Lupo by depositing a copy of it in the United States Mail, postage prepaid on May 02, 2011 to Suzanne H. White, Assistant Attorney General at Post Office Box 11549 Columbia, South Carolina 29211.

June 02, 2011

Delloris Ackerman-Hill, for
James J. Leventis
James J. Leventis
1913 Bull Street
Columbia, SC 29201
(803) 765-2383
Attorney for Appellant

RECEIVED

JUN 06 2011

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA)
COUNTY OF FAIRFIELD)

IN THE COURT OF APPEALS
(IN THE SUPREME COURT)

STATE OF SOUTH CAROLINA)
Respondent,)
vs.)
BILLY W. LUPO)
Appellant.)

PROOF OF SERVICE
OF A NOTICE OF APPEAL
CASE NO: 2010-CP-20-00150

I, Delloris Ackerman-Hill, Paralegal to James J. Leventis, Esquire do certify that I have served the Notice of Appeal on Billy W. Lupo by depositing a copy of it in the United States Mail, postage prepaid on May 02, 2011 to Daniel E. Shearhouse, Clerk of Court for the Supreme Court of South Carolina at Post Office Box 11330 Columbia, South Carolina 29211.

June 02, 2011

James J. Leventis
1913 Bull Street
Columbia, SC 29201
(803) 765-2383
Attorney for Appellant



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

May 18, 2011

James C. Leventis, Esquire
Rogers Townsend & Thomas, PC
P.O. Box 100200
Columbia, SC 29202-3200

Re: Lupo, Billy James v. The State

Dear Mr. Leventis:

This responds to your letter dated May 2, 2011. Although you indicate that a proof of service is enclosed with your letter, you have not provided a proof of service showing that a copy of the notice of appeal was timely served on counsel for the respondent. If this proof of service is not provided within ten (10) days of the date of this letter, this matter will be dismissed.

Very truly yours,



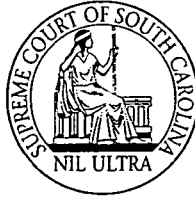
CLERK

cc: Mr. Billy James Lupo #200494
Assistant Attorney General Suzanne H. White

RECEIVED

MAY 23 2011

S.C. SUPREME COURT



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

May 18, 2011

James C. Leventis, Esquire
Rogers Townsend & Thomas, PC
P.O. Box 100200
Columbia, SC 29202-3200

Re: Lupo, Billy James v. The State

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Very truly yours,


CLERK

cc: Mr. Billy James Lupo #200494
Assistant Attorney General Suzanne H. White

*Dan -
This is all Mr.
Leventis sent.
Still no proof
of service.
TL
D*

LEVENTIS & RANSOM

ATTORNEYS AT LAW

Post Office Box 11067
Columbia, South Carolina 29211

1913 Bull Street
Columbia, South Carolina 29201

Telephone (803) 765-2383
Facsimile (803) 799-1612 (fax)

James J. Leventis
jjleventis@aol.com

Robert B. Ransom
bertcone@aol.com

May 02, 2011

The Supreme Court of South Carolina
Attn: Daniel E. Shearouse, Clerk of Court
PO Box 11330
Columbia, SC 29211

RE: Lupo vs. State, 2010-CP-20-00150

Dear Mr. Shearouse:

I am in receipt of a letter from your office dated April 29, 2011, which was addressed to Mr. Lupo requesting the following documents:

- Copy of Proof of Service; and
- Copy of Final Order of Dismissal

Please find enclosed copies of the above documents and please do not hesitate to contact me if I can be of further assistance in this matter.

RECEIVED
MAY 05 2011
S.C. SUPREME COURT

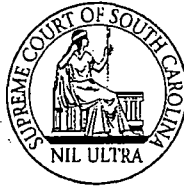
Sincerely,



JAMES J. LEVENTIS
ATTORNEY AT LAW

Delores
cc: Mr. Billy Lupo

Encl/
JJL/dah



COPY

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

April 29, 2011

Mr. Billy Lupo, #200494.
Turbeville Correctional Institution
P.O. Box 252
Turbeville, SC 29162

RE: Lupo v. State, 2010-CP-20-00150

Dear Mr. Lupo:

This responds to your notice of appeal dated April 20, 2011. You will need to provide this Court with the following:

- (1) A proof of service showing that the notice of appeal has been timely served on counsel for the respondent; and
- (2) A copy of the final order of dismissal issued in this matter.

If these documents are not provided within ten (10) days of the date of this letter, this matter will be dismissed.

By copy of this letter, I am reminding Jim Leventis, Esquire, that he remains your counsel of record before this Court. Rule 71.1(g), SCRCP; Rule 264, SCACR.

