

EXHIBIT C
FINAL ORDER OF DISMISSAL

STATE OF SOUTH CAROLINA)
 COUNTY OF SUMTER)
 Robert Louis Garrett, #291096)
 Applicant,)
 v.)
 State of South Carolina,)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 FOR THE THIRD JUDICIAL CIRCUIT

Case No. 2012-CP-43-2007

CERTIFIED TRUE COPY
 OF ORIGINAL FILED

James T. Campbell
 DEPUTY CLERK OF COURT
 SUMTER COUNTY
 SOUTH CAROLINA

FINAL ORDER OF DISMISSAL

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 2016 JUN 17 PM 11:55
 JAMES T. CAMPBELL
 CLERK OF COURT
 SUMTER COUNTY, SC

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed October 10, 2012. The Respondent made its return on March 21, 2014, requesting the application be summarily dismissed because it is successive, untimely filed, it did not meet the requirements of proving newly discovered evidence, and it was barred by the doctrine of *res judicata*.

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 signed March 26, 2014 and filed April 9, 2014 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 April 24, 2014 serving the above mentioned Conditional Order of Dismissal on the Applicant.

In a document captioned "Response to Conditional Order of Dismissal" and filed through Applicant's counsel, Jeremy Thompson, on May 14, 2014, the Applicant argues that his application should not be dismissed because:



1. The new evidence presented satisfies all of § 17-27-45(C)'s requirements;
2. The application is not successive because the after-discovered evidence was not available in his first application;
3. The application is timely because it was filed within one year of the discovery of the newly-discovered evidence;
4. The application is not barred by *res judicata*.

This Court has reviewed the Applicant's response to the Conditional Order of Dismissal in its entirety, in conjunction with the original pleadings, and finds a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final.

This Court notes the Applicant was convicted and sentenced on February 26, 2003 and the remittitur was sent following the dismissal of Applicant's appeal on October 1, 2004. As this action was filed on October 10, 2012, it was clearly filed outside the expiration of the statute of limitations. See S.C. Code Ann. § 17-2745(a) (Supp.2003). This is the Applicant's third application for post-conviction relief. This Court notes successive PCR applications are disfavored. See Land v. State, 274 S.C. 243, 246, 262 S.E.2d 735, 737 (1980). This Court finds the Applicant had the opportunity to litigate all issues related to his case at the evidentiary hearing for his first PCR application on March 20, 2007. See Odom v. State, 337 S.C. 256, 261 523 S.E.2d 753, 755 (1999). ("[A]n Applicant is entitled to a full adjudication on the merits of the original petition, or 'one bite at the apple.'").

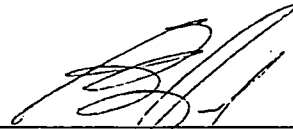
*NEVER RECEIVED A COPY
OF PROPOSED FINAL ORDER

*NO MENTION OF CASEY CORNWELL

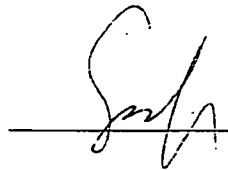
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IT IS THEREFORE ORDERED that, for the reasons set forth in the Court's Conditional Order of Dismissal, the Application for post-conviction relief is hereby denied and dismissed with prejudice.

AND IT IS SO ORDERED this 23 day of May, 2016.




GEORGE C. JAMES, JR.
Chief Administrative Judge
Third Judicial Circuit Court

 South Carolina.

* PER AMENDMENT NOT MENTIONED
* JUDGE J. YOUNG
SIGNED CONDITIONAL ORDER

* GDB
* 59E

* Notice of Appeal
* Sept. 9/10 2014 Judge
C. NEWMAN APPOINTED
CASEY CORNWELL AND ORDERED
that he file his own
RESPONSE to  JUDGE YOUNG'S
CONDITIONAL ORDER