

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

William G. Richbourg, #250006,

Applicant,

v.

State of South Carolina,

Respondent.

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

) CASE NO. 2023-CP-40-4977
)


) **FINAL ORDER OF DISMISSAL**
)

RICHLAND COUNTY
FILED
2024 FEB - 7 AM 10: 56
JEANETTE W. McBRIDE
Clerk, G.S. & F.C.

This matter comes before this Court by way of a post-conviction relief (PCR) action commenced by William G. Richbourg (Applicant), filed on September 22, 2023. Respondent made its Return and Motion to Dismiss on November 27, 2023, requesting this action be summarily dismissed because it was untimely, barred by the statute of limitations, successive to Applicant's previous PCR action, barred by the doctrine of *res judicata*, barred by the doctrine of *laches*, 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 December 13, 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 January 4, 2024, indicating the State served the above-mentioned Conditional Order of Dismissal on Applicant.

Applicant failed to file a response to the Conditional Order of Dismissal with the Richland County Clerk of Court.

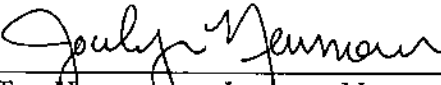

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Before the Court will hold an evidentiary hearing, Applicant must make a *prima facie* showing that he is entitled to relief. Welch v. MacDougall, 246 S.C. 258, 143 S.E.2d 455 (1965); Blandshaw v. State, 245 S.C. 385, 140 S.E.2d 784 (1965). Applicant 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 31st day of January, 2024.



THE HONORABLE JOCELYN NEWMAN
Chief Administrative Judge
Fifth Judicial Circuit

Columbia, South Carolina.

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Post Office Box 21787 - Columbia, South Carolina 29221

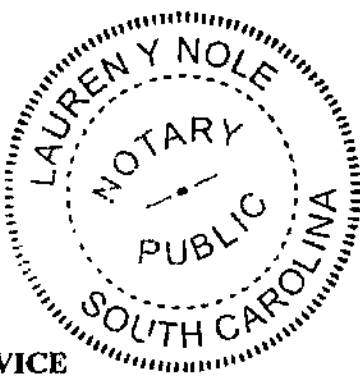
Pursuant to Rule 4(d)(2) of the South Carolina Rules of Civil Procedure, the Director of the South Carolina Department of Corrections has designated Corley Bridges (Server) as his duly authorized agent for the purpose of making service of the process on the below named individual.

STATE OF SOUTH CAROLINA)
COUNTY OF Berkeley) **AFFIDAVIT OF PERSONAL SERVICE**

On this 4 day of January 2023, I served the Conditional Order of Dismissal (2023-CP-40-4977), on Inmate William G. Richbourg, SCDC Inmate #250006 by delivering personally and leaving a copy of the same at MacDougall Correctional Institution.
Deponent is not a party to this action.

si [Signature]
SCDC Server

SWORN TO AND SUBSCRIBED BEFORE ME
this 4th day of January, 2023
[Signature] (L.S.)
Notary Public for South Carolina



My Commission Expires: 04-12-2031

ADMISSION OF SERVICE

Service of a copy of the within Conditional Order of Dismissal (2023-CP-40-4977) is admitted at the South Carolina Department of Corrections (MacDougall Correctional Institution), Lidgeville, Berkeley County, SC this 4 day of January, 2023.
si [Signature]
Inmate
SCDC Inmate #: 250006