

The Supreme Court of South Carolina

Rayshana Lee Harvin, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2014-001162

Lower Court Case No. 2012CP4301606

ORDER

In this post-conviction relief case, the circuit court issued a conditional order of dismissal, which gave petitioner twenty days to show cause why the conditional order should not become final. According to the final order of dismissal, petitioner did not file a response to the conditional order. Petitioner has now served and filed a notice of appeal.¹

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.


C.J.
FOR THE COURT

Columbia, South Carolina

May 30, 2014

cc: Daniel Francis Gourley, II, Esquire
Ms. Rayshana Lee Harvin, #347294

¹ Petitioner has also filed a motion seeking relief under Rule 59 of the Federal Rules of Civil Procedure. This federal rule is, of course, inapplicable to the courts of this state. To the extent petitioner may be trying to seek relief under Rule 59 of the South Carolina Rules of Civil Procedure, that motion would have to be timely made in the court of common pleas rather than in this Court. Therefore, no action will be taken on this motion by this Court.