

The Supreme Court of South Carolina

William G. Richbourg, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2024-000288

ORDER

Petitioner filed a notice of appeal of the post-conviction relief (PCR) court's dismissal of his second PCR application and an explanation required by Rule 243(c), SCACR. He takes issue with the fact the PCR court did not consider his response to its conditional order of dismissal. We agree the PCR court should have reviewed Petitioner's response, but was unable to do so due to the failure of the Attorney General to timely serve the conditional order and the unwarranted refusal of the Richland County Clerk of Court to accept Petitioner's response for filing.

However, upon review of Petitioner's response to the conditional order of dismissal and Rule 243(c), SCACR explanation, we find Petitioner has failed to show there is an arguable basis for asserting that the determination by the PCR court was improper. Therefore, we dismiss the notice of appeal. The remittitur will be sent as provided by Rule 221(b), SCACR.

After reviewing Petitioner's filings and the PCR court's records, we take this opportunity to remind the Richland County Clerk of Court of her *ministerial duty* to accept filings, regardless of any perceived mistake in form. *See Barnes v. State*, 433 S.C. 399, 402, 859 S.E.2d 260, 261 (2021) (holding clerks of court have a ministerial duty to docket filings irrespective of potential procedural flaws that may exist). We further remind the Attorney General to serve conditional orders of dismissal on PCR applicants in a timely manner.

John Kittledge C.J.
John Cannon Jr J.
John Jones J.
D. Hamilton J.
Robert H. Verdin J.

Columbia, South Carolina
August 20, 2024

cc:
William G. Richbourg, 00250006
Alan McCrory Wilson
The Honorable Jeanette McBride