

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

APR - 6 2012

Certiorari to Aiken County

James R. Barber, III, Circuit Court Judge

S.C. Supreme Court

ALBERT ROMERO LOPEZ,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT

(3)

**PETITION FOR EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI
AND APPENDIX**

The undersigned counsel would respectfully request a **final thirty-day extension, until May 7, 2012**, in which to file the petition for writ of certiorari and appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

1. The petition for writ of certiorari and appendix in this case are due to be served and filed today, having been extended by two prior orders of this Court.
2. Counsel is preparing for an oral argument in the case of State v. Kevin J. Williams, Sr. in the Court of Appeals on April 10, 2012. Counsel filed the petition for rehearing in the case of State v. Lewis D. Williams in the Court of Appeals on March 30, 2012. Counsel had an oral argument in the case of Brian Gebhard v. State in the Court of

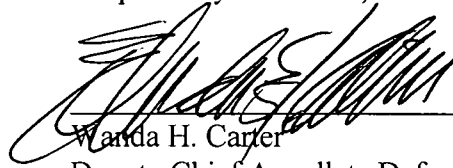
Appeals on March 29, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Lenson Clyburn, Jr. v. State in the Supreme Court on March 26, 2012. Counsel filed petitions for writ of certiorari and accompanying appendices in the cases of Glenn Pernel v. State, Sylvester Toomer v. State and William Gladney Harden v. State in the Supreme Court on March 23, 2012. Counsel had an oral argument in the case of State v. Lewis Williams in the Court of Appeals on March 12, 2012. In February 2012, Counsel had oral arguments in the cases of State v. Otis Lamar Bland and State v. James Babb in the Court of Appeals, as well as an oral argument in the case of Benjamin Green v. State in the Supreme Court. Additionally in February, 2012, Counsel filed the petitions for writ of certiorari and accompanying appendices in the cases of Sherinette Wannamaker v. State, Henry Belton v. State, Tony Drayton v. State, William Hickman v. State and John E. Prigmore v. State. Counsel filed the initial brief of appellant and designation of matter in the case of State v. Lawrence Brown in the Court of Appeals in February, 2012 as well.

3. This request is made in good faith, and not for purposes of delay. Counsel is striving to limit the number of extensions requested. Counsel is attempting to complete the cases with the most number of extensions first.

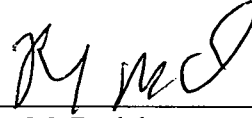
4. As indicated by her consent below, counsel for the state graciously consents to or does not oppose this request.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty-day extension, until May 7, 2012**, in which to file the petition for writ of certiorari and appendix in this case. Counsel requests that the time limits for filing the petition for writ of certiorari be held in abeyance pending a ruling on this motion.

Respectfully submitted,



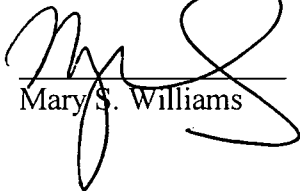
Wanda H. Carter
Deputy Chief Appellate Defender



Robert M. Dudek
Chief Appellate Defender

April 6, 2012

I DO NOT OPPOSE:



Mary S. Williams

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Aiken County

James R. Barber, III, Circuit Court Judge

RECEIVED
MAR 7 2012
S.C. Supreme Court

ALBERT ROMERO LOPEZ,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

**PETITION FOR EXTENSION TO FILE
PETITION FOR WRIT OF CERTIORARI
AND APPENDIX**

(2)

The undersigned counsel would respectfully request a thirty-day extension in which to file the petition for writ of certiorari and appendix in the above-referenced case. In support of this motion, counsel would respectfully show the Court the following exigent circumstances:

1. The petition for writ of certiorari and appendix in this case are due to be served and filed today, having been extended by one prior order of this Court.

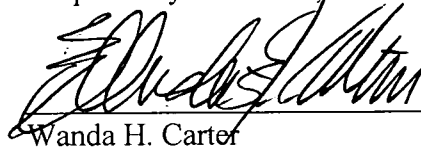
2. Counsel has an oral argument in the case of State v. Lewis Williams in the Court of Appeals on March 12, 2012. Counsel had an oral argument in the case of State v. Otis Lamar Bland in the Court of Appeals on February 29, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Sherinette

Wannamaker v. State in the Supreme Court, and the initial brief of appellant and designation of matter in the case of State v. Lawrence Brown in the Court of Appeals on February 27, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of Henry Belton v. State in the Supreme Court on February 24, 2012. Counsel is preparing for an oral argument in the case of Benjamin Green v. State in the Supreme Court on Thursday, February 23, 2012. Counsel filed the petitions for writ of certiorari and accompanying appendices in the cases of Tony Drayton v. State and William Hickman v. State with the Supreme Court on February 16, 2012. Counsel had an oral argument in the case of State v. James Babb in the Court of Appeals on February 14, 2012. Counsel filed the petition for writ of certiorari and accompanying appendix in the case of John E. Prigmore v. State with the Supreme Court on February 6, 2012. In January, 2012, Counsel filed the petitions for writ of certiorari and accompanying appendices in the cases of James Blanding v. State, Trenton Bennett v. State, Bobby Gibson v. State and Jorge Rodriguez v. State.

3. This request is made in good faith, and not for purposes of delay.

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. Counsel requests that the time limits for filing the petition for writ of certiorari be held in abeyance pending a ruling on this motion.

Respectfully submitted,



Wanda H. Carter
Deputy Chief Appellate Defender

March 7, 2012

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Aiken County

James R. Barber, III, Circuit Court Judge

RECEIVED
MAR 7 2012
S.C. Supreme Court

ALBERT ROMERO LOPEZ,

PETITIONER,

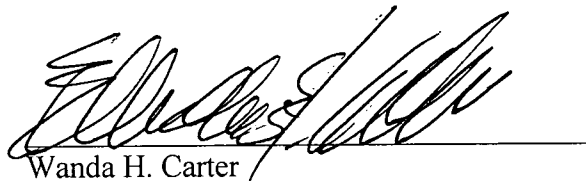
V.

STATE OF SOUTH CAROLINA,

RESPONDENT

CERTIFICATE OF SERVICE

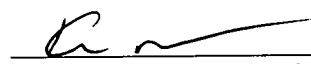
The undersigned attorney hereby certifies the petition in which to file the petition for writ of certiorari and appendix in the above referenced case has been served upon Mary S. Williams, Esquire, Assistant General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Rm. 519, Columbia, SC 29201, this 7th day of March, 2012.



Wanda H. Carter
Deputy Chief Appellate Defender

ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me
this 7th day of March, 2012.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: October 2, 2013 .

The Supreme Court of South Carolina

Albert Romero Lopez, Petitioner,

v.

State of South Carolina, Respondent.

The Honorable James R. Barber
Aiken County
Trial Court Case No. 2010-CP-02-00917

ORDER

The request for an extension until March 7, 2012 to serve and file the Petition for Writ of Certiorari and Appendix is granted. Pursuant to this Court's order dated March 18, 2009, any further extension request must be based on a showing of good cause.

IT IS SO ORDERED.

JEAN H. TOAL, CHIEF JUSTICE

BY *Deanda J. Shealy*
Clerk

Columbia, South Carolina *Chief Deputy*

February 8, 2012

cc: Deputy Chief Appellate Defender Wanda H. Carter
Assistant Attorney General Mary S. Williams



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

February 6, 2012

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FEB 06 2012

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

(1)

S.C. Supreme Court

Re: Albert Romero Lopez v. State of South Carolina

Dear Mr. Shearouse:

The petition for writ of certiorari and appendix in the above-referenced case are due to be served and filed today. Because of my present workload, I respectfully request a thirty-day extension of this deadline. No prior extensions have been requested in this case.

By copy of this letter, I am informing Mary S. Williams, Esquire, of the Office of the Attorney General, of this extension request.

Thanking you for your cooperation and assistance in this matter.

Sincerely,

Wanda H. Carter
Deputy Chief Appellate Defender

WHC/kam

cc: Mary S. Williams



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

December 8, 2011

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

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DEC - 8 2011

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.

