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APR 26 2024  
S.C. SUPREME COURT

STATE OF SOUTH CAROLINA  
COUNTY OF FLORENCE

IN THE COURT OF COMMON PLEAS  
FOR THE TWELFTH JUDICIAL CIRCUIT

Charles J. Davis, Jr., #326311

CASE NO. 2023-CP-21-1570

Applicant,

v.

State of South Carolina,

Respondent.

CERTIFIED A TRUE COPY  
CLERK OF COURT C.P. & G.S.  
FLORENCE COUNTY, S.C.

**FINAL ORDER OF DISMISSAL**

2024 FEB 29 PM 3:09  
DORIS D. O'NEAL  
CLERK OF COURT C.P. & G.S.  
FLORENCE COUNTY, S.C.  
**FILED**

This matter comes before this Court by way of a post-conviction relief (PCR) action commenced by Charles J. Davis, Jr. (Applicant), filed on July 5, 2023. Respondent made its Return and Motion to Dismiss on October 3, 2023, requesting this action be summarily dismissed because it was untimely, barred by the statute of limitations, successive to Applicant's previous application, and 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 October 20, 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 November 3, 2023, indicating the State served the above-mentioned Conditional Order of Dismissal on Applicant.

On October 25, 2023, Applicant filed a response to the proposed Conditional Order of Dismissal in a filing captioned "Applicant's Objection to Respondent's Motion to Dismiss Conditional Order" wherein Applicant asserts the same arguments filed with his original

application for PCR.


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 application and 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 23<sup>rd</sup> day of February, 2024.

Florence, South Carolina.

  
THE HONORABLE H. STEVEN DEBERRY, IV  
Chief Administrative Judge  
Twelfth Judicial Circuit

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LORRAINE COUNTY, SC

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