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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal From Richland County Court of Common Pleas
Jocelyn Newman, Chief Administrative Judge
Case NO. 2019-CP-40-1302

Louis Gainey, Jr. #185519.....Appellant

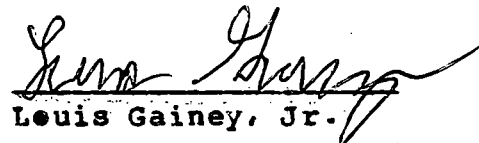
v.

State of South Carolina.....Respondent

Notice of Appeal

The undersigned hereby certify that he mail the Final Order of Dismissal that was signed August 8, 2023 and received by me on September 5, 2023 file on September 30, 2023. A timely motion for reconsideration was filed on September 6, 2023, but have not heard from the respondent.

Dated
September 30, 2023


Louis Gainey, Jr.

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Louis Gainey, Jr., #185519,

Applicant,

v.

State of South Carolina,

Respondent.

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

) CASE NO. 2019-CP-40-1302

) **FINAL ORDER OF DISMISSAL**

JEANETTE
C.C.P.G.S. 1-11-11
2023 AUG 17 AM 10:36

RICHLAND COUNTY
FILED

This matter comes before this Court by way of a post-conviction relief (PCR) action commenced by Louis Gainey, Jr. (Applicant), filed on March 6, 2019. Respondent made its Return and Motion to Dismiss on March 7, 2019, requesting this action be summarily dismissed because it was procedurally barred as untimely, successive to Applicant's prior PCR actions, barred by the statute of limitations, barred by the doctrine of res judicata, and failing to make a *prima facie* showing of newly discovered evidence pursuant to the Uniform Post-Conviction Procedures Act, S.C. Code Ann. § 17-27-10 et seq. (2014). Applicant subsequently filed a "Purpose Amendment" and "Motion for Leave to Amend Post Conviction Application." Respondent filed an Amended Return and Motion to Dismiss to address Applicant's subsequent filings.

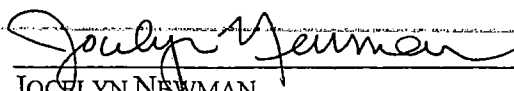
Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal filed on November 16, 2022, provisionally denying and dismissing this action while giving Applicant twenty days from the date of service of said order in which to show why the Conditional Order of Dismissal should not become final. ~~Attached to this Final Order and~~ Incorporated herein by reference is an affidavit of service dated June 5, 2023, indicating the State served the above-mentioned Conditional Order of Dismissal on Applicant.

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.

IT IS THEREFORE ORDERED that for the reasons set forth in the Court's Conditional Order of Dismissal in addition to the reasons set forth in this Final 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 8th day of August, 2023.



JOCELYN NEWMAN
Chief Administrative Judge
Fifth Judicial Circuit

Columbia, South Carolina.