

SOUTH CAROLINA COURT OF APPEALS

APPEAL ON ORDER BY JUDGE DELHAM
COLE ON CASE NO: 2015-001240.

BEFORE THE REMITTIAL IS SENT
TO THE LOWER COURT.

PETITIONS FOR REHEARINGS

SUBMITTED BEFORE
FIFTEEN (15) DAYS
ACCORDANCE WITH RULE 240.

AUGUST 1, 2015

DEFENDANT (JOHN WILLIE MACK) DID NOT RECEIVE THE ORDER ON
THE APPELLATE CASE NO. 2015-001240 ON THE DISMISSED APPEAL ON THE
OND ORDER BY JUDGE DELHAM COLE UNTIL JULY 24, 2015. ALSO APPELLATE
ATTORNEY, TIFFANY L. BUTLER DID NOT DISCUSS WITH DEFENDANT THE RULES
IN THE ORDER. DEFENDANT WAS NOT AWARE THAT ATTORNEY, TIFFANY L.
BUTLER FROM THE APPELLATE DEFENSE WAS DEFENDANT ATTORNEY UNTILL
AFTER THE ORDER WAS RECEIVED. HOWEVER, DEFENDANT DID READ RULE
221(b) SCACR. DEFENDANT REQUEST THAT A REHEARING BE HEARD ON
APPELLATE CASE NO. 2015-001240 BEFORE A REMITTIAL IS SUBMITTED
TO THE LOWER COURT. THE (15) DAYS HAS NOT PASSED.

Spartanburg County

Spartanburg County Court House
180 Magnolia Street
P. O Box 3483
Spartanburg, SC 29304-3483



Phone (864) 596-2591
Fax (864) 596-2259

M. Hope Blackley
Clerk of Court

Gail Moffitt
Assistant Clerk of Court

June 4, 2015

John W. Mack #257219
F I A Cell 1118 Top
Lee CI
990 Wisacky Hwy
Bishopville, SC 29010

RE: Appeal on Order on Application for Forensic DNA Testing
(2006GS4201166, K112715; 2006GS4201167, K112716)

Dear Mr. Mack,

This letter is in response to the Appeal on Order that you are filed regarding the above case(s). You will need to file this appeal with the Court of Appeals. Their mailing address is: Court of Appeals, Calhoun Building, 1220 Senate Street, Columbia, SC 29201. We are not responsible for filing this on your behalf. This is the responsibility of you and your attorney.

Sincerely,

Cindy Parris

Spartanburg County Clerk of Court
General Sessions Docket Coordinator

DEFENDANT TRIED TO FILE AN APPEAL IN THE WRONG COURT
BUT ATTORNEY LEAH B. MOODY WOULD NOT CONTACT
DEFENDANT CONCERNING THE APPEAL SITUATION SO
A MOTION TO RELIEVE COUNSEL WAS FILED BUT NOT HEARD
BECAUSE JUDGE COLE MADE A RULING OR ORDER ON THE
REGARDING THE APPLICATION FOR FORENSIC DNA TESTING

PLEASE KEEP IN MIND I AM INDIGENT.
DEFENDANT FIGHTING FOR HIS LIFE THAT APPOINTED
ATTORNEY BY THE COURT WHO DON'T REALLY PAY ATTENTION
TO A DEFENDANT CASE?

SPARTANBURG COUNTY

M. HOPE BLACKLEY, CLERK OF COURT.

GAIL MOFFITT ASSISTANT CLERK OF COURT

SPARTANBURG COUNTY COURT HOUSE
100 MAGNOLIA STREET
P.O. BOX 3483
SPARTANBURG, S.C. 29304-3483

CLERK OF COURT
SPARTANBURG COUNTY
2015 JUN - 2 PH 12: 51
M. HOPE BLACKLEY

MAY 28, 2015

RE: AN APPEAL ON A ORDER
ON APPLICATION FOR FORENSIC
DNA TESTING ON CASE
NUMBER: 2006-GS-42-1166
2006-GS-42-1167

DEAR CINDY PARRIS,

I RECEIVED THE ISSUED ORDER ON DNA APPLICATION FOR FORENSIC DNA TESTING ISSUED BY JUDGE COLE. HOWEVER, IN LETTER HEAD ADDED WITH ORDER YOU STATED THAT, "DUE TO THIS RULING YOUR MOTION TO RELIEVE COUNSEL WILL NOT BE HEARD." PLEASE CONTACT YOUR ATTORNEY IF YOU HAVE ANY ADDITIONAL QUESTIONS. HERE'S THE PROBLEM, I HAVE TRIED TO CONTACT MY ATTORNEY CONCERNING THIS MATTER BEFORE JUDGE COLE ISSUED THE ORDER. I WROTE JUDGE COLE ABOUT THAT MATTER ON FEBRUARY 12, 2015 AND I HAVE NOT HEARD FROM LEAH MOODY SINCE THEN. (HAVE ADDED COPY OF LETTER). PLEASE FORWARD A COPY TO THE HONORABLE DANIEL E. SHEAROUSE OF THE SUPREME COURT OF SOUTH CAROLINA ON THE TURN OF EVENTS. ALSO PLEASE ADD JUDGE COLE ORDER AND SEND A COPY OF ~~THE~~ MY APPEAL ON THE ORDER. AT THIS MOMENT I DON'T KNOW IF LEAH MOODY IS STILL MY ATTORNEY BECAUSE OF MY FILING OF RELIEVE COUNSEL MOTION.

