

STATE OF SOUTH CAROLINA

RECORDED COURT OF COMMON PLEAS

County of Sumter

2015 NOV 17 PM 2:24 Case # 2015 -CP- 43

RECEIVED

Kevin Canty

Applicant / Petitioner

JAMES C. CAMPBELL
CLERK OF COURT
SUMTER COUNTY, S.C.

NOV 25 2015
ORIGINAL

SC Court of Appeals

TEMPORARY ORDER

vs.

State of South Carolina,

Respondent.

This post-conviction relief case came before the court for a hearing. Having now heard this matter, the court orders as indicated herein.

1. The application for post-conviction relief is hereby: denied granted under advisement; a formal order will be filed (see below - No.6)

2. Motion(s) was/were heard in this case and the court orders:

The motion to dismiss and/or for summary judgment is hereby granted denied under advisement based upon the statute of limitations and/or the successive nature of the application or other reason as follows:

3. A conditional order of dismissal was previously filed in this case. Upon review of the matter, the court finds:

Good cause as to why the case should not be dismissed has been shown in response to the order of dismissal; therefore, a hearing on the merits of the application shall be scheduled.

The court has considered the response to the conditional order of dismissal and finds that good cause has not been shown or no response has been filed to the conditional order of dismissal; therefore, the application is hereby dismissed.

4. The application was freely, voluntarily, and intelligently withdrawn as indicated on the record; therefore, this case is dismissed with prejudice without prejudice.

5. Other:

6. The court further orders:

The Attorney General Applicant's counsel is/are directed to submit to the court a proposed order and to serve the order on opposing counsel within 30 days. The court reserves the right to issue an order prior to the submission of any proposed orders.

The court does not request proposed orders.

IT IS SO ORDERED.

Date: 11 / 17 / 2015

Janya L. G.
Presiding Judge

Court Reporter Krystal Smith

Attorney for Applicant Timothy Griffith

Attorney for Respondent Daniel Gourley