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THE STATE OF SOUTH CAROLINA

JUL 20 2015

IN THE SUPREME COURT

APPEAL FROM AIKEN COUNTY

S.C. SUPREME COURT

COURT OF COMMON PLEAS

THE HONORABLE DOYET A. EARLY, III; CHIEF ADMINISTRATIVE JUDGE,

Case NO. 2001-GS-02-00342, 43

Wilmer Coleman, Jr. # 227962,.....Petitioner,

v.

State of South Carolina,.....Respondent.

NOTICE OF APPEAL

The Petitioner appeals the Honorable Doyet A. Early, III order dated July 7, 2015, denying post-conviction relief to the Petitioner. The Order was received by Pro-Se Petitioner on July 13, 2015. A copy of the Order on appeal is attached to this notice.

Respectfully Submitted,

Wilmer Coleman
Wilmer Coleman, Jr.
F-3-B-#17, Allendale Corr.
1057 Revolutionary Trail
Fairfax, SC 29827

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PROOF OF SERVICE

I, pro-se Petitioner Wilmer Coleman, Jr., certify that I have served within Notice of Appeal upon the Respondent by depositing a Copy of it in the United States Mail, postage prepaid, addressed to Assistant Attorney General Daniel Gourley, P.O. 11549, Columbia, SC 29211. I further certify that all parties required by Rule to be served have been served this 20th day of July, 2015.

Wilmer Coleman
Wilmer Coleman, Jr.
F-3-B-#17, Allendale Corr.
1057 Revolutionary Trail
Fairfax, SC 29827

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

STATE OF SOUTH CAROLINA,

vs.

WILMER COLEMAN, Jr.,

DEFENDANT.

IN THE COURT OF GENERAL SESSIONS
SECOND JUDICIAL CIRCUIT

**ORDER DENYING DEFENDANT'S
MOTION FOR RECONSIDERATION**

Indictment Nos.: 2001-GS-02-00342
2001-GS-02-00343

(Lewd Act Upon a Child, Criminal Sexual
Conduct with a Minor 2nd Degree)


This matter comes before the Court on Defendant's motion for reconsideration of the sentence imposed on the above-referenced indictments. A hearing was held at the Aiken County Courthouse on June 8, 2015 before this Court. The Defendant filed the motion Pro Se on April 2, 2015, and appeared Pro Se at the hearing. Assistant Solicitor Sam Grimes represented the State.


The Defendant pled guilty to the above-referenced indictments in 2001. Following that plea, the Defendant was sentenced to 15 years and 20 years of incarceration to be served concurrently. The Defendant then filed an appeal, two applications pursuant to the Post Conviction Relief Act, a writ of habeas corpus, and a Rule 60(b) motion – all of which were denied. This motion for reconsideration is the most recent filing subsequent to the Court of Appeals denial of the second post conviction relief application in 2010. At the hearing, the Court heard from the Defendant in regards to his request for relief.

Pursuant to Rule 29 and *Campbell*, absent a timely filed motion, a trial court is without jurisdiction to consider a criminal matter after the term of court in which judgment was entered. State v. Campbell, 376 SC 212, 215-216 (2008), Rule 29, SCRimP. While the Defendant did file an appeal in this matter, this motion was filed more than a decade after his sentencing. Therefore, the Court finds that Defendant's motion was not timely filed and that this Court is without jurisdiction to consider the motion.

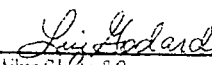
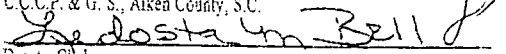
BASED UPON THE FOREGOING, Defendant's motion for reconsideration is DENIED.

IT IS SO ORDERED.


Doyet A. Early, III, South Carolina
July 7, 2015


STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
Doyet A. Early, III, Clerk of Court, of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this
Doyet A. Early, III
Chief Administrative Judge
Second Judicial Circuit

JUL 07 2015


Lij Hodard
C.C.P. & G. S., Aiken County, S.C.

Doyet A. Early, III
Deputy Clerk

WILMER COLEMAN 277962

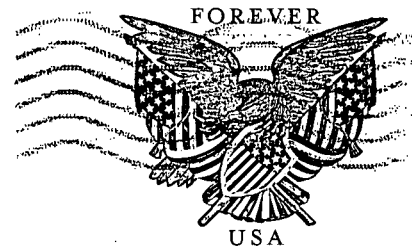
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THE SUPREME COURT OF SOUTH CAROLINA

DANIEL E. SHEAROUSE, CLERK OF COURT

P.O. BOX 11330

COLUMBIA, S.C. 29211

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