Albert Romero Lopez v. State of South Carolina

12/8/2011

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

The South Carolina Court of Appeals

Albert Romero Lopez, #333724,

Appellant,

v.

State of South Carolina,

Respondent.

RECEIVED

OCT - 5 2011

The Honorable James R. Barber

Aiken County

Trial Court Case No. 2010-CP-02-00917

S.C. Supreme Court

ORDER

The appeal in the above captioned matter is transferred to the South Carolina Supreme Court under the filing provisions of Rule 243 of the South Carolina Appellate Court Rules.

IT IS SO ORDERED.

JOHN CANNON FEW, CHIEF JUDGE
For The Court

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc: Paige E. Tiffany, Esq.
Chief Appellate Defender Robert M. Dudek
Assistant Attorney General Robert D. Corney
The Honorable Daniel Shearouse

FILED
10/4/11

LAW OFFICES OF TOM YOUNG, JR., PC

TOM YOUNG, JR.
PAIGE TIFFANY, LLC



POST OFFICE BOX 651
409 PARK AVENUE SW
AIKEN, SC 29802
OFFICE: (803) 649-0000
FAX: (803) 649-7005

WWW.TOMYOUNGLAW.COM

September 27, 2011

RECEIVED

OCT - 5 2011

The Honorable Tanya A. Gee
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

S.C. Supreme Court

RE: Albert Romero Lopez #333724, Appellant v. State of South Carolina, Respondent.
Case No. 2010-CP-02-0917

Dear Ms. Gee:

Enclosed for filing is a Notice of Appeal in the above case along with our Proof of Service on the Respondent and a copy of the Order to be challenged on appeal. The filing fee of \$100.00 is not enclosed pursuant to Rule 240(d), SCACR.

Sincerely,

A handwritten signature in black ink, appearing to read "Paige E. Tiffany", written over a large, loopy scribble.

Paige E. Tiffany

cc: Robert D. Corney
South Carolina Attorney General's Office
P.O. Box 11549
Columbia, South Carolina 29211

Albert Romero Lopez

RECEIVED
SEP 28 2011
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

James R. Barber, III, Circuit Court Judge

Case No. 2010-CP-02-0917

Albert Romero Lopez #333724

Appellant,

v.

State of South Carolina

Respondent.

RECEIVED

OCT - 5 2011

S.C. Supreme Court

NOTICE OF APPEAL

Albert Romero Lopez appeals the Order of Dismissal of the Honorable James R. Barber, III dated August 31, 2011. Appellant received written notice of entry of this Order on September 7, 2011.

September 27, 2011



Paige E. Tiffany
Post Office Box 651
Aiken, South Carolina 29802
(803) 649-0000
Attorney for Appellant

Other Counsel of Record:
Robert D. Corney, Assistant Attorney General
South Carolina Attorney General's Office
P.O. Box 11549
Columbia, S.C. 2921
(803)734-3970

RECEIVED

SEP 28 2011

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

James R. Barber, III, Circuit Court Judge

Case No. 2010-CP-02-0917

Albert Romero Lopez #333724

Appellant,

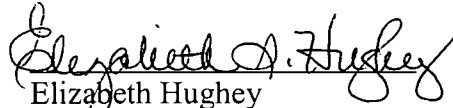
v.

State of South Carolina

Respondent.

PROOF OF SERVICE

I, an employee to Law Offices of Tom Young, Jr., PC, certify that I have served the Notice of Appeal on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on September 27, 2011, addressed to its attorney of record, Robert D. Corney, Assistant Attorney General, Post Office Box 11549, Columbia, South Carolina, 29211.


Elizabeth Hughey
Paralegal to Paige E. Tiffany

September 27, 2011

RECEIVED
SEP 28 2011
SC Court of Appeals

RECEIVED

OCT - 5 2011

S.C. Supreme Court

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

IN THE COURT OF COMMON PLEAS
FOR THE SECOND JUDICIAL CIRCUIT

2010-CP-02-0917

Albert Romero Lopez # 333724,)
Applicant,)

v.)

State of South Carolina,)
Respondent.)