Sincerely,

Daniel E. Shearouse

cc: Jim J. Leventis, Esquire
Office of the Attorney General

RECEIVED

MAY 05 2011

S.C. SUPREME COURT

Mr. Jim Leventis,

4-6-11

COPIES

I received the order of dismissal on my

P.C.R. Case no 2010-CP-20-0150 & in it states that the court advises me to file & serve notice of appeal & would also like P.C.R. counsel & this is my notice of appeal. I would appreciate it if you would see this matter through for me. I've also sent this same letter to the Fairfield County Clerk of Court to notify them. I would also like transcripts from my P.C.R. hearing. Thank you for your time & consideration.

Sincerely

Billy J. Lupo

cc: B. Lupo

Dear Mr Jim Leventis,

3-21-11

COPY

I wrote the Clerk of Court in Lancaster County, Jeff Hammond, advising them that I wish to appeal the decision of my P.C.R. He responded back & told me that I should notify you. This is my decision of what I want to do & I also want a copy or transcript of my P.C.R. hearing.

Sincerely,

Billy Lupo

cc: B. Lupo

COPY

STATE OF SOUTH CAROLINA

COUNTY OF FAIRFIELD

Billy James Lupo, #200494,

Applicant,

v.

State of South Carolina,

Respondent.

2011 MAR 30) A 10: 35
FAIRFIELD COUNTY
CLERK OF COURT
BETTY JO BECKHAM

IN THE COURT OF COMMON PLEAS
SIXTH JUDICIAL CIRCUIT

2010-CP-20-0150

ORDER OF DISMISSAL

This matter comes before the Court by way of an Application for Post-Conviction Relief filed March 25, 2010. The Respondent made its Return on or about December 16, 2010. An evidentiary hearing into the matter was convened on February 22, 2011, at the Lancaster County Family Court Facility. At the hearing, the Applicant was present and was represented by Jim J. Leventis, Esquire. Suzanne H. White, Esquire, of the South Carolina Attorney General's Office, represented the Respondent.

At the hearing, the Applicant testified on his own behalf. This Court also had before it a copy of the transcript of the Applicant's guilty plea, the records of the Fairfield County Clerk of Court, Applicant's appellate records, and the Applicant's records from the South Carolina Department of Corrections.

PROCEDURAL HISTORY

The Applicant is incarcerated with the South Carolina Department of Corrections pursuant to the Fairfield County Clerk of Court's orders of commitment. Applicant was indicted by the Fairfield County Grand Jury at the May 2007 term of General Sessions for assault and battery of a high and

aggravated nature (07-GS-20-0289). The Applicant appeared *pro se*. On April 29, 2008, a jury convicted the Applicant of this charge. The Honorable Brooks P. Goldsmith sentenced the Applicant to confinement for seven years.

Applicant filed a timely notice of appeal. An Anders brief was submitted on Applicant's behalf. The South Carolina Court of Appeals dismissed Applicant's appeal by written Order. State v. Lupo, Un. Pub. Op. 2010-UP-021 (filed January 25, 2010). The Remittitur was returned on February 10, 2010.

In his current Application, the Applicant alleges that he is being held in custody unlawfully for the following reasons:

1. Ineffective assistance of counsel, in that;
 - a. "Allowed me to represent myself while heavily medicated,"
 - b. "I didn't know anything about the law,"
 - c. "There was a plea offer of 30 months and if I would not have been so sedated I would have taken it,"
2. Ineffective assistance of appellate counsel; and
3. U.S. and S.C. constitutional violations.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the record in its entirety and has heard the testimony at the post conviction relief hearing. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility and weigh their testimony accordingly. Set forth below are the relevant findings of facts and conclusions of law as required pursuant to S.C. Code Ann. §17-27-80 (2003).

Ineffective Assistance of Counsel – Right to Counsel

The Applicant alleges that he was under the influence of drugs and should not have been allowed to represent himself at his trial. This Court finds that this allegation appears to be directly

refuted by the record. In order for an uncounseled conviction to be sustained, the record must show a knowing and intelligent waiver of counsel. A defendant may waive his right to counsel, and courts must entertain every reasonable presumption against waiver. United State v. Johnson, 659 F.2d 415 (4th Cir. 1981). There is no particular form of interrogation required by the courts. United v. King, 582 F.2d 888 (4th Cir. 1978). A specific inquiry by the trial judge expressly addressing the disadvantages of a *pro se* defense is preferred; however, the paramount consideration is not the trial judge's advice to the accused but the accused's understanding. Bridwell v. State, 306 S.C. 518, 413 S.E.2d 30 (1992). In the absence of the preferred inquiry courts will look to the record to determine if the accused had sufficient background to understand the disadvantages of self-representation or was apprised of his rights by some other source. Id.; State v. Cash, 309 S.C. 40, 419 S.E.2d 811 (Ct. App. 1992). Furthermore, a defendant who elects to represent himself cannot thereafter complain that the quality of his own defense amounted to a denial of "effective assistance of counsel." Id. at 581.

