

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
 Randolph Ashford, #256638)
 Applicant)
 v.)
 State of South Carolina,)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 FOR THE FIFTH JUDICIAL CIRCUIT
 2021-CP-40-2211

FINAL ORDER OF DISMISSAL

2021 DEC -3 AM 10:14
 FILED
 RICHLAND COUNTY
 CLERK OF COURT
 G.C.P., G.S., & F.C.

This matter comes before the Court pursuant to an application for post-conviction relief filed by Applicant Randolph Ashford on May 11, 2021. Respondent made its Return and Motion to Dismiss on August 13, 2021, requesting the application be summarily dismissed because it was untimely, successive, and failed to state a cognizable claim for relief.

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 August 17, 2021, 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 August 30, 2021, serving the above-mentioned Conditional Order of Dismissal on the Applicant.

Applicant submitted a response filed on September 16, 2021, titled “Applicant Response to Respondent Return and Motion to Dismiss.” In his response, Applicant argues a lack of subject matter jurisdiction for purposes of his current PCR action. Applicant thereafter lists the following under a section titled “Findings of Fact and Conclusions of Law”:

1. U.S. Const. Section 1. XIV Amendment;
2. S.C. Const. Article I