ORDER OF DISMISSAL

FILED 31 August 20 11
Liz Hardard
C.C.P. & C.S.
3:00 Angel Miles am
pm Deputy Clerk

PROCEDURAL HISTORY

This matter comes before the Court by way of an Application for Post-Conviction Relief filed April 22, 2010. The Respondent made its Return on August 10, 2010. An evidentiary hearing into the matter was convened on Tuesday, July 12, 2011, at the Aiken County Courthouse. The Applicant was present at the hearing and was represented by Paige Tiffany, Esquire. The Respondent was represented by Robert D. Corney of the South Carolina Attorney General's Office.

At the hearing, the Applicant testified on his own behalf. Also testifying was Applicant's trial counsel, Everett Chandler, Esquire ("counsel"). Louis Navarro, Esquire, of the Aiken County Solicitor's office was present as a sworn, court certified translator for Applicant. This Court also had before it a copy of the transcript of the proceedings against the Applicant, the records of the Aiken County Clerk of Court, the Applicant's records from the South Carolina Department of Corrections.

The records before this Court indicate that the Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Aiken

RECEIVED

SEP 28 2011

SC Court of Appeals

County Clerk of Court. The Applicant was indicted at the July 2006 term of the Aiken County Grand Jury for Kidnapping (2006-GS-02-1166), Resisting Arrest with a Deadly Weapon (2006-GS-02-1167), Possession of Firearm or Knife during Commission of or Attempt to Commit a Violent Crime (2006-GS-02-1168), Assault and Battery with Intent to Kill ("ABWIK") (2006-GS-02-1169), and Kidnapping (2006-GS-02-1170). Everett K. Chandler, Esquire, represented him on the charges. On March 12, 2009, Applicant pled guilty as indicted. The Honorable Thomas A. Russo sentenced him to thirty (30) years for each count of Kidnapping (concurrent); ten (10) years confinement for resisting arrest with a deadly weapon (consecutive to Kidnapping, 2006-GS-02-1166); five (5) years confinement for Possession of Firearm or Knife during Commission of or Attempt to Commit a Violent Crime (concurrent); and twenty (20) years confinement for ABWIK (concurrent).

A Motion to Reconsider and to Reduce or Alter Sentence was filed on Applicant's behalf. By an order filed February 22, 2010, Judge Russo denied the motion.

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

1. Ineffective assistance of counsel.
 - a. "Counsel was ineffective by failing to put the Court on notice that prosecuting attorney/ Strom Thurmond, Jr., had involvement with applicant's case when he was a practicing defense attorney and then later assigned and prosecuted applicant's case as prosecuting attorney. ..."
 - b. "Trial counsel was ineffective by promising applicant three (3) years and once applicant entered his plea of guilty, he was sentenced to forty (40) years. ..."
 - c. "Trial counsel was ineffective by failing to object to applicant being sentenced consecutively where offenses were so closely connected in time that under S.C. Law shall be treated as one offense. ..."
 - d. "Trial counsel was ineffective by failing to request that applicant be sentenced under the Youthful Offender Act of South Carolina. ..."

- e. "Counsel was ineffective by failing to provide applicant with translator or interpreter whereas applicant was Hispanic Mexican origin and understood very little and limited English."

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 (1985).

In a post-conviction relief action, the Applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRCP; Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 286 S.C. 441, 334 S.E.2d 813 (1985).

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. Courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Butler, 286 S.C. 441, 334 S.E.2d 813 (1985). The Applicant must overcome this presumption to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. First, the Applicant must prove that counsel's performance was deficient. Under this

prong, attorney performance is measured by its "reasonableness under professional norms." Cherry, 300 S.C. at 117, 385 S.E.2d at 625 (citing Strickland). Second, counsel's deficient performance must have prejudiced the Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625.

