

State of South Carolina
County of Spartanburg
Shannon T. Hopkins # 252133

V.S Applicant

State of South Carolina
Respondent

S.C Supreme Court
Appellate Case# 2012-212681

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AUG 9 2012

S.C. SUPREME COURT

Explanation In Opposition To Dismissal

1.) Personally appeared before me, one Shannon T. Hopkins, S.C.D.C # 252133, who is being duly sworn, deposes and states: I submit my current (PCR) application alleges incompetence at the time of my guilty plea and presents mixed question of law and fact A) where Judge Cole was presented with my mental health records on Nov. 4 1998, and did err in not further inquiring into the possible conditions of incompetency and insanity or ignored facts raising bona fide doubt regarding my competency to stand trial, and therefore the (1) year Statute of Limitation does not apply. See Ferguson vs. State. 2.) (Where applicant for postconviction relief (PCR) demonstrates that failure to timely for PCR was due to mental incompetency, statute of limitations should be tolled. Ferguson v. State (S.C 2009) 382 S.C 615, 677 S.E. 2d. 600. That I, therefore, request that this appeal not be dismissed or is reversed for a hearing regarding the circumstances raising questions of my incompetency by Judge Cole.

I declare under the penalty of perjury that all statements herein are true to the best of my knowledge.

S/ Shannon Hopkins

Shannon T. Hopkins # 252133

Dated: Applicant Pro SC
August 28, 2012

State of South Carolina

County of Spartanburg

Shannon T. Hopkins #252133

Applicant

v.s

State of South Carolina

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S.C. Supreme Court

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Proof of Service

The undersigned hereby certifies that a true copy of the attached matter of my Explanation In opposition To Dismissal has been mailed to the person(s) listed below by depositing a properly addressed stamped envelope in the U.S mail this 28 day of August 2012.

Suzanne H. White, Esquire
Office of Attorney General
General, P.O. Box 11549
Columbia S.C. 29211

S/Shannon Hopkins

Shannon T. Hopkins #252133
Applicant Pro SC