

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Terrance G. Adams, #229165,

Applicant,

v.

State of South Carolina,

Respondent.

) IN THE COURT OF COMMON PLEAS
) FOR THE FIFTH JUDICIAL CIRCUIT

) CASE NO. 2022-CP-40-05069

) **FINAL ORDER OF DISMISSAL**

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This matter comes before this Court by way of a post-conviction relief (PCR) action commenced by Terrance G. Adams (Applicant) filed on September 28, 2022. Respondent made its Return and Motion to Dismiss on January 9, 2023, requesting this action be summarily dismissed because it was procedurally barred as untimely, barred by the statute of limitations, successive to Applicant's previous PCR applications, and barred by the doctrine of *res judicata* pursuant to S.C. Code Ann. § 17-27-20, § 17-27-45, and § 17-27-90.

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 filed on February 14, 2023, 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 Conditional Order of Dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an affidavit of service dated March 2, 2023, indicating the State served the above-mentioned Conditional Order of Dismissal on Applicant.

On January 24, 2023, and prior to the filing and service of the Conditional Order of Dismissal, Applicant filed a letter to the Clerk captioned "RE: 2022CP4005069 AND POST-

CONVICTION DNA TESTING ACT WHICH WAS FILED MAY 31, 2016."¹

On February 6, 2023, Applicant filed a letter captioned "RESPONSE OPPOSING THE STATE RETURN AND MOTION TO DISMISS (REQUESTING APPOINTMENT OF COUNSEL)." In this filing, Applicant argues actual innocence and how PCR is a "gateway" for relief in actual innocence.

In reply to the Conditional Order of Dismissal, Applicant has filed multiple responses. In his first filing on February 27, 2023, captioned "Reply Opposing Conditional Order of Dismissal," Applicant argues the same arguments he presented in his application for PCR.

In Applicant's second filing on March 6, 2023, Applicant writes that the "Solicitor's for the Fifth Circuit and custodian of evidence both testimony given on the record, the evidence no longer exists. S.C. Code Ann. § 17-28-320(c) and section 17-27-30 applies in this action. See. S.C. Code Ann. § 17-28-30(A)(15)."

In Applicant's third filing on March 8, 2023, captioned "REPLY BY APPLICANT TO CONDITIONAL ORDER OF DISMISSAL," Applicant again asserts the trial court lacked subject matter jurisdiction.

In Applicant's fourth and fifth filings on March 9, 2023, both captioned "RELIEF FROM JUDGMENT FILED MAY 31, 2016," Applicant again asserts the court lacked subject matter jurisdiction and requests the Court rule on a motion "pending for over eighty-two (82) months."

In Applicant's sixth filing on March 17, 2023, captioned "MOTION TO VACATE ON GROUNDS THAT THE CIRCUIT COURT LACKED SUBJECT MATTER JURISDICTION."

In Applicant's seventh filing on April 14, 2023, captioned "RE: This illegal conviction or

¹ On February 21, 2023, Applicant filed an appeal to the Honorable DeAndrea G. Benjamin's January 20, 2023, Order of Dismissal denying Applicant's motion for DNA testing under the Access to Justice Post-Conviction DNA Testing Act.

illegal sentence under S.C. Code Ann. § 16-11-311(B), burglary first degree, absent any aggravating circumstances for enhancement fact is illegal." Applicant again asserts actual innocence.

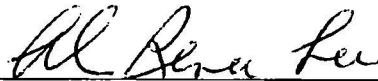
This Court finds that Applicant's numerous filings are just renewals of his original arguments and reasserts its findings in the Conditional Order of Dismissal that the current PCR application must be dismissed because it is untimely, successive to Applicant's previous PCR applications, barred by the doctrine of *res judicata* pursuant to S.C. Code Ann. § 17-27-20, § 17-27-45, and § 17-27-90, and for failing to comply with the Uniform Post-Conviction Procedures Act, S.C. Code Ann. § 17-27-10 *et seq.* (2014). 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 responses, and, therefore, he is not entitled to an evidentiary hearing in this matter. Accordingly, this Court finds no reason why the Conditional Order of Dismissal should not become final.

{SIGNATURE PAGE FOLLOWS}

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 that 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 35th day of April, 2023.



ALISON RENEE LEE
Chief Administrative Judge
Fifth Judicial Circuit

Columbia, South Carolina.