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STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
COUNTY OF ANDERSON)	FOR THE TENTH JUDICIAL CIRCUIT
)	
Albert Lee Evans, #260409,)	
)	Case No.: 2024-CP-04-02123
Applicant,)	
)	
v.)	
)	FINAL ORDER OF DISMISSAL
State of South Carolina)	
)	
Respondent.)	
)	
)	
)	

This matter comes before the Court by way of an application for post-conviction relief filed by Albert L. Evans (Applicant) on October 16, 2024. Respondent made its return, requesting the application be summarily dismissed for untimeliness; being barred by the statute of limitations; successive to Applicant's previous PCR action; being barred by the doctrine of *res judicata*; and for failure to comply with the Uniform Post-Conviction Procedures Act, S.C. Code Ann. § 17-27-20 *et seq.* (2014). 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 signed and filed on February 7, 2025, provisionally denying and dismissing this action, while giving Applicant twenty days from the date of service of said order in which to show why dismissal should not become final. Attached to this final order and incorporated herein by reference is an affidavit of service dated March 3, 2025, serving the above-mentioned conditional order of dismissal on Applicant.

On March 11, 2025, Assistant Attorney General Ryan T. Kowalski received a response from Applicant dated February 19, 2025. This response was clock-stamped by the Anderson County Clerk of Court on February 24, 2025. This Court has reviewed this response in its entirety

and issued a Form 4 Order on March 3, 2025 treating the February 24 filing as a motion to reconsider and denying the motion without the necessity for a formal hearing.

This Court finds Applicant has failed in his burden to establish there is a genuine issue of material fact such that he should be granted an evidentiary hearing on his PCR application. S.C. Code Ann. § 17-27-70(c); *Leamon v. State*, 363 S.C. 432, 434, 61 1 S.E.2d 494, 495 (2005) (summary disposition appropriate when there is no need to develop facts and the applicant is not entitled to relief). This Court reasserts its findings in the Conditional Order of Dismissal that the current PCR application must be dismissed because it is untimely, barred by the statute of limitations, successive to Applicant's previous application, barred by the doctrine of *res judicata*, for failure to state a cognizable claim for relief pursuant to S.C. Code Ann. § 17-27-20, § 17-27-45, and § 17-27-90, and for failing to comply with the Uniform Post-Conviction Procedures Act, S.C. Code Ann. § 17-27-10 *et seq.* (2014).

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 his responses, and, therefore, he is not entitled to an evidentiary hearing in this matter. Therefore, this Court finds no reason why the Conditional Order of Dismissal should not become final.

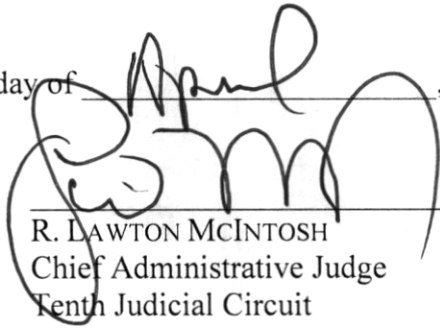
IT IS THEREFORE ORDERED that for the reasons set forth in the Court's Conditional Order of Dismissal, the Application for post-conviction relief is hereby **DENIED AND DISMISSED WITH PREJUDICE**.

This Court hereby advises Applicant 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 28 day of April, 2025.

Anderson, South Carolina.



R. LAWTON MCINTOSH
Chief Administrative Judge
Tenth Judicial Circuit

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ALAN WILSON
ATTORNEY GENERAL

April 2, 2025

The Honorable R. Lawton McIntosh
Tenth Judicial Circuit Chief Administrative Judge
Post Office Box 8002
Anderson, SC 29622

Re: Albert L. Evans, #260409 v. State of South Carolina
2024-CP-04-02123

Dear Judge McIntosh,

Enclosed please find the proposed Final Order of Dismissal in the above-captioned case. For your convenience, I have enclosed a copy of the signed and served Conditional Order of Dismissal for your review. If this proposed order meets your approval, please sign it, and forward it to the Anderson County Clerk of Court for filing in the enclosed stamped envelope.

If you have any questions regarding this matter, please let me know.

Sincerely,

Ryan T. Kowalski
Assistant Attorney General

RTK/zew
Enclosure

cc: Albert L. Evans, #260409