

STATE OF SOUTH CAROLINA  
COUNTY OF CHESTER

Jerrell T. Brockman, #312862,

Applicant,

v.

State of South Carolina,

Respondent.

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

) CASE NO. 2023-CP-12-00019

) **FINAL ORDER OF DISMISSAL**

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CLERK OF COURT  
CHESTER CO S.C.

This matter comes before this Court by way of a post-conviction relief (PCR) action commenced by Jerrell T. Brockman (Applicant), filed on January 13, 2023. Respondent made its Return and Motion to Dismiss on March 17, 2023, requesting this action be summarily dismissed because it was untimely, barred by the statute of limitations, and for failing to comply with the Uniform Post-Conviction Procedures Act, S.C. Code Ann. § 17-27-10 et seq. (2014).

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 May 4, 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 July 6, 2023, indicating the State served the above-mentioned Conditional Order of Dismissal on Applicant.

On June 12, 2023, Applicant filed a document captioned "Reply Motion of Objection to the Respondent's Conditional Order of Dismissal." This Court finds that Applicant's filing is just a renewal of his original arguments that were adequately addressed in the Conditional Order of Dismissal. Therefore, this Court reasserts its findings in the Conditional Order of Dismissal that

the current PCR application must be dismissed because it is untimely, barred by the statute of limitations, 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.

**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 13<sup>th</sup> day of September, 2023.



Presiding Judge  
Sixth Judicial Circuit

Chester, South Carolina.

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CLERK OF COURT  
CHESTER CO S.C.



ALAN WILSON  
ATTORNEY GENERAL

September 19, 2023

The Honorable Sue K. Carpenter  
Chester County Clerk of Court  
PO Drawer 580  
Chester, SC 29706-0580

CLERK OF COURT  
CHESTER CO S.C.  
2023 SEP 22 PM 2:30


Re: **Jerrell T. Brockman, #312862 v. State of South Carolina**  
**Case No: 2023-CP-12-00019**

Dear Ms. Carpenter:

Enclosed please find the original Final Order of Dismissal signed by the Honorable Daniel D. Hall, in the above-captioned cases, for filing in your office.

In addition, please forward proof of service and a time stamped copy back to our office for our file.

Sincerely,

  
D. Russell Barlow, II  
Assistant Attorney General

DRB/sce