

this Court's Conditional Order of Dismissal¹. Applicant requests an extension be granted until January 12, 2020. Applicant alleges this extension is required because he has been "impeded upon by SCDC and their mailing system in way-laying the receiving of [his] legal work and documents". Applicant states he has not been able to timely respond because he had been admitted to crisis intervention within SCDC and his legal paperwork was returned to him only one week before a response to the Conditional Order of Dismissal was due. Applicant further alleges periodic lock-downs within SCDC during the holiday season necessitate an extension of time to file a return. As of the date of the drafting of this Final Order of Dismissal, Applicant has neither served nor filed any substantive response to the Conditional Order of Dismissal, despite having more than the additional time he requested in December 2019.

Applicant has failed to substantively respond to either the Respondent's Motion to Dismiss or this Court's Conditional Order of Dismissal. This Court finds a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final. Therefore, this Court finds this application for post-conviction relief must be summarily dismissed.

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 243, SCACR, for the procedures following the filing and service of the notice of appeal.

¹ In the Conditional Order of Dismissal, this Court granted Applicant twenty days from the date of service of the Conditional Order of Dismissal to show why it should not become final. The Conditional Order of Dismissal was served, on Applicant, on November 22, 2019. Therefore, a response to the Conditional Order of Dismissal was due to the Orangeburg County Clerk of Court and opposing counsel by December 12, 2019.



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

AND IT IS SO ORDERED this 7th day of May, 2021.



EDGAR W. DICKSON
Chief Administrative Judge – Common Pleas
First Judicial Circuit

Orangeburg, South Carolina



ALAN WILSON
ATTORNEY GENERAL

May 11, 2021

FILED FOR RECORD
WINNIFA B. CLARK
2021 MAY 13 AM 11:13
CLERK OF COURT
ORANGEBURG, SC
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The Honorable Winnifa Brown-Clark
Clerk of Court - Orangeburg County
Post Office Box 9000
Orangeburg, SC 29115-9000

Re: Leroy Luckette, #259429 v. State of South Carolina
2017-CP-38-00880

Dear Ms. Brown-Clark:

Enclosed please find the original Final Order of Dismissal signed by the Honorable Edgar W. Dickson, in the above-captioned case, for filing in your office.

In addition, please forward proof of service and a time stamped copy back to our office for our file.

Sincerely,

Samantha J. Weidauer
Assistant Attorney General

SJW/kw

cc: Leroy Luckette, #259429

ATTEST: TRUE COPY

Winnifa B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC