

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS

Pemell Riley, 164169,)
Applicant,)

2006-CP-40-7502

v.)

FINAL ORDER OF DISMISSAL

State of South Carolina,)
Respondent.)

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CLERK OF COURT
C.C.C. CLERK

This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed December 18, 2006. Respondent made its return and motion to dismiss on March 26, 2007, requesting that the Application be summarily dismissed. 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 dated May 17, 2007, provisionally denying and dismissing this action, while giving the Applicant twenty (20) days from the date of service of said Order in which to show why the dismissal should not become final.

In a document captioned "Reply to Conditional Order of Dismissal" and dated June 5, 2007, the Applicant argues that "to retroactively apply the new Statute of Limitations to this action for which the limitations period has already expired would violate the due process rights of the petitioner." Additionally, Petitioner relies on the constitutional arguments set forth in his application.

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S.C. SUPREME COURT

This Court has reviewed the Applicant's response to the State's motion to dismiss in its entirety, in conjunction with the original pleadings, and finds that a sufficient reason has not been shown 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 PCR is hereby denied and dismissed with prejudice.

This Court hereby advises the Applicant that he must file and serve a Notice of Appeal within thirty (30) days of the service of this Order to secure appellate review. See Rule 203, SCACR. The Applicant's attention is directed to Rule 227, SCACR, for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this 24th day of July, 2007.



Alison R. Lee
Administrative Judge
Fifth Judicial Circuit

Columbia, South Carolina.

Parnell Riley sec# 164169
B.R.C.I., Murray A-Side 151
4460 Broad River Road
Columbia, South Carolina 29210

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DEPARTMENT OF CORRECTIONS HAS NEITHER
NOR INSPECTED THIS ITEM. THEREFORE
DEPARTMENT DOES NOT ASSUME RESPONSIBILITY
ITEMS.

WARDEN
ROAD RIVER CORRECTIONAL INSTITUTION
DEPARTMENT OF CORRECTIONS