

WILLIE JEROME LOPEZ #275027
ALLENDALE CORRECTION INSTUTION
POST-OFFICE BOX 1151 F-4-B-4
FAIRFAX, SOUTH CAROLINA, 29827

November 3, 2015

THE SUPREME COURT OF SOUTH CAROLINA
DANIEL E. SHEAROUSE, CLERK OF COURT
POST-OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA, 29211

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NOV 05 2015

S.C. SUPREME COURT

RE: Willie Jerome Lopez V. State of South Carolina
Pro-Se : Notice of Appeal
case no: 2015-CP-39-0501

2015-002216

Dear Clerk of court,

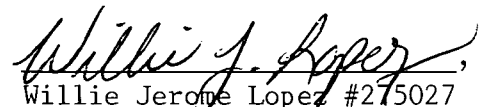
This is in responce to a letter from your office dated 10/27/15 pretaining to a Pro-Se: Notice of Appeal filed by the above referance in your office on October 12,2015... In the letter your office requested documents that Applicant had failed to provide as follows:

[copy of all orders being appeal, to include the final order, any conditional order, and any rulings on post hearing motions]

Please find inclosed the following documents that has been requested for filing in your office... I respectfully request your office please except my opology for any inconvenience this mistake may have caused...

I would like to take the time to thank you and your office inadvance for any and all assistance that may be provided in this matter...

Respectfully Submitted,


Willie Jerome Lopez #275027

CC: Daniel E. Shearouse, Clerk of Court

CLERK OF COURT
PICKENS COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)
)
Willie Jerome Lopez,)
S.C.D.C. No. 275027,)
)
Applicant,)
)
v.)
)
State of South Carolina,)
)
Respondent.)
_____)

IN THE COURT OF COMMON PLEAS
2015-CP-39-0501

2015 SEP 23 P 1:23

FINAL ORDER OF DISMISSAL

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed April 16, 2015. The Respondent made its return on July 28, 2015, requesting the application be summarily dismissed based upon the expiration of the statute of limitations and the presumption against successive PCR applications.

Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal signed July 30, 2015 and filed August 3, 2015, provisionally denying and dismissing this action, while giving the Applicant twenty (20) days from the date of service of said Order in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated August 13, 2015, serving the above-mentioned Conditional Order of Dismissal on the Applicant.

In a document captioned "Applicants Responce to Conditional Order of Dismissal" and filed August 24, 2015, the Applicant argues "counsel's belated presentation of Brady material and failure to give a objection to the use of a prior uncounseled conviction to enhance the



petitioner's current offense, significantly limited his ability to know whether he could plea an aquittal or not..." The Applicant also argues his first PCR attorney failed to "give a jus actionis objection" regarding the issue of an involuntary guilty plea.

This Court has reviewed the Applicant's response to the Conditional Order of Dismissal in its entirety, in conjunction with the original pleadings, and finds a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final.

This Court notes the Applicant pled guilty and was sentenced on November 20, 2008. As this action was filed on April 16, 2015, it was clearly filed outside the expiration of the statute of limitations. See S.C. Code Ann. § 17-27-45(a) (Supp. 2003).

This is the Applicant's second application for post-conviction relief. This Court notes successive PCR applications are disfavored. See Land v. State, 274 S.C. 243, 246, 262 S.E.2d 735, 737 (1980). This Court finds the Applicant had the opportunity to litigate all issues related to his case at the evidentiary hearing for his first PCR application on November 9, 2009. See Odom v. State, 337 S.C. 256, 261, 523 S.E.2d 753, 755 (1999) ("[A]n applicant is entitled to a full adjudication on the merits of the original petition, or 'one bite at the apple.'"). The Applicant has failed to show why he could not have raised his allegations of ineffective assistance of plea counsel at his first PCR hearing. Further, while the Applicant cites Martinez v. Ryan, ___ U.S. ___, 132 S. Ct. 1309 (2012) to support his claim that his first PCR attorney was ineffective, the South Carolina Supreme Court has found that "the holding in Martinez is limited to federal habeas corpus review and is not applicable to state post-conviction relief actions." Kelly v. State, 404 S.C. 365, 745 S.E.2d 377 (2013).

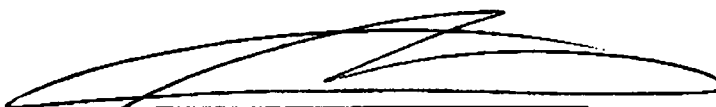
IT IS THEREFORE ORDERED that, for the reasons set forth in this Court's

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RS 7

Conditional Order of Dismissal, the PCR application is hereby denied and dismissed with prejudice.

This Court advises the Applicant that he must file a notice of intent to appeal within thirty (30) days from the receipt of this Order if he wants to secure appropriate appellate review. His attention is also directed to Rules 203, 206, and 243 of the South Carolina Appellate Court Rules for the appropriate procedures to follow after notice of intent to appeal has been timely filed.

AND IT IS SO ORDERED this 10 day of July, 2015.



Robin B. Stilwell
Chief Administrative Judge
Thirteenth Judicial Circuit

Greenville, South Carolina.

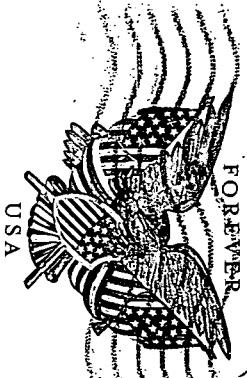
Willie Lopez # 275027

Memorable Cor. Inst.

Post-Office Box 1151 A-4-A4

Greenville, SC, 29827

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The Supreme Court of SC.

David E. Shorsauer Clerk of Court

Post-Office Box 11330

Columbia, SC, 29211

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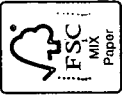
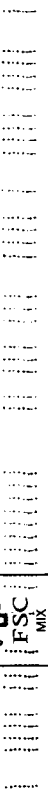
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THE DEPARTMENT OF CORRECTIONS HAS
NOT CENSORED THIS ITEM. THEREFORE, THE
DEPARTMENT DOES NOT ASSUME
RESPONSIBILITY FOR ITS WRITTEN CONTENTS.
ALLENDALE CORRECTIONAL INSTITUTION
SC DEPARTMENT OF CORRECTIONS