With respect to guilty plea counsel, the Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pled guilty and would have insisted on going to trial. Hill v. Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed. 2d 203 (1985). In PCR cases, a defendant asserting a constitutional violation must frame the issue as one of ineffective assistance of counsel. Al-Shabazz v. State, 338 S.C. 354, 527 S.E.2d 742 (1999). A defendant who pleads guilty on the advice of counsel may collaterally attack the plea only by showing that (1) counsel was ineffective and (2) there is a reasonable probability that but for counsel's errors, the defendant would not have pled guilty and would have insisted on going to trial. Roscoe v. State, 345 S.C. 16, 546 S.E.2d 417 (2001). A defendant alleging that his guilty plea was induced by ineffective assistance of counsel must prove that counsel's advice was not "within the competence demanded of attorneys in criminal cases." Hill v. Lockhart, 474 U.S. 52, 56, 106 S. Ct. 366, 369 (1985). A guilty plea is a solemn, judicial admission of the truth of the charges against the defendant. Statements made during the plea should be considered conclusive unless the defendant presents reasons why he should be allowed to depart from the truth of those statements. Crawford v. U.S., 519 F.2d 347 (4th Cir. 1975); Edmonds v. Lewis, 546 F.2d 566 (4th Cir. 1976).

Ineffective Assistance of Counsel

At the PCR hearing, Applicant waived the allegations set forth in his application and pursued only the claim that counsel was ineffective for not having a translator present at his meetings with Applicant, as Applicant is a native Spanish speaker. Applicant started by testifying that he was born in Mexico, but moved to the United States at the age of fifteen, roughly twelve years before this hearing. He stated at the time of his arrest in 2006, he spoke and understood very little English. Applicant went on to testify he met with counsel four or five times leading up to the plea hearing, but counsel only brought an interpreter to their first meeting. Applicant testified that during those meetings, he did not recall whether counsel advised him of his constitutional rights. Applicant went on to say, based on his discussions with counsel, he knew he was facing up to ninety years in jail, but thought he would get either deported to Mexico or a ten year jail sentence. Applicant testified that the entire plea hearing was translated in Spanish to him, but he did not understand the concepts relayed to him; however, because he thought he was receiving a ten year sentence, he did not ask any questions or tell anyone he didn't understand the plea.

Louis Navarro, the certified court interpreter both at the PCR hearing and at Applicant's plea hearing was called to testify by the Applicant as well. Navarro started by explaining his duties as a court interpreter. Navarro went on to say he was unable to meet with Applicant prior to the plea hearing, but that at no point during the plea did Applicant bring to Navarro's attention that he couldn't understand something that was said by either attorney or the judge.

Counsel then testified stating that he did not see any need for an interpreter after his meetings with Applicant. Counsel stated that during his initial two or more meetings with Applicant, he brought along his office assistant who was fluent in Spanish to translate. After his

assistant left her position with counsel's firm, counsel met with Applicant without a translator present. Counsel went on to say that based on those meetings, he had no doubt that Applicant spoke and understood English very well, and that Applicant was able to fully understand their conversations about the pending charges based on Applicant's responses to the conversations. Counsel went on to say that Applicant called his office several times during which he spoke fluent English to his office staff as well. Additionally, counsel testified that Applicant was part of a discussion with several English speaking people in which he discussed potential restitution payments for the crimes as part of his sentence. Counsel recalled he spoke with Applicant about his constitutional rights, the charges and all potential sentences he was facing including deportation, all of which he was sure Applicant fully understood. Counsel stated that he felt no need for an interpreter to be present at the plea hearing, but the State requested Mr. Navarro interpret simply out of an abundance of caution. Finally, counsel testified that it was ultimately Applicant's decision to enter the plea.

This Court finds Counsel's testimony to be credible and persuasive into the issue of whether Applicant actually understood the conversations and concepts that he discussed with counsel during the course of counsel's representation. Conversely, I find Applicant's testimony to not be credible. Counsel advised Applicant of all relevant issues regarding the charges he was facing, including his constitutional rights, the facts giving rise to the charges and the potential sentences he was facing including deportation, and the Applicant understood those discussions. Additionally, counsel gave Applicant all the information and advice to make an intelligent and voluntary decision on whether to enter this plea and, based on counsel's testimony, at no point did counsel have reason to suspect Applicant did not understand. Based on the facts above, I find that Applicant did not prove by a preponderance of the evidence that counsel was ineffective in

his representation, namely for failing to provide a Spanish interpreter during their meetings. Further, I find that Applicant's guilty plea was entered knowingly and voluntarily after being fully and adequately advised by competent counsel acting within the range of competence demanded of attorneys in criminal cases.