I WILL FORWARD A LETTER HEAD IN MONROE DANIEL E.
SHEARUSE EXPLAINING MY SITUATION WITH THE SURPRISE RULING
ON THE ORDER BY JUDGE COLE.

IN KIND REGARDS

John W. Mack

P.S. PLEASE FILE APPM
ON THE D.N.A ORDER
FROM JUDGE COLE
ALSO PLEASE SEND BACK
A COPY OF EACH DOCUMENT.

John W. Mack # 257219
F-1-A-CELL-1118-TOY
LEE C.I 990 WISACKY HWY
BISHOPVILLE SOUTH CAROLINA

2015 JUN -2 PM 12:51
H. HOPE J. MACKLEY
JUDGE COLE



State of South Carolina
The Circuit Court of the Seventh Judicial Circuit

J. Derham Cole
Judge

Post Office Box 1744
180 Magnolia Street, 2nd Floor
Spartanburg, SC 29304-1744
Phone: (864) 596-2685
Fax: (864) 596-3592
jcolej@sccourts.org

February 23, 2015

Mr. John Willie Mack, Jr.
Kershaw South Cell 1118
Lee Correctional Institute
990 Wisacky Highway
Bishopville, SC 29010

Dear Mr. Mack:

We are in receipt of your letter dated February 12, 2015. Please contact your attorney at the address below regarding this matter. I have copied her via this letter as well.

Leah Moody
PO Box 1015
Rock Hill, SC 29730

Sincerely,

Admin. Asst. to the Honorable J. Derham Cole

cc: Leah Moody

DEFENDANT TRIED TO CONTACT JUDGE COLE
CONCERNING LEAH B. MOODY CONDUCT WITH
DEALING AND HANDLING THE DNA MATTER
BEFORE JUDGE COLE MADE A RULING AND LEAH B. MOODY
STILL IGNORE MY LETTER THAT JUDGE COLE SENT HER
A COPY OF.

2015 JUN -2 PM 12:51
HONORABLE J. DERHAM COLE
CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
SPARTANBURG, SOUTH CAROLINA



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

RECEIVED

AUG 05 2015

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

~~SC Court of Appeals~~
Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

July 20, 2015

~~RECEIVED BY DEPT. ATTORNEY~~
~~SECRET~~
STILL HAVE HABEAS
CORPUS APPLICATION

John Willie Mack, #257219
Lee Correctional Institution
990 Wisacky Hwy.
Bishopville, SC 29010

Re: Your case

Dear Mr. Mack:

Enclosed is a copy of the Order of the Court of Appeals dismissing your appeal. This means that you have now exhausted your state court remedies.

[There is now a one-year statute of limitations for filing an application for a writ of habeas corpus in federal court.] However, please be aware that the time between your direct appeal becoming final, and the date your PCR application is filed **will count against your federal habeas statute of limitations in the future.** This statute of limitations is strictly enforced. I have enclosed a copy of the pertinent section of that statute for you to review. I am closing your file with this letter. Please understand that it is **your obligation alone** to ensure that a federal habeas application is timely filed if you want to continue challenging your conviction. Feel free to contact me if you have any questions, but writing to me **does not stay** the applicability of the statute of limitations. I do wish you the best in the future.

Sincerely,

Tiffany L. Butler
Appellate Defender

TLB/lmv

Enclosure: Habeas Corpus Application

RECEIVED BY DEFENDANT FIRST

✓ TUB

✓ 35

The South Carolina Court of Appeals

John Willie Mack, Appellant,

v.

The State, Respondent.

Appellate Case No. 2015-001240

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ORDER

Because Appellant has failed to timely serve the notice of appeal, this appeal is dismissed. *See* Rule 247(b), SCACR ("The notice of appeal shall be served on all respondents within ten (10) days after receipt of written notice of entry of the final order."); *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004) ("The requirement of service of the notice of appeal is jurisdictional, i.e., if a party misses the deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to "rescue" the delinquent party by extending or ignoring the deadline for service of the notice."). The remittitur will be sent as required by Rule 221(b), SCACR.


FOR THE COURT

Columbia, South Carolina

cc:
Alan McCrory Wilson, Esquire
Robert Michael Dudek, Esquire ✓ M P M
Salley W. Elliott, Esquire

FILED
7/16/15

S.C. Commission on Indigent Defense
Division of Appellate Defense
P.O. Box 11589
Columbia, SC 29211-1589

RECEIVED

*DATE: RECEIVED DEFENDANT
GIVE TO DEFENDANT
JUL 23 2015 ORDER
JULY 24 2015
F 1-1118*

JOHN G. MACK MAIL ROOM
#257219
Lee Correctional Institution
990 Wisacky Hwy.
Bishopville, SC 29010