

April, 21, 2013

RECEIVED

MAY 01 2013

SC Court of Appeals

Dear Clerk,

On April 4, 2013, you wrote me a letter explaining that a transcript must be ordered within (30) days of the letter. I'm writing to explain to you that there is no transcript to order because there was no hearing held. I am appealing my Application for Post-Conviction DNA Testing pursuant to S.C. Code 17-28-10 et seq. All there is is a motion in which I am enclosing in this letter. My appeal consists of the fact that the judge turned down my D.N.A application because of a misinterpretation of the statute. The judge denied my application saying that I fall under 17-28-30(B), (A person who pled guilty) but I actually fall under 17-28-30(A) (A person who pled not guilty) because I went to trial. This is all I'm appealing and there is no transcript to order. I will be awaiting your response to what I am to do next. Also, would you please return this order that is enclosed.

Sincerely,

Orlando F. Smith  
ORLANDO F. SMITH

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STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )  
 )  
The State, )  
 )  
Vs. )  
 )  
Orlando Smith )

IN THE COURT OF GENERAL SESSIONS  
THIRTEENTH JUDICIAL CIRCUIT

CASE NO: 1998-GS-23-05212

ORDER

~~THIS MATTER comes before the Court by Defendant's motion to reconsider its order of August 8<sup>th</sup>, 2012, denying Defendant Smith's Application for Post-Conviction DNA Testing pursuant to S.C. Code § 17-28-10 et seq. Defendant argues that the seven-year limit for application for DNA testing proscribed in § 17-28-30(B) does not apply to him because he did not plead guilty to the charge, but was instead convicted at trial. This Court reiterates its finding that § 17-28-30(B) applies to those applicants who entered a plea of not guilty and were convicted at trial ("A person who...was...convicted...for the offense, is currently incarcerated for the offense, and asserts he is innocent of the offense may apply for forensic DNA testing...no later than seven years from the date of sentencing.").~~

THEREFORE, Defendant Smith's motion to reconsider is DENIED.

IT IS SO ORDERED.

FILED IN CLERK OF COURT  
PAUL E. JENSEN  
CLERK OF COURT  
2012 DEC 14 AM 11:09



Letitia H. Verdin  
Circuit Judge

December 13, 2012  
Greenville, South Carolina