

The Supreme Court of South Carolina

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April 1, 2020

The Honorable Paul B. Wickensimer
Clerk of Court, Greenville County
305 E North St
Greenville SC 29601-2121

REMITTITUR

Re: Raekwon McLean v. State
Lower Court Case No. 2016CP2303739
Appellate Case No. 2020-000148

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,

CHIEF DEPUTY CLERK

cc:

Taylor Zane Smith, Esquire
Raekwon McLean, 363567

The Supreme Court of South Carolina

Raekwon McLean, Petitioner,

v.

State of South Carolina, Respondent.


Appellate Case No. 2020-000148

Lower Court Case No. 2016CP2303739

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.¹ Petitioner has now filed a "belated" notice of appeal seeking appellate review.

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 belated 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
February 11, 2020

¹ While petitioner did not file a copy of the conditional order of dismissal and the final order of dismissal as required by Rules 243(b) and 203(d)(1)(B)(ii) of the South Carolina Appellate Court Rules (SCACR), this Court has obtained a copy of these orders from the records of the circuit court.

cc: Taylor Zane Smith, Esquire
Mr. Raekwon McLean, 363567