

The Supreme Court of South Carolina

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March 22, 2019

The Honorable Lisa M. Comer
205 East Main Street
Suite 128
Lexington SC 29072

REMITTITUR

Re: James E. Anderson v. State
Lower Court Case No. 2018CP3202047
Appellate Case No. 2019-000340

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,

Daniel E. Shearouse
DS

CLERK

cc:

Alan McCrory Wilson, Esquire
James E. Anderson, 256077

The Supreme Court of South Carolina

James E. Anderson, # 256077, Petitioner,

v.

State of South Carolina, Respondent.

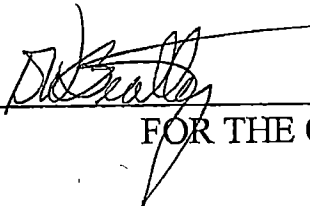
Appellate Case No. 2019-000340

Lower Court Case No. 2018CP3202047

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. Petitioner has now served and filed a notice of appeal from the final order.

Where, as here, a PCR 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). Accordingly, the notice of appeal is dismissed. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.



FOR THE COURT C.J.

Columbia, South Carolina
March 06, 2019

cc: Alan McCrory Wilson, Esquire
Mr. James E. Anderson