

The Supreme Court of South Carolina

Darryl A. Fuller, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2022-000119

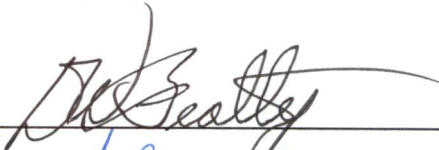
ORDER


Petitioner filed a notice of appeal from the denial of his third application for post-conviction relief (PCR). Petitioner was asked to provide the explanation required by Rule 243(c), SCACR, showing there is an arguable basis for asserting the dismissal of his third PCR application was improper. Petitioner has not provided a sufficient explanation showing an arguable basis that the dismissal of his PCR application was improper.

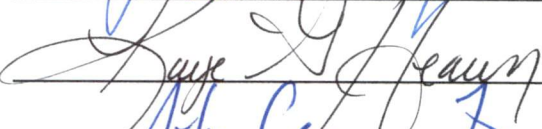
Further, Petitioner has failed to show he timely served the notice of appeal. Therefore, this Court does not have jurisdiction over the case. *See Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14–15, 602 S.E.2d 772, 775 (2004) (holding the requirement of service of the notice of appeal is jurisdictional, and if a party fails to timely serve the notice of appeal, the appellate court loses jurisdiction over the case). Accordingly, the notice of appeal is dismissed.

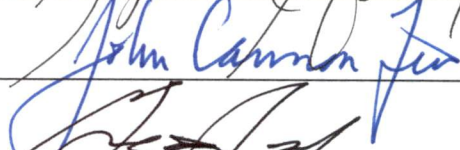
In light of the number of PCR applications Petitioner has filed, he was also asked to provide any reasons why this Court should not impose restrictions on his filing of collateral actions or motions in the circuit court challenging his 2007 convictions and sentences for murder and assault with intent to kill. Petitioner failed to provide any valid reason this Court should not impose restrictions on his future filings. Accordingly, we hereby prohibit Petitioner from filing any further collateral actions in the circuit court, including PCR actions and habeas corpus actions, as well as any motions relating to the previously filed collateral actions, challenging his 2007 convictions and sentences, or any motions in the underlying


criminal cases, including a motion pursuant to Rule 29, SCRCrimP, without first obtaining permission to do so from this Court.


_____ C.J.


_____ J.


_____ J.


_____ J.


_____ J.

Columbia, South Carolina
March 15, 2022

cc:
Yasmeen Ebbini Klein, Esquire
D. Russell Barlow, II, Esquire
Darryl Fuller, 325001