As discussed above, the Applicant has failed to carry his burden in this action. Therefore, this Court finds that the application must be denied and dismissed in its entirety.

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.

Except as discussed above, this Court finds that the Applicant failed to raise all additional allegations raised in his application at the hearing and has, thereby, waived them. A waiver is a voluntary and intentional abandonment or relinquishment of a known right. Janasik v. Fairway Oaks Villas Horizontal Property Regime, 307 S.C. 339, 415 S.E.2d 384 (1992). A waiver may be express or implied. "An implied waiver results from acts and conduct of the party against whom the doctrine is invoked from which an intentional relinquishment of a right is reasonably inferable." Lyles v. BMI, Inc., 292 S.C. 153, 158-59, 355 S.E.2d 282 (Ct. App. 1987). The Applicant's failure to address these issue at the hearing indicates a voluntary and intentional relinquishment of his right to do so. Therefore, any and all remaining allegations are denied and dismissed.

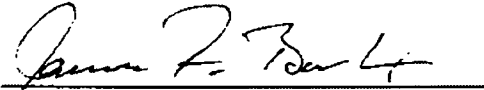
This Court advises Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the

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 243 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 2 day of August, 2011.



James R. Barber, III
Presiding Judge
Second Judicial Circuit

Columbia, South Carolina.

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF AIKEN)

Albert Romero Lopez, 333724)
 Plaintiff)

CASE NO.
2010-CP-02-0917

v.)

MOTION AND ORDER INFORMATION
FORM AND COVER SHEET

State Of South Carolina)
 Defendant.)

Plaintiff's Attorney: Paige Tiffany, Bar No. Address: Post Office Box 651 Aiken SC 29802-0651 phone: fax: e-mail: other:	Defendant's Attorney: Robert Corney, Bar No. Address: Post Office Box 11549 Columbia SC 29211-1549 phone: (803) 734-3737 fax: (803) 734-4113 e-mail: other:
---	--

MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information

Nature of Motion: _____
 Estimated Time Needed: _____ Court Reporter Needed: YES / NO

SECTION II: Motion/Order Type

Written motion attached
 Form Motion/Order
 I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for Plaintiff / Defendant Date submitted
PAI TS July 27, 2011

SECTION III: Motion Fee

PAID - AMOUNT:
 EXEMPT: Rule to Show Cause in Child or Spousal Support
 (check reason) Domestic Abuse or Abuse and Neglect
 Indigent Status State Agency v. Indigent Party
 Sexually Violent Predator Act Post-Conviction Relief
 Motion for Stay in Bankruptcy
 Motion for Publication Motion for Execution (Rule 69, SCRCP)
 Proposed order submitted at request of the court; or,
 reduced to writing from motion made in open court per judge's instructions
 Name of Court Reporter: _____
 Other: _____

JUDGE'S SECTION

Motion Fee to be paid upon filing of the attached order.
 Other: _____

JUDGE: _____
 CODE: _____ Date: _____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____
 FILED 31 August 2011
 MOTION FEE COLLECTED: _____
 CONTESTED - AMOUNT DUE: _____
Liz Padgett
 CLERK

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NO: 2010CP0200917

Alberto Romero Lopez vs. South Carolina State Of

CHECK ONE:

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a),
SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other: _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; Statement of Judgment by the Court:

Dated at Aiken, South Carolina, this 1st day of September 2011.

Court Reporter:

PRESIDING JUDGE -

This judgment was entered on the 31st day of August 2011, and a copy mailed first class this 1st day of September 2011, to attorneys of record or to parties (when appearing pro se) as follows:

Paige E. Tiffany Attorney at Law PO Box 651 Aiken, SC
29802

Robert Corney Attorney General Po Box 11549 Columbia,
SC 29211 Email

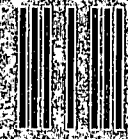
ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Liz Godard by Angel Miles

Liz Godard - Clerk of Court

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*Robert
Romero
Lopez*



Honorable Tanya A. Gee
South Carolina Court of Appeals
PO Box 11629
Columbia SC 29211-1629

