

The Supreme Court of South Carolina

Donna Boyd, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2021-000555

Lower Court Case No. 2019CP23003867

ORDER

On September 9, 2020, a conditional order of dismissal was filed in the circuit court. This order gave petitioner twenty days to show cause why the conditional order should not become final.

A final order of dismissal was filed in the circuit court on May 5, 2021. According to this final order, while petitioner filed two requests to extend the time to file the response, no response was filed to the conditional order of dismissal.¹

Petitioner has now filed a document with this Court entitled "Response to Final Order of Dismissal." This document has been construed as a notice of appeal under Rule 243 of the South Carolina Appellate Court Rules (SCACR).

Where, as here, a post-conviction relief 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),

¹ While petitioner did not provide a copy of the orders on appeal, this Court has obtained a copy of the conditional order of dismissal and the final order of dismissal filed in the circuit court.

SCACR.



FOR THE COURT

C.J.

Columbia, South Carolina
May 27, 2021

cc: Taylor Zane Smith, Esquire
Ms. Donna Boyd