

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Leffigari to Darchester County
Diane Schafer Goodstein, Circuit Court Judge

JAMES MATTHEWS.

Petitioner,

v.

STATE OF SOUTH CAROLINA.

Respondent.

Appellate Case No. 2012-210671

To: Megan Harrigan
100 Assembly St., Room 519
Columbia, S.C.

PRO SE RESPONSE

1. Matthew received the 10-18-12 letter from the clerk's office on or about 10-21-12 which granted him 45 days to submit the point of view herein;
2. He pointed that the Application for Post-Conviction Relief (APCR) is not a direct appeal nor is it a substitute for criminal direct appeal. Rule 71.1(b) of South Carolina Rules of Civil

Procedure (SCRPC);

3. If a criminal direct appeal is not voluntarily, knowingly and intelligently waived, the one (1) year statute of limitation for filing is inapplicable. *Wilson v. State*, 559 SE2d 581 (2002);

4. Petitioner did not intelligently, knowingly and voluntarily waive the state created right to a criminal direct appeal in 2009; *Wall v. K. Holt*, 131 S. Ct. 1278 (2011)

i. Petitioner was not informed on any/all the collateral consequence(s) of his guilty plea by criminal defense counsel contrary to *Padilla v. Kentucky*, 130 S. Ct. 1475 (2010) which is contrary to the 6th and 14th Amendments of the United States Constitution;

ii. The community supervision program (ESP) which is a collateral consequence of the guilty plea conviction is administered by the administrative agency South Carolina Department of Probation, Parole and Pardon Services (SCDPPPS) and this is contrary to federal case-statutory and/or constitutional law (due process clause).

WHEREFORE, Matthews respectfully requests that this Court grants the petition on the grounds set forth above herein. This 30 day of October 2012

S. Lam Matthews

James Matthews, 258992
Rt 23, P.O. B 2039
Ridgeland, S.C. 29936

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S.C. SUPREME COURT