

STATE OF SOUTH CAROLINA )  
COUNTY OF SUMTER )

RECORDED )  
2022 SEP -1 PM 3: 36 )

Ronald Donald Dingle, #200958, )  
Applicant )

JAMES C. CAMPBELL )  
CLERK OF COURT )  
SUMTER COUNTY, S.C. )

v. )

State of South Carolina, )  
Respondent. )

IN THE COURT OF COMMON PLEAS  
FOR THE THIRD JUDICIAL CIRCUIT

Case No.: 2018-CP-43-01070

**FINAL ORDER OF DISMISSAL**

This matter is before this Court based on an untimely and successive fourth application for post-conviction relief filed by Applicant Ronald Donald Dingle more than two decades after his guilty pleas in 1995 to murder and other related offenses. In response, Respondent the State of South Carolina made its return and moved to summarily dismiss the action as procedurally barred pursuant to the Uniform Post-Conviction Procedures Act, S.C. Code Ann. § 17-27-10 et seq. (2014).

After a review of the record and pleadings, this Court agreed this application should be summarily dismissed as untimely and provisionally dismissed the action by way of a Conditional Order of Dismissal filed on December 7, 2020, giving the 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 January 7, 2021a, serving the above-mentioned Conditional Order of Dismissal on Applicant.

Applicant responded to the Conditional Order of Dismissal by way of two documents captioned "Reply to Return and Motion to Dismiss" and "Response to Conditional Order of Dismissal," filed on December 7, 2020 and December 18, 2020, both setting forth the same arguments as to why this successive and untimely action should not be summarily dismissed. Applicant asserts that because he was resentenced and direct appeal affirming his resentencing

concluded in 2008, the time for filing an application should run from 2008. However, this does not explain why the present application, filed a decade later, should be considered timely. He similarly asserts that because his 2009 action was not successive, this Court should not construe this action as successive and he should be allowed to proceed with this action. However, he again fails to sufficiently explain why he should be allowed to raise claims in this action, which is patently successive to his 2009 application, the dismissal of which was affirmed on appellate review. Applicant next asserts that his claims regarding prior counsel Shurling are not claims of ineffective assistance of PCR counsel claims because she represented him during his resentencing proceeding—not a prior PCR. Regardless, these claims are still untimely and successive. Applicant also argues the State should be precluded from raising an affirmative defense of laches because the State played a role in his delayed resentencing proceeding. Finally, Applicant asserts that his claim of newly discovered evidence should be considered timely because he personally received a response from the South Carolina Department of Archives in 2018, thus making his claim timely. However, he again fails to explain how he could not have timely discovered these claims with the exercise of reasonable diligence. In conclusion, Applicant has failed to provide sufficient reasons to overcome the procedural bars as set forth in the Conditional Order of Dismissal.

**IT IS THEREFORE ORDERED** that for the reasons set forth in the Court's Conditional Order of Dismissal, this 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 1st day of September, 2022.

Sumter, South Carolina

Kristi F. Curtis  
KRISTI F. CURTIS  
Presiding Judge  
Third Judicial Circuit