

February 19, 2020

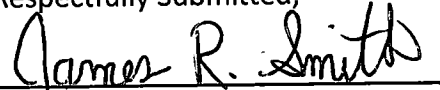
The Honorable Daniel E. Shearouse
Clerk of Court
S.C. Supreme Court
P.O. Box 11330
Columbia, S.C. 29211

RE: James R. Smith, #197390 v. State of S.C. 2018-CP-32-03662

Dear Mr. Shearouse,

Please find enclosed a copy of the Notice to Appeal. I'll be so grateful if you'll send me a filed copy of the above mentioned Notice of Appeal. I thank you in advance.

Respectfully Submitted,



James R. Smith #197390

RECEIVED

FEB 24 2020

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Lexington County

Honorable Walton J. McLeod IV, Chief Admin. Judge

James R. Smith,

Petitioner.

v.


State of South Carolina,

Respondent.

NOTICE OF APPEAL

The Petitioner, James R. Smith, appeals the final order of the Honorable Walton J. McLeod IV, Chief Administrative Judge, filed with the Lexington County Clerk of Court on January 14, 2020. The Petitioner received service of the final order from Assistant Attorney General Lillian Meadows on February 11, 2020.

Lillian L. Meadows
Assistant Attorney General
P.O. Box 11549
Columbia, S.C. 29211-1549
Attorney for Respondent


James R. Smith #197390
MacDougall Correctional Inst.
1516 Old Gilliard Road
Ridgeville, S.C. 29472
Applicant

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James R. Smith,

S.C. SUPREME COURT

Petitioner.

v.

State of South Carolina,

Respondent.

PROOF OF SERVICE

The Petitioner, James R. Smith, hereby certifies that a true copy of the Notice of Appeal in the above case has been served upon the following, this 20th day of February 2020 by mailing a copy to each in a properly addressed envelope.

Honorable Daniel E. Shearouse
Clerk of Court
S.C. Supreme Court
P.O. Box 11330
Columbia, S.C. 29211

Petitioner
James R. Smith
McDougall Correctional Inst.
1516 Old Gilliard Road
Ridgeville, S.C. 29472

Lillian Meadows
Assistant Attorney General
P.O. Box 11549
Columbia, S.C. 29211

SCCID
Division of Appellate Defense
1330 Lady St. Ste. 401
Columbia, S.C. 29211

Lexington County
Clerk of Court Office
Common Pleas Division
205 E. Main St.
Lexington, S.C. 29072

James R. Smith
02-20-20

FILED

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

IN THE COURT OF COMMON PLEAS)
FOR THE ELEVENTH JUDICIAL CIRCUIT)

James R. Smith, #197396)
Applicant,)
LISA M. COMER)
CLERK OF COURT)
LEXINGTON SC)

Case No.: 2018-CP-32-03662

v.)

State of South Carolina,)

Respondent.)

RECEIVED

FEB 24 2020

S.C. SUPREME COURT

FINAL ORDER OF DISMISSAL

This matter comes before this Court by way of an application for post-conviction relief (PCR) filed by James Smith on October 22, 2018. Respondent made its Return, requesting the application be summarily dismissed.

This matter comes before this Court pursuant to an application for post-conviction relief (PCR) filed by James Smith on October 22, 2018. The State made its return and motion to dismiss on December 2, 2019, requesting the application be summarily dismissed as barred by the statute of limitations and for failure to state a claim upon which PCR can be granted.


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 on December 4, 2019, and filed December 13, 2019, provisionally denying and dismissing this action, while giving Applicant twenty 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 December 10, 2019, serving the above-mentioned conditional order of dismissal on Applicant.

Applicant has failed to respond to either the State's motion to dismiss or this Court's conditional order of dismissal. Therefore, this Court finds a sufficient reason has not been shown why the conditional order of dismissal should not become final.

IT IS THEREFORE ORDERED, for the reasons set forth in this Court's conditional order of dismissal, the application for post-conviction relief is hereby denied and dismissed with prejudice.

This Court hereby advises Applicant he must file and serve a notice of appeal within thirty days of the service of this Order to secure appellate review. *See* Rule 203, SCACR. Applicant's attention is directed to Rule 243, SCACR, for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this 13TH day of January (JAN.), 2020.


THE HONORABLE WALTON J. MCLEOD IV
Chief Administrative Judge
Eleventh Judicial Circuit

Sumner, South Carolina.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington
STATE VS.
James R. Smith
AKA:
Race: W Sex: M Age:
DOB: [REDACTED] SS#: [REDACTED]
Address:
City, State, Zip:
DL# SID#

INDICTMENT/CASE#: 06-GS-32-2455
AW#: 5-050217
Date of Offense: March 31, 2006
S.C. Code §: 16-11-330(A)
CDR Code #: 139

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
TO: Armed Robbery
in violation of § 16-11-330(A) of the S.C. Code of Laws bearing CDR Code # 139
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS (CSC §17-25-45
w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (Defendant initial)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: [Signature] Solicitor James R. Smith Defendant William J. Park Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which
are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: _____
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections. April 2, 2006
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

RESTITUTION: Heard, Waived, Ordered
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms:
 set by SCDPPPS _____

PTUP _____ days/hours Public Service Employment
Obtain GED _____
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling _____
Random Drug/Alcohol Testing _____
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: ATA of SCDG

Recipient: _____
*Fine: \$ _____
§14-1-206 (Assessments 107.5%) \$ _____
§14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
§14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____
§56-5-2995 (DUI Assessment) \$12 \$ _____
§35.13 (Public Def/Prob) \$500 \$ _____
§73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00
§33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____
§50-21-114(BUI Breath Test Fee) \$50 \$ _____
§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
3% to County (if paid in installments) \$ _____
TOTAL \$ 125

Appointed PD or appointed other counsel, §35.13 TP
Requires \$500 be paid to Clerk during probation.

Beth A. Parry
Clerk of Court Deputy Clerk
Court Reporter: C. Bahai

PRESIDING JUDGE Howard P. King
Judge Code: 2411017
Sentence Date: Aug 16, 2007

A TRUE COPY
[Signature]
Lex. Co. C.C.C.P. _____

JAMES R. SMITH #197390
ACDOUGALL CORR INST.
ICKORY-B-18-A
516 OLD GILLIARD RD.
EDGEVILLE, S.C.
29472

LEGAL MAIL

UNITED STATES POSTAGE
PITNEY BOWES
02 1P \$000.150
0000880723 FEB 20 2020
MAILED FROM ZIP CODE 29472



HONORABLE DANIEL E. SHEAROUSE
CLERK OF COURT
S.C. SUPREME COURT
P.O. BOX 11330
COLUMBIA, S.C.

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