

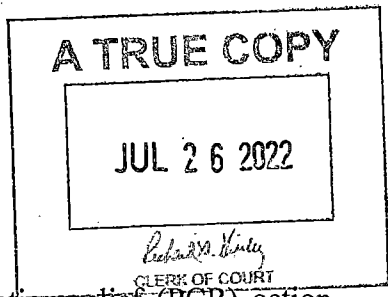
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Anderson, SC, CDC, CP/RS

STATE OF SOUTH CAROLINA )  
COUNTY OF ANDERSON )  
)  
)  
)  
John Foster Norris, SCDC #95847, )  
)  
)  
Applicant, )  
)  
)  
v. )  
)  
)  
State of South Carolina, )  
)  
)  
Respondent. )  
)  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
FOR THE TENTH JUDICIAL CIRCUIT

Case No. 2021-CP-04-1849

**FINAL ORDER OF DISMISSAL**



This matter comes before the Court by way of a post-conviction relief (PCR) action commenced by John Foster Norris (Applicant) on September 22, 2021. The State made its return on March 15, 2022, requesting the action be summarily dismissed as procedurally barred under the Uniform Post-Conviction Procedures Act<sup>1</sup> (the Act) because it was filed after the statute of limitations had expired, it is barred by the doctrine of *laches*, and because continued litigation by Applicant frustrates the need for finality of litigation.

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 signed and filed March 25, 2022, 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 April 27, 2022, serving the above-mentioned conditional order of dismissal on Applicant.

<sup>1</sup> S.C. Code Ann. §§ 17-27-10 to -160.

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**SC Court of Appeals**

On March 31, 2022, Assistant Attorney General Lillian L. Meadows received a response from Applicant dated March 28, 2022. AAG Meadows subsequently received a response from Applicant on April 12, 2022, which was clock-stamped by the Anderson County Clerk of Court on April 11, 2022. This Court has reviewed these responses in their entirety and finds a sufficient reason has not been shown as to why the conditional order of dismissal should not become final.

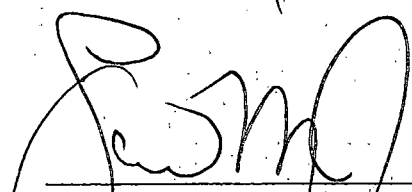
In his responses, Applicant repeats the alleged due process violations and allegations of ineffective assistance of counsel pertaining to the search of his home and the privilege against self-incrimination that he raised in the original application. As discussed in the conditional order, Applicant fails to provide any explanation or justification for the forty-year delay in seeking post-conviction relief. Thus, these claims must be summarily dismissed for the reasons set forth in the conditional order.

Before the Court will hold an evidentiary hearing, Applicant must make a *prima facie* showing that he is entitled to relief. *Welch v. MacDougall*, 246 S.C. 258, 143 S.E.2d 455 (1965); *Blandshaw v. State*, 245 S.C. 385, 140 S.E.2d 784 (1965). Applicant has failed to make such a showing based on the information set forth in his response, and therefore he is not entitled to an evidentiary hearing in this matter. This Court therefore reasserts its findings in the conditional order of dismissal that the current PCR application must be dismissed because it was filed after the statute of limitations had expired, it is barred by the doctrine of *laches*, and because continued litigation by Applicant frustrates the need for finality of litigation.

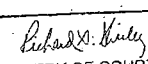
**IT IS THEREFORE ORDERED** that for the reasons set forth in the Court's conditional order of dismissal, the Application for post-conviction relief is hereby **DENIED AND DISMISSED WITH PREJUDICE**.

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 21 day of July, 2022.

  
\_\_\_\_\_  
R. LAWTON MCINTOSH  
Chief Administrative Judge  
Tenth Judicial Circuit

Anderson, South Carolina

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CLERK OF COURT