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JUN 21 2023
S.C. SUPREME COURT

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)
Curtis Ray Green, SCDC #366229,)
Applicant,)
v.)
State of South Carolina,)
Respondent.)

IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL CIRCUIT

Case No.: 2022-CP-38-00681

FINAL ORDER OF DISMISSAL

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed by Curtis Ray Green (Applicant) on May 12, 2022. In response, Respondent made its return and moved to summarily dismiss the application as untimely pursuant to Section 17-27-45 and Section 17-27-70 of the South Carolina Code.

After review of the record and pleadings, this Court agreed this application should be summarily dismissed and provisionally dismissed the action by way of a Conditional Order of Dismissal filed on March 27, 2023, giving Applicant twenty days from the date of service of said Order to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service indicating the Conditional Order of Dismissal was served on Applicant on May 1, 2023. Applicant has not filed a response to that order setting forth any basis as to why the Court's Conditional Order of Dismissal should not become final.¹

¹ On February 24, 2023, Applicant filed the following letter with the clerk of court:

I sent you a letter back on September 20th to 1406 Amelia St Address and realized I coulda sent it to the PC Box address once I looked back through my PCR and seen the copy of the envelope with the address where I coulda sent it regarding my PCR motion not to be dismissed. I would like to know the status on it and when will I be moving forward.

This Court finds the foregoing (which was filed *before* the Conditional Order of Dismissal was filed) does not set forth a valid basis as to why the Conditional Order of Dismissal should not become final.

IT IS THEREFORE ORDERED that for the reasons set forth in the Court's Conditional Order of Dismissal, this PCR application is hereby **DENIED AND DISMISSED WITH PREJUDICE**.

This Court hereby advises Applicant that should he wish to procure appellate review, he must file and serve a notice of appeal within thirty days of this Order. 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 _____ day of _____, 2023.

DIANE S. GOODSTEIN
Chief Administrative Judge – Common Pleas
First Judicial Circuit

_____, South Carolina