

STATE OF SOUTH CAROLINA)
 COUNTY OF JASPER)
 Antonio Demazio Scott, SCDC #320475,)
 Applicant,)
 v.)
 State of South Carolina,)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 FOR THE FOURTEENTH JUDICIAL CIRCUIT

Case No.: 2021-CP-27-00444

FINAL ORDER OF DISMISSAL

RECEIVED

JUL 26 2023

S.C. SUPREME COURT

FILED
 JASPER COUNTY
 CLERK OF COURT
 2023 JUN 27 A 9:01

This matter comes before the Court by way of post-conviction relief application filed by Applicant Antonio Demazio Scott on October 12, 2021. In response, 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, located at section 17 27-10 to -160 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 February 23, 2022, 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 Applicant was served the Conditional Order of Dismissal on July 20, 2022.

On February 8, 2022, Applicant filed a Motion to Dismiss the Conditional Order of Dismissal, asserting he had attempted to file a PCR application in 2016, and he believed—based on a letter he received from the Jasper County Clerk of Court—that “if he refiled the PCR

TRUE COPY
 MARGARET BOSTICK
 CLERK OF COURT
 JASPER COUNTY, SC
 BY: [Signature]
 DATE: 10-29-2023

application it would be accepted and timely filed.”¹ On April 25, 2022, Applicant filed a Motion to Amend and a Proposed Amendment asserting “counsel was ineffective for failing to file a motion or bring to the Court’s attention that the indictment was drawn on an ill-legal grand jury, and the Court lacked jurisdiction to try [Applicant].” On August 1, 2022, Applicant filed (1) an Objection to the Conditional Order of Dismissal, again asserting he had previously attempted to file a PCR in 2016; (2) a Motion to Dismiss the Conditional Order of Dismissal, reiterating the argument in his February 2022 Motion to Dismiss the Conditional Order of Dismissal; and (3) a Motion to Amend and a Proposed Amendment raising the same argument in his April 2022 Proposed Amendment. This Court construes these filings as responses to the Conditional Order of Dismissal. This Court further finds Applicant has not made a prima facie showing that he is entitled to an evidentiary hearing. As this Court previously found, the Clerk of Court reviewed its records and did not have any record of receiving or filing a prior PCR application. Further, Applicant’s proposed amendment does not raise an issue warranting a hearing. See S.C. Code Ann. §§ 14-5-910 to -940 (allowing for terms of court not provided for by law); State v. Jeffcoat, 26 S.C. 114, 1 S.E. 440, 441 (1887) (“[M]erely changing the time for holding the court did not make the grand jury illegal.”); Pringle v. State, 287 S.C. 409, 411, 339 S.E.2d 127, 128 (1986). (providing a presumption of regularity attaches to proceedings in the Court of General Sessions); State v. James, 321 S.C. 75, 472 S.E.2d 38, 40 (Ct. App. 1996) (providing courts must presume a

¹ As noted in the Conditional Order of Dismissal, Applicant sent a letter to the Supreme Court of South Carolina, received on September 13, 2021, requesting a copy of his PCR application. In that letter Applicant claims he mailed a copy of his application to the Jasper County Clerk of Court in January 2016. Applicant further contends he sent amendments to that application in April 2016. In the letter, Applicant states he has not received any replies to letters he has mailed to the Jasper County Clerk of Court. Upon receipt of Applicant’s letter, the Supreme Court forwarded it to the Jasper County Clerk of Court on September 15, 2021. By letter dated September 30, 2021, the Jasper County Clerk of Court responded to Applicant and advised him their office had reviewed their records; however, their records did not indicate any application was ever received by or filed with the Jasper County Clerk of Court.

properly returned indictment is valid absent evidence to the contrary); State v. Gentry, 363 S.C. 93, 101, 610 S.E.2d 494, 499 (2005) (“[S]ubject matter jurisdiction of the circuit court and the sufficiency of the indictment are two distinct concepts and the blending of these concepts serves only to confuse the issue. Circuit courts obviously have subject matter jurisdiction to try criminal matters.”).

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**.

Should Applicant 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 19 day of JUNE, 2023.



CARMEN T. MULLEN
Chief Administrative Judge – Common Pleas
Fourteenth Judicial Circuit

RIDGELAND, South Carolina