

STATE OF SOUTH CAROLINA )  
COUNTY OF LANCASTER )  
) )  
Calvin Lyndale Gaddy, #323551, )  
) )  
Applicant, )  
) )  
v. )  
) )  
State of South Carolina, )  
) )  
Respondent. )

IN THE COURT OF COMMON PLEAS  
FOR THE SIXTH JUDICIAL CIRCUIT

Case No.: 2015-CP-29-0637

**FINAL ORDER OF DISMISSAL**

FILED  
OFFICE OF CLERK  
OF COURT  
2020 OCT 26 PM 3:19  
CLERK OF COURT  
LANCASTER, SC

This matter comes before the Court pursuant to an application for post-conviction relief filed by Calvin Lyndale Gaddy (Applicant) May 13, 2015 and amended July 22, 2015. The State made its Return and Motion to Dismiss on March 9, 2020, requesting the application be summarily dismissed because it was untimely and successive. Additionally, Applicant’s claims did not constitute newly discovered evidence, and failed to make a *prima facie* showing the circuit court lacked subject matter jurisdiction.

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 23, 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 Affidavit of Service dated March 23, 2020, serving the above-mentioned Conditional Order of Dismissal on the Applicant.

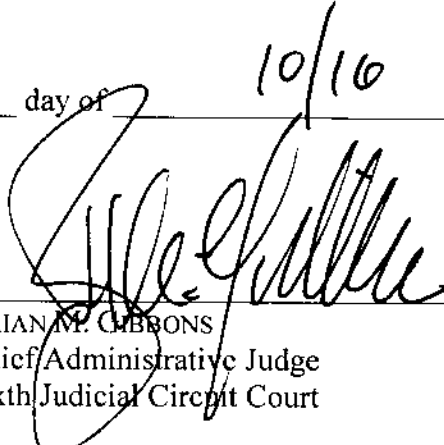
Applicant filed response on March 22, 2020. This Court has reviewed Applicant’s response to the Conditional Order of Dismissal in its entirety, in conjunction with the original


pleadings, and finds a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final.

**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 10/10, 2020.

  
\_\_\_\_\_  
BRIAN M. GIBBONS  
Chief Administrative Judge  
Sixth Judicial Circuit Court

  
\_\_\_\_\_, South Carolina



ALAN WILSON  
ATTORNEY GENERAL

FILED  
OFFICE OF CLERK  
OF COURT  
2020 OCT 25 PM 3:19  
CLERK OF COURT  
LANCASTER ST

October 7, 2020

The Honorable Brian M. Gibbons  
140 Main St.  
P.O. Drawer 580  
Chester, SC 29706

**Re: Calvin Lyndale Gaddy, #323551 v. State of South Carolina**  
**2015-CP-29-0637**

Dear Judge Gibbons:

Enclosed please find the original proposed **Final Order of Dismissal** in the above-captioned case. For your convenience, I am enclosing a copy of the signed and served Conditional Order of Dismissal for your review.

If this Order meets your approval, please sign and forward to the Lancaster County Clerk of Court for filing.

Sincerely,

s/Michael D. Davidson

Michael D. Davidson  
Assistant Attorney General

MDD/em  
Enclosure(s)

cc: Calvin Lyndale Gaddy, #323551