

STATE OF SOUTH CAROLINA)
COUNTY OF ~~DARLINGTON~~)
Chesterfield)

IN THE COURT OF COMMON PLEAS

Marcus Fashaw, 293833)

2012-CP-13-307

Applicant,)

v.)

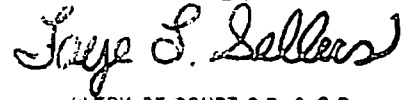
State of South Carolina,)

Respondent.)

FINAL ORDER OF DISMISSAL

2012 OCT 18 AM 11 25
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, SC

A True Copy, Attest



CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

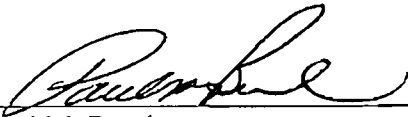
This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed June 1, 2012. Respondent (the State) made its Return and Motion to Dismiss on July 13, 2012, requesting that the Application be summarily dismissed. Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal filed August 3, 2012, 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. Personnel in the South Carolina Department of Corrections caused the Conditional Order of Dismissal to be served upon Applicant on August 16, 2012.

In a document captioned "Showing of Specific factual and legal reasons why the order should not become final:" the Applicant objects to summary dismissal of his action and discusses complaints against his last PCR counsel, but fails to explain why his Application was filed past the statute of limitations, or to explain why his Application should be allowed as it is successive to his

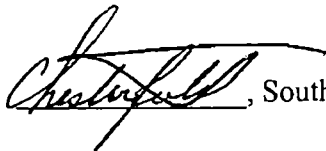
last PCR application. S.C. Code § 17-27-45(A) states, “[a]n application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision upon an appeal, whichever is later.” This Court has reviewed the Applicant’s response to the State’s motion to dismiss in its entirety, in conjunction with the original pleadings, and finds that a sufficient factual or legal reason has not been shown as to why the Conditional Order of Dismissal should not become final. Accordingly, this Court finds no reason why the Conditional Order of Dismissal should not become the final Order of the Court.

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 4th day of October, 2012.



Paul M. Burch
Chief Administrative Judge
Fourth Judicial Circuit


_____, South Carolina.