

STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG

Rodney M. Davis, Jr., #357843

Applicant,

v.

State of South Carolina,

Respondent.

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

) CASE NO. 2019-CP-42-03374  
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FINAL ORDER OF DISMISSAL  
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SC Court of Appeals

This matter comes before this Court by way of a post-conviction relief (PCR) action commenced by Rodney M. Davis, Jr. (Applicant), filed on September 23, 2019. Respondent made its Return and Motion to Dismiss filed on January 11, 2021, requesting this action be summarily dismissed for failing to comply with the Uniform Post-Conviction Procedures Act, S.C. Code Ann. § 17-27-10 *et seq.* (2014), because it was untimely, and where no genuine issue of material fact to necessitate a hearing exists pursuant to section 17-27-70 of the South Carolina Code of Laws. Applicant filed an Amended Application for post-conviction relief on February 8, 2021, raising twelve additional claims of ineffective assistance of counsel.

Pursuant to the State's 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 2, 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 November 15, 2022, indicating the State served the above-mentioned Conditional Order of Dismissal on Applicant.

Applicant has not responded to the Conditional Order of Dismissal.

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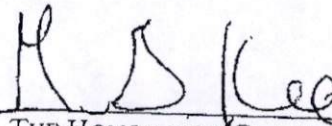
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Before the Court will hold an evidentiary hearing, Applicant must make a *prima facie* showing that he is entitled to relief. Welch v. MacDougall, 246 S.C. 258, 143 S.E.2d 455 (1965); Blandshaw v. State, 245 S.C. 385, 140 S.E.2d 784 (1965). Applicant has failed to make such a showing based on the information set forth in his 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 13 day of May, 2024.



THE HONORABLE GRACE GILCHRIST KNIE  
Chief Administrative Judge  
Seventh Judicial Circuit

Spartanburg South Carolina.

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