

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

IN THE COURT OF COMMON PLEAS  
FOR THE THIRTEENTH JUDICIAL CIRCUIT

Kenneth Rivera, #318979, )  
 )  
Applicant, )  
v. )  
 )  
State of South Carolina, )  
 )  
Respondent. )  
\_\_\_\_\_ )

Case No.: 2020-CP-23-01967

**FINAL ORDER OF DISMISSAL**  
**RECEIVED**  
OCT 12 2023  
SC Court of Appeals

This matter comes before the Court by way of an application for post-conviction relief filed on April 2, 2020, by Applicant Kenneth Rivera. Respondent made its return on or about June 7, 2021, and moved for the summary dismissal of the application. Respondent asserted that the application was not timely filed within the one-year statute of limitations.

After consideration of the application, return and relevant documents attached thereto, this Court issued a conditional order of dismissal on June 10, 2021, finding that the action should be dismissed as untimely. Applicant was given the opportunity to respond and show cause as to why the conditional order should not become final. As evidenced by the attached Certificate of Service, Applicant was served with the conditional order on July 21, 2021. (Attachment 1). Applicant filed a response on July 21, 2021.

This Court has reviewed its prior order along with Applicant's response and finds Applicant has failed to show cause as to why the Order should not become final. Applicant has presented no argument on the timeliness issue. This application was filed almost four years after the statutory deadline had passed and must be dismissed.

THEREFORE, this Court reasserts all its specific findings in the conditional order of dismissal and concludes that the application must be summarily dismissed as untimely.

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 denied and dismissed.

IT IS SO ORDERED this \_\_\_\_\_ day of September, 2023.

\_\_\_\_\_  
G.D. Morgan, Jr., Chief Judge for  
Administrative Purposes, Common Pleas  
Thirteenth Judicial Circuit

\_\_\_\_\_, South Carolina

ATTACHMENT TO FINAL ORDER  
Certificate of Service (Conditional Order of Dismissal)

**\*\*NOTICE\*\***

This Court gives notice that Applicant must file and serve a notice of appeal **within 30 days** of the receipt of this order to secure appellate review. *See* Rule 203(b)(1), SCACR. Applicant's attention is directed to Rule 243, SCACR, for further procedures regarding an appeal.



ALAN WILSON  
ATTORNEY GENERAL

September 25, 2023

*(Via Electronic Mail Only)*  
The Honorable G.D. Morgan, Jr.  
Chief Administrative Judge  
305 E. North Street  
Greenville, South Carolina 29601

Re: Kenneth Rivera, #318979 v. State of South Carolina  
Case No: 2020-CP-23-1967

Dear Judge Morgan:

Enclosed please find the proposed Final Order of Dismissal regarding the above-captioned case. For your convenience, I am enclosing a copy of the signed and served Conditional Order of Dismissal, along with Applicant's response filed with the Greenville County Clerk of Court on July 21, 2023 for your review.

If this Order meets your Honor's approval, kindly sign same and forward it to the Clerk of Court to be filed and served.

Thank you for your time and consideration in this matter.

Sincerely,

Melody J. Brown  
Senior Assistant Deputy Attorney General

MJB/abb  
Enclosure

cc: Kenneth Rivera, #318979 (with enclosures)