

THE STATE OF SOUTH CAROLINA

In THE Supreme Courts

Appeal From Richland County

Court of Common Pleas

James BARBER Circuit Court Judge

2010-G-P 400-2105 CASE NO

RECEIVED

APR 10 2013

S.C. SUPREME COURT

^{General}
Brian T. Petrano (Attorney) (Respondent)

John Julius Smith Appellant

Certificate of Service

THE Appellant, Name Above, certify that on this day he served a copy of the Attached Appeal on the below named individuals by delivering a copy of the same to Broad River Correctional Institution mailroom on this day sufficient postage prepaid, and address as follows:

This _____ day

Alan Wilson, Attorney General of South Carolina,

Post office Box 11549, Columbia, S.C 29311-1549

Attorney for Respondent

John J. Smith

John J. Smith

246646

Sworn to and subscribed before me this

8th day of *April* 2013.

Applicant, Pro Se

Susan H. Frye
Notary Public of South Carolina
My Commission Expires

My Commission Expires March 5, 2018

THE STATE OF SOUTH CAROLINA
IN THE Supreme Court

Appeal From RICHLAND COUNTY
Court of Common Pleas

Honorable James Barber Circuit Court Judge
2010-CP-400-2105 CASE No.

Brian T. Petrano (Attorney General) Respondent

John Julius Smith 246646 Appellant

Notice of Appeal

John Julius Smith appeals the order (Judgment) of the Honorable
James R. Barber III date 9-6-2011. Appellant received
written notice of Entry of this order (Judgment on

I have Never waived my Right to Appeal. ~~of~~ John Julius Smith 246646
4460 Broad River Rd
Columbia, S.C 29210
B.R.C.I.

STATE OF SOUTH CAROLINA

County of Richland

IN THE COURT OF COMMON PLEAS

John Julius Smith

Applicant,

Case No.: 2010 -CP- 400 - 2105

v.

**ORDER OF DISMISSAL
WITH PREJUDICE**

STATE OF SOUTH CAROLINA,

Respondent.

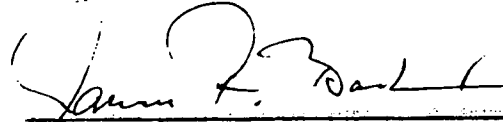
2011 SEP - 7 PM 3:07
RICHLAND COUNTY
FILED
JEANETTE M. MCBRIDE
C.C.P. & I.S.

In this post-conviction relief matter, the applicant indicated a desire to withdraw his application.
After hearing the reasons for the request to withdraw, the court questioned the applicant on the record
to which the applicant responded as follows:

- (1) That he understood that the court was willing to proceed with the hearing;
- (2) That the applicant understood all of his conversations with counsel;
- (3) That the applicant did not desire any further time with counsel and did not have any questions;
- (4) That the applicant understood that a withdrawal with prejudice would bar him from ever challenging the convictions on any claim that he raised or could have raised at this time; and
- (5) That having been advised that these potential allegations would be forever barred, the applicant still wished to withdraw his application.

Accordingly, the court concludes that the applicant's decision to withdraw the application was knowingly, voluntarily, and intelligently made; therefore, the application is dismissed with prejudice.

IT IS SO ORDERED.


Presiding Judge

Columbia, South Carolina

Date: 9 / 6 / 2011

Attorney for Applicant: Steven Smith McLenzie

Attorney for Respondent: Brian T. Petrano

Court Reporter: Waren Ambrozian

STATE OF SOUTH CAROLINA

JUDGMENT IN A CIVIL CASE

COUNTY OF RICHLAND

CASE NO: 2010CP4002105

IN THE COURT OF COMMON PLEAS

John Julius Smith

vs.

State of South Carolina

Plaintiff

Defendant

CHECK ONE:

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**
 - Rule 12(b), SCRPC;
 - Rule 41(a), SCRPC (Vol. Nonsuit);
 - Rule 43(k), SCRPC (Settled);
 - Other:
- ACTION STRICKEN (CHECK REASON):**
 - Rule 40(j) SCRPC;
 - Bankruptcy;
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Other:

FILED
 RICHLAND COUNTY
 2010 SEP 7 PM 3:08
 JEANETTE W. McBRIDE
 C.L.P. & T.S.

DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):

- Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:

See attached order;

Statement of Judgment by the Court:

Dated at Columbia, South Carolina, this ____ day of _____, 2011.

PRESIDING JUDGE

This judgment was entered on the ____ day of _____, 2011, and a copy mailed first class this 7 September 2011, to attorneys of record or to parties (when appearing pro se) as follows:

Steven Smith McKenzie

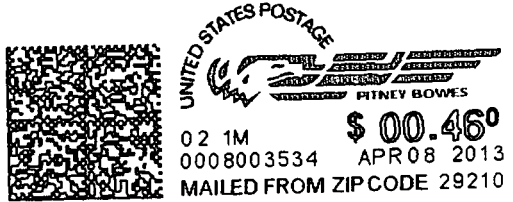
Brian T Petrano

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Jeanette W. McBride

John Julius Smith 246646
Murray Dorm Rm 228 B.R.C.I
4460 Broad River Rd
Columbia, S.C
29210



Supreme Court Building
1231 Gervais ST PO. Box 11330
Columbia, S.C
29211

RECEIVED

APR 08 2013

BRCI
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2921131330

LEGAL MAIL

THE DEPARTMENT OF CORRECTIONS HAS NEITHER
CENSORED NOR INSPECTED THIS ITEM. THEREFORE
THE DEPARTMENT DOES NOT ASSUME RESPONSIBILITY
FOR ITS CONTENTS.

WARDEN
BROAD RIVER CORRECTIONAL INSTITUTION
S.C. DEPARTMENT OF CORRECTIONS