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STATE OF SOUTH CAROLINA)
 COUNTY OF HORRY)
 Michel A. Dukes, Sr., #311176,)
 Applicant,)
 v.)
 State of South Carolina,)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 FOR THE FIFTEENTH JUDICIAL CIRCUIT

Case No. 2014-CP-26-1339

FINAL ORDER OF DISMISSAL

HORRY COUNTY
 2015 APR 20 PM 1:49
 MELANIE HUGHES, CLERK
 CLERK OF COURT

This matter comes before the Court pursuant to an Application for Post-Conviction Relief filed March 5, 2014. Respondent made a timely Return and Motion to Dismiss on or about December 12, 2014, requesting the Application be summarily dismissed as successive and untimely. Pursuant to this motion, the Court reviewed the pleadings in this matter and all of the records attached thereto. The Honorable Larry B. Hyman Jr. issued a Conditional Order of Dismissal, filed on March 10, 2014, provisionally denying and dismissing this action, while giving Applicant twenty (20) days from the date of service of said order to show why the dismissal should not become final. Attached to this final order and incorporated herein by reference is the Affidavit of Personal Service, dated January 21, 2015, of the above-mentioned conditional order on Applicant.

Applicant filed a document titled "Sufficient Explanation Required for Successive Applications" on January 26, 2015. In that response, Applicant argues his application is not successive because he was denied effective assistance of counsel, and the Court's refusal to hear his claims amounts to a "gross miscarriage of justice." He also argues the discovery of new evidence makes his application timely, but fails to describe such evidence. Applicant argues the Court erred in denying his motion for default because he is "being held against [his] will and denied equal protection[.]"

[Handwritten Signature]

ATTORNEY GENERAL'S OFFICE

RECEIVED 4-22-75

ADMINISTRATIVE INSTRUCTIONS

*Int
4/24/75*

FILE OPEN END

HAVE COPIES MADE

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ORDER: TRANSCRIPT

PEN RECORDS CLERK RECORDS

OTHER: ① serve ② scan

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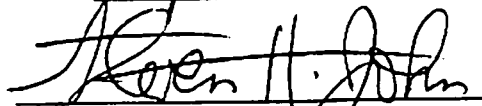
Applicant argues the trial court was without jurisdiction to convict him. Finally, Applicant argues he is entitled to counsel and a hearing to address the allegations in his application.

The Court has reviewed the original pleadings, Applicant's response to the conditional order, and all other relevant documents. The Court finds Applicant has not shown a sufficient reason why the application was not successive and untimely. The allegations raised in this application and in Applicant's response to the conditional order have already been addressed in Applicant's numerous prior collateral actions. Applicant cannot attempt to re-litigate issues that have already been addressed. Aice v. State, 305 S.C. 448, 452, 409 S.E.2d 392, 395 (1991). Accordingly, the Court finds Applicant has not demonstrated a sufficient reason why the conditional order 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**.

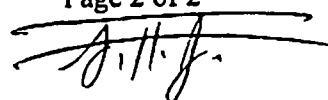
This Court notes Applicant must file and serve a notice of intent to appeal within thirty (30) days from receipt of this order to secure the appropriate appellate review. See Rule 203, SCACR, Rule 71.1(g), SCRCR, and Bray v. State, 366 S.C. 137, 620 S.E.2d 743 (2005), for the obligation of Applicant's counsel to file and serve notice of appeal. The Applicant's attention is also directed to Rule 243, SCACR, for appropriate procedures after notice has been timely filed.

IT IS SO ORDERED THIS 8th DAY OF April, 2015.



THE HONORABLE STEVEN H. JOHN
Chief Judge for Administrative Purposes
Fifteenth Judicial Circuit

Comway, South Carolina

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STATE OF SOUTH CAROLINA)
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COUNTY OF HORRY)
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MICHEL A. DUKES, SR., #311176)
)
vs)
)
STATE OF SOUTH CAROLINA,)
)
)
Respondent.)
_____)

IN THE COURT OF COMMON PLEAS

2014-CP-26-1339

AFFIDAVIT OF SERVICE BY MAIL

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a filed copy of the Final Order of Dismissal in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

**Michael A. Dukes, #311176
Evans Correctional Inst.
P.O. Box 2951202
Bennettsville, SC 29512**

DATED this 29th day of April, 2015.


Norma Bigbee, Legal Assistant
For Respondent