

STATE OF SOUTH CAROLINA
COUNTY OF SUMTER

RECORDED
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IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

JAMES O. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C. 2008-CP-43-2824

Raymond Magazine, #254723,
Applicant,
v.
State of South Carolina,
Respondent.

CERTIFIED TRUE COPY
OF ORIGINAL FILED
[Signature]
FINAL ORDER DEPUTY CLERK OF COURT
SUMTER COUNTY
SOUTH CAROLINA

This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed December 11, 2008. In its Return and Motion to Dismiss dated April 4, 2011, Respondent requested that the Application be summarily dismissed as successive and barred by the one-year statute of limitations. 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 April 25, 2011, and filed May 3, 2011, 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. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated June 2, 2011, serving the above-mentioned Conditional Order of Dismissal on the Applicant.

The Applicant responded to the Conditional Order of Dismissal by way of a document entitled "Applicant's Objection's and Return to Respondent's Motion to Dismiss and the Court's Conditional Order of Dismissal", dated May 16, 2011, and received by the Respondent on May 17,

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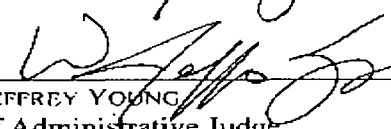
2011. In the letter, Applicant objected to several areas of the Conditional Order of Dismissal including:

- "The Clerk's attempt to cast the motion as a new (PCR) application is misplaced. The Applicant have alleged that fraud and misrepresentation or other misconduct of an adverse party (THE STATE) have occurred. That he could not in the exercise of due diligence discovered such facts due to the conduct of the State... Therefore, the Applicant urges this Court to consider his claim of after-discovered evidence... Further, Applicant would ask that the Court take judicial notice that the "NEW" (emphasis in original) evidence was material and outcome determinative."

This Court has reviewed the original pleadings and finds that a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final. The Applicant fails to set forth with any specificity whatsoever what this "newly-discovered" evidence is and how or when it was discovered, thus precluding this Court from determining whether this newly-discovered evidence is excluded from the statute of limitations time bar or if this new evidence is such that it would probably change the result if a new trial were granted. Therefore, this Court finds that the Applicant has shown no sufficient 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 PCR is hereby denied and dismissed with prejudice.

AND IT IS SO ORDERED this 21 day of July, 2011.


W. JEFFREY YOUNG
Chief Administrative Judge
Third Judicial Circuit

Sumter, South Carolina.