

The Supreme Court of South Carolina

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COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
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January 23, 2019

The Honorable Renee Elvis
PO Box 677
Conway SC 29528-0677

REMITTITUR

Re: Thomas E. Webb v. State
Lower Court Case No. 2018CP2600118
Appellate Case No. 2019-000004

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

CLERK

cc:

Johnny Ellis James, Jr., Esquire
Thomas Ernest Webb, #291521

The Supreme Court of South Carolina

Thomas E. Webb, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2019-000004

Lower Court Case No. 2018CP2600118

ORDER

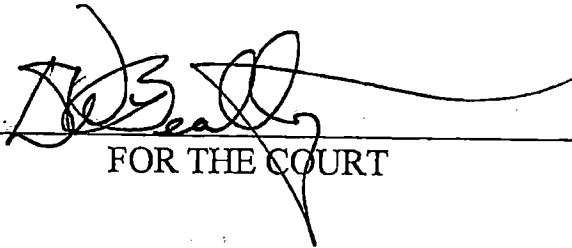
The circuit court issued a conditional order of dismissal, which gave petitioner twenty days to show cause why the conditional order should not become final. According to the final order of dismissal, petitioner did not file a response to the conditional order. This Court has now received a copy of a notice of appeal that petitioner filed with the circuit court from the Office of the Attorney General.¹

The notice of appeal is dismissed for two reasons. First, where, as here, a Post-Conviction Relief applicant fails to file a response to a conditional order of dismissal, this Court has held that the applicant cannot appeal. *Edith v. State*, 369 S.C. 408, 632 S.E.2d 844 (2006). Second, petitioner has not provided the explanation required by Rule 243(c) of the South Carolina Appellate Court Rules (SCACR).

Accordingly, the notice of appeal is dismissed. The remittitur will be sent as

¹ The Office of the Attorney General has also provided this Court with a copy of the Conditional Order of Dismissal dated April 27, 2018, and the Final Order of Dismissal dated November 14, 2018.

provided by Rule 221(b), SCACR.



FOR THE COURT C.J.

Columbia, South Carolina
January 04, 2019

cc: Johnny Ellis James, Jr., Esquire
Mr. Thomas Ernest Webb, #291521