

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG)	SEVENTH JUDICIAL CIRCUIT
)	
Faren M. Gibbs, #222138)	CASE NO. 2020-CP-42-0437
)	
Applicant)	
)	
v.)	FINAL ORDER OF DISMISSAL
)	
State of South Carolina,)	
)	
Respondent.)	
_____)	

This matter comes before this Court by way of a post-conviction relief (PCR) action commenced by Faren M. Gibbs (Applicant), filed on October 26, 2020. Respondent made its Return and Motion to Dismiss on February 3, 2020, requesting this action be summarily dismissed with prejudice pursuant to S.C. Code Ann. § 17-27-70 on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing, for successiveness, as barred by the doctrine of *Res Judicata*, as barred by the doctrine of *Laches*, and as barred by the Statute of Limitations.

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 July 28, 2022, provisionally denying and dismissing this action while giving Applicant's Counsel 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 August 26, 2022, indicating the State served the above-mentioned Conditional Order of Dismissal on Applicant.

Applicant filed his objection to the Conditional Order of Dismissal with the Spartanburg County Clerk of Court on September 12, 2022.

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This Court reasserts its findings in the Conditional Order of Dismissal that the current PCR application must be dismissed pursuant to S.C. Code Ann. § 17-27-70 on the basis that there is no genuine issue of material fact which would necessitate an evidentiary hearing, for successiveness, as barred by the doctrine of *Res Judicata*, as barred by the doctrine of *Laches*, and as barred by the Statute of Limitations. 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 lack of information before this Court, 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, the Application for post-conviction relief is hereby **DENIED AND DISMISSED WITH PREJUDICE**.

This Court hereby advises Applicant 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 6 day of JANUARY, 2025.



THE HONORABLE GRACE G. KNIE
Chief Administrative Judge
Seventh Judicial Circuit

Spartanburg, South Carolina.

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