The Applicant testified that he went to court while represented by counsel and turned down a plea offer for thirty months, but sought a continuance because he wanted to relieve counsel and proceed *pro se*. Applicant testified that he informed the court that he had represented himself before on at least fourteen previous magistrate court cases and that he believed he could tell his side of the story better than counsel. This Court, after reviewing the record and testimony presented, finds that it is clear that the Applicant knowingly and voluntarily waived his right to counsel for this trial. Not only did the lower court carefully examine Applicant as to his age, education level, previous experience with criminal trials, and knowledge of the charges and potential penalties, but stand by counsel was also provided. State v. Cash, 309 S.C. 40, 419 S.E.2d 811 (Ct. App. 1992). The

Applicant understood court procedures enough to move for a continuance, issue subpoenas, and cross-examine witnesses. The record also reflects that this issue was raised and ruled upon by the South Carolina Court of Appeals, who dismissed Applicant's appeal. This Court finds that the record clearly refutes Applicant's allegations that he did not knowingly and voluntarily waive his right to counsel. Therefore, this allegation is denied.

Ineffective Assistance of Appellate Counsel

Regarding Applicant's allegation that appellate counsel was ineffective, this Court finds that the Applicant has failed to present any testimony or evidence in support of the allegation. Therefore, this claim is denied and dismissed.

Constitutional Violations

Regarding Applicant's allegation of constitutional violations, this Court finds that the Applicant has failed to present any testimony or evidence in support of the allegation. Therefore, this claim is denied and dismissed.

CONCLUSION

Based on all the foregoing, this Court finds and concludes that the Applicant has not established any constitutional violations or deprivations that would require this court to grant his application. Therefore, this application for post conviction relief must be denied and dismissed with prejudice.

This Court advises Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453 (1991), an Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR.



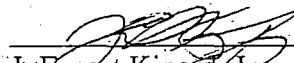
Rule 71.1(g), SCRCP, provides that if the applicant wishes to seek appellate review, PCR counsel must serve and file a Notice of Appeal on the Applicant's behalf. Your attention is directed to South Carolina Appellate Court Rule 243¹ for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief must be denied and dismissed with prejudice; and
2. The Applicant must be remanded to the custody of the Respondent.

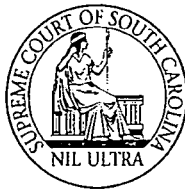
AND IT IS SO ORDERED this 29 day of March, 2011.

Combs, South Carolina



 J. Ernest Kinard, Jr.
 Presiding Circuit Court Judge

¹ Formerly Rule 227, SCACR. Rules 224 through 230, SCACR, were renumbered as Rules 240 through 246, SCACR, by order of the South Carolina Supreme Court dated April 29, 2009.



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

April 29, 2011

Mr. Billy Lupo, #200494
Turbeville Correctional Institution
P.O. Box 252
Turbeville, SC 29162

RE: Lupo v. State, 2010-CP-20-00150

Dear Mr. Lupo:

This responds to your notice of appeal dated April 20, 2011. You will need to provide this Court with the following:

- (1) A proof of service showing that the notice of appeal has been timely served on counsel for the respondent; and
- (2) A copy of the final order of dismissal issued in this matter.

If these documents are not provided within ten (10) days of the date of this letter, this matter will be dismissed.

By copy of this letter, I am reminding Jim Leventis, Esquire, that he remains your counsel of record before this Court. Rule 71.1(g), SCRCP; Rule 264, SCACR.

Sincerely,

Daniel E. Shearouse

cc: Jim J. Leventis, Esquire
Office of the Attorney General

4-20-11

To Whom it may concern,

I received the order of dismissal on my P.C.R. Case number 2010-CR 20-0150 & in it states that the court advises me to file & serve notice of appeal & would also like P.C.R. counsel & this is my notice of appeal. I would appreciate it if you would see this matter through for me. Thank you for your time & consideration.

Sincerely

Billy Lupo

P.S. I would also like my transcripts from my P.C.R. hearing

~~S.C.~~
~~NOA?~~

CPG - UP

PCA

APR 26 2011

S.C. Supreme Court

Billy Lupo # 200494
Turbeville C.I. SMU-149
P.O. Box 252
Turbeville SC 29162



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