

The Supreme Court of South Carolina

Calvin L. Gaddy, #323551, Petitioner,

v.

The State of South Carolina, Respondent.

Appellate Case No. 2021-000415

ORDER

The final order of dismissal of Petitioner's second application for post-conviction relief (PCR) was filed on October 26, 2020. Petitioner's notice of appeal was received by this Court on April 20, 2021. According to Petitioner, he did not receive a copy of the final order until March 30, 2021. Because the affidavit of service did not indicate who was served, the method of service, or the date of service,¹ the notice of appeal was dismissed.

Petitioner has now filed documents that we construe as a motion to reinstate and the explanation required under Rule 243(c), SCACR. In the motion, Petitioner indicates he served the United States Supreme Court, the Attorney General, and the Lancaster County Court House by mail with his notice of appeal on April 16, 2021. Because Petitioner has provided the information required by Rules 203(d)(1)(B)(i) and 243(b), SCACR, the Court could reinstate the notice of appeal.

However, we also have reviewed Petitioner's Rule 243(c) explanation. Petitioner has failed to show that there is an arguable basis for asserting that the determination by the PCR court was improper. Accordingly, we decline to reinstate this matter.

¹ The affidavit of service indicated it was notarized on April 13, 2021.



FOR THE COURT C.J.

Columbia, South Carolina
June 15, 2021

cc:
Alan McCrory Wilson, Esquire
Calvin Lyndale Gaddy, 00323551