

# The Supreme Court of South Carolina

Kevin Smith, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2024-001289

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## ORDER

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Because petitioner filed his explanation under Rule 243, SCACR, this matter is reinstated.

However, this Court's review of this matter shows that Petitioner failed to file a response to the underlying conditional order of dismissal. Where, as here, a PCR applicant fails to file a response to a conditional order of dismissal, this Court has held that the applicant cannot appeal. *Edith v. State*, 369 S.C. 408, 632 S.E.2d 844 (2006). Accordingly, the notice of appeal is dismissed. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

  
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FOR THE COURT C.J.

Columbia, South Carolina  
September 23, 2024

cc: D. Russell Barlow, II  
Kevin Smith, #164920

**The Supreme Court of South Carolina**

**PATRICIA A. HOWARD, CLERK OF COURT**

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