

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Appeal from Fairfield County
Court of Common Pleas
Hon, Brian M. Gibson, Chief
Administrative Judge
Case No. 2019-CP-20-424

Sherman Dewalt.....Appellant

V.

State of South Carolina _____ Respondent

NOTICE OF INTENT TO APPEAL

I, Sherman Dewalt filed this Notice of Appeal to the Supreme Court of South Carolina that was signed 09-24-20 and Brian M. Gibson and received by me 10-5-20.


Sherman Dewalt

STATE OF SOUTH CAROLINA)
COUNTY OF FAIRFIELD)
))
Sherman Dewalt, #326410,)
))
Applicant)
))
v.)
))
State of South Carolina,)
))
Respondent.)
_____)

IN THE COURT OF COMMON PLEAS
FOR THE SIXTH JUDICIAL CIRCUIT

Case No.: 2019-CP-20-424

FINAL ORDER OF DISMISSAL

This matter comes before the Court pursuant to an application for post-conviction relief filed by Sherman Dewalt (Applicant) November 6, 2019. The State filed its Return and Motion to Dismiss on February 21, 2020, requesting the application be summarily dismissed for Applicant's failure to show why he is entitled to relief. *Welch v. MacDougall*, 246 S.C. 258, 143 S.E.2d 455 (1965); *Blandshaw v. State*, 245 S.C. 385, 140 S.E.2d 784 (1965).

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 March 20, 2020, provisionally denying and dismissing this action, while giving Applicant twenty days from the date of service of said Order in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Certificate of Mailing from the Fairfield County clerk of court dated March 20, 2020, serving the above-mentioned Conditional Order of Dismissal on the Applicant.

Applicant filed response on April 17, 2020 and a supplemental objection on July 21, 2020.

In his responses, Applicant argues:

1. Applicant is entitled to an evidentiary hearing on Great Seal missing from the 2002 Act for murder [to determine] whether the findings of Art[.] III, Section 18, does constitute newly

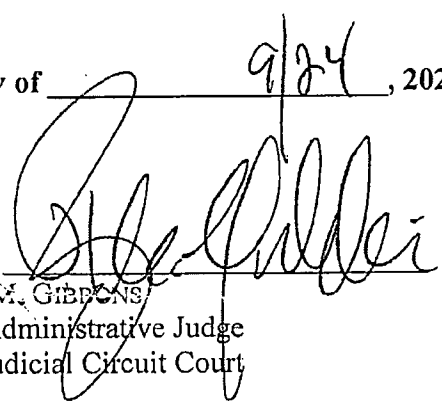
discovered evidence and this alone constitutes an evidentiary hearing.

This Court has reviewed Applicant's responses to the Conditional Order of Dismissal in its entirety, in conjunction with the original pleadings, and finds a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final. Applicant's Great Seal allegation does not constitute newly discovered evidence entitling him to an evidentiary hearing.

IT IS THEREFORE ORDERED that, for the reasons set forth in this Court's Conditional Order of Dismissal, the application for post-conviction relief is hereby denied and dismissed with prejudice.

This Court hereby advises Applicant he must file and serve a Notice of Appeal within thirty days of the service of this Order to secure appellate review. *See* Rule 203, SCACR. Applicant's attention is directed to Rule 227, SCACR, for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this _____ day of _____, 2020.

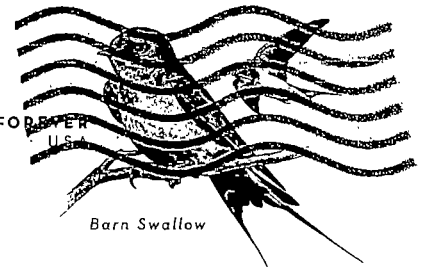

BRIAN M. GIBBONS
Chief Administrative Judge
Sixth Judicial Circuit Court

Chester, South Carolina

Signed for final order
10-5-20

Sherman DEWalt, 326410
Q-1-B-219
P.C.I
430-Daklawn-Rd
Pelzer, S.C. 29669

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S.C. SUPREME COURT

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Columbia, S.C. 29211

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