STATE OF SOUTH CAROLINA COUNTY OF GREENVILLE	)	IN THE COURT OF COMMON PLEAS THE THIRTEENTH JUDICIAL CIRCUIT
Eugene Thomas, SCDC #222351, Applicant, v. State of South Carolina, Respondent.	)	CASE NO. 2022-CP-23-2546 **FINAL ORDER OF DISMISSAL**

FILED: 26OCT15PM12:23
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SC Court of Appeals

This matter comes before this Court by way of a post-conviction relief (PCR) action filed by Eugene Thomas (Applicant), on May 13, 2022. Respondent, the State of South Carolina, made its return and moved to summarily dismiss this application as barred by the statute of limitations, successive to Applicant's previous applications, barred by the equitable doctrine of *res judicata*, barred by the equitable doctrine of *laches*, 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).

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 June 16, 2026, provisionally denying and dismissing this action while giving Applicant 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 September 14, 2026, indicating the State served the above-mentioned Conditional Order of Dismissal on Applicant.

Applicant has filed responsive documents titled "Order Objecting to Order of Dismissal" on July 13, 2026, and "Order Objecting Future Filings Restricting, and Order of Dismissal" on July 29, 2026. This Court has reviewed its prior Conditional Order and finds Applicant has failed

to show cause as to why the Order should not become final. Applicant has presented no specific factual or legal reasons on the timeliness of the issue. Applicant was sentenced on September 10, 2012, and the direct appeal was dismissed on November 3, 2014. As such, a timely application should have been filed on or before November 3, 2015. This application was not filed until May 13, 2022, well beyond the statutory filing period. Applicant acknowledges that he filed a prior PCR action and has not provided a valid reason why this claim could not have been raised in that action. He further provides no explanation as to why no action was pursued that would require records to be preserved, as such, this action is barred by the doctrine of laches.

After a review of Applicant's filing, this Court reasserts its finding in the Conditional Order of Dismissal that the current PCR application must be dismissed because it is barred by the statute of limitations, successive to Applicant's previous PCR applications, barred by the doctrine of *res judicata*, for failing to make a prima facie showing of newly discovered evidence 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 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**.

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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 14 day of October, 2026.

JESSICA ANN SALVINI
Chief Administrative Judge
Thirteenth Judicial Circuit

Greenville, South Carolina.