

# The Supreme Court of South Carolina

Tony L. Belton, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2020-000220

Lower Court Case No. 2019CP3202209

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## ORDER

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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 orders of dismissal,<sup>1</sup> petitioner did not file a response to the conditional order. Petitioner has now served and filed a notice of appeal from one of the final orders.

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.

  
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FOR THE COURT C.J.

Columbia, South Carolina  
February 13, 2020

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<sup>1</sup> While petitioner did not provide this Court with a copy of the orders on appeal, this Court has obtained the conditional order of dismissal dated September 9, 2019, and two final orders, one dated January 10, 2020, signed by Judge Lee and one dated January 13, 2020, signed by Judge McLead. Otherwise, the content of the two final orders are identical.

cc: Overture E. Walker, Esquire  
Lillian Loch Meadows, Esquire