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The State of South Carolina  
In The Court of Appeals

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APR 12 2017  
SC Court of Appeals

Appeal From SPARTANBURG COUNTY  
COURT OF COMMON PLEAS

J. Derham Cole, Chief Administrative Judge  
Case No: 2015-cp-42-4968

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APR 14 2017

S.C. SUPREME COURT

The ..... Respondent  
VS.  
Kenneth Jones ..... Appellant

Kenneth Jones Appeals his Final order of Dismissed  
in this case. The order was imposed by the Honorable  
J. Derham Cole, Chief Administrative Judge on March-  
30-17. Appellant received written notice of entry of  
this order on April-7-2017.

S. Kenneth Jones  
Kenneth Jones 183003  
McCormick C.I F3A 187  
386 Redemption Way  
McCormick, S.C. 29899

The State of South Carolina  
In The Court of Appeals

Appeal From Spartanburg County  
Court of Common Pleas

J. Derham Cole, Chief Administrative Judge

Case No.: 2015-CP-42-4968

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APR 12 2017  
SC Court of Appeals

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APR 14 2017  
S.C. SUPREME COURT

State of South Carolina . . . . . Respondent

v.

Kenneth Jones . . . . . Appellant

Proof of Service

I certify that I have served this Notice of Appeal on the  
Honorable Kenneth A. Richstaed, Clerk of Court, by depositing a copy  
of it in the U.S. Mail, postage prepaid, on April 12, 2017, addressed  
to his office at, Post Office Box 11629, Columbia, South Carolina  
29211.

s/ Kenneth Jones

Kenneth Jones 183003  
McCormick C.I. / F-3-187A  
386 Redemption Way  
McCormick, S.C. 29899

Kenneth Jones #183003  
McEormick C I F3187A  
386 Redemption Way  
McEormick S.C. 29899

April 12-2017

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SC Court of Appeals

Honorable Kenneth Richard  
Clerk, S.C. Court of Appeals  
P.O. Box 11629  
Columbia, S.C. 29211

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APR 14 2017

S.C. SUPREME COURT

RE: State of South Carolina V. Kenneth Jones  
Case No: 2015-CP-42-4968

Dear Mr. Shearouse,

Enclosed for filing is a notice of appeal in the above  
case, along with a:

- 1) Proof of service;
- 2) copy of the lower court order

Respectfully,

SI Kenneth Jones

The STATE OF South CAROLINA  
In The COURT OF APPEALS

Appeal From SPARTANBURG COUNTY  
COURT OF COMMON PLEAS

J. Dedham Cole, Chief Administrative Judge

CASE NO: 2015-CP-42

STATE OF SOUTH CAROLINA )  
COUNTY OF SPARTANBURG )

IN THE COURT OF COMMON PLEAS )  
FOR THE SEVENTH JUDICIAL CIRCUIT )

Kenneth Maurice Jones, )  
S.C.D.C. No. 183003, )

Case No. 2015-CP-42-4968 )

Applicant, )

**FINAL ORDER OF DISMISSAL** )

v. )

State of South Carolina, )

Respondent. )

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APR 12 2017

2017 APR -3 PM 4: 18  
M. HOPKINS/ACKLEY

~~30 Court of Appeals~~

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed December 2, 2015. Respondent made its return on or about December 30, 2016, requesting the application be summarily dismissed because Applicant failed to timely file his PCR application, he failed to allege sufficient facts to make a *prima facie* case of newly discovered evidence, the application is barred by the doctrine of *res judicata* and the presumption against successive PCR applications.

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 by the Honorable J. Mark Hayes, II, on January 4, 2017 and filed January 5, 2017, provisionally denying and dismissing this action, while giving the Applicant 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 January 15, 2017 serving the above-mentioned Conditional Order of Dismissal on Applicant.

On, January 23, 2017, Applicant filed a response in opposition to Respondent's return and motion to dismiss and in opposition to the signed and filed Conditional Order of Dismissal.

In his response, Applicant alleges that since the date of his first PCR, that he received documents from his trial attorney that were not known to Applicant.


This Court has reviewed Applicant's memorandum in response to the Conditional Order of Dismissal in their 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.

**IT IS THEREFORE ORDERED** that for the reasons set forth herein and in the Court's Conditional Order of Dismissal, the application for post-conviction relief is hereby **DENIED AND DISMISSED WITH PREJUDICE**.

This Court hereby advises Applicant that he must file and serve a Notice of Appeal within 30 days of the service of this Order to secure appellate review. See Rule 203, SCACR. Applicant's attention is directed to Rule 243, SCACR., for the procedures following the filing and service of the notice of appeal

**AND IT IS SO ORDERED** this 30 day of March, 2017.

\_\_\_\_\_, South Carolina.

  
\_\_\_\_\_  
J. DERHAM COLE  
Chief Administrative Judge  
Seventh Judicial Circuit Court

2017 APR -3 PM 4:18  
M. HOPE BLANCHLEY

Kenneth Jones 183003  
McCormick C.I. / P-3 - 187A  
86 Redemption Way  
McCormick, S.C. 29899

South Carolina Court of Appeals  
Kenneth A. Richstad  
Clerk of Court  
Post Office Box 11629  
Columbia, South Carolina

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{ Legal Mail }

APR 24 2017

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APR 11 2017

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