

# The Supreme Court of South Carolina

Antonio Boykin, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2014-001295

---

## ORDER

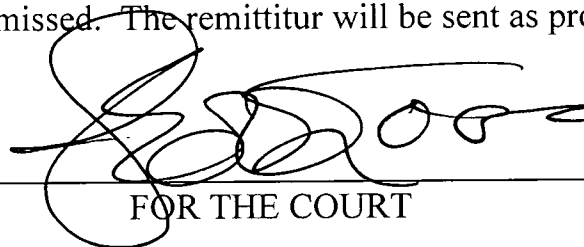
---

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 from the final order.<sup>1</sup>

The notice of appeal is dismissed for two reasons. First, petitioner has failed to provide a proof of service showing that a copy of the notice of appeal has been served on opposing counsel as required by Rules 243(b) and 203(d)(1)(B)(i) of the South Carolina Appellate Court Rules (SCACR).

Second, where a post-conviction relief 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), SCACR.

  
C.J.  
FOR THE COURT

Columbia, South Carolina  
June 19, 2014

cc: Daniel Francis Gourley, II, Esquire  
Mr. Antonio Lamont Boykin, #332153

---

<sup>1</sup> Since petitioner asserts that he has never received a copy of the final order, a copy of the final order is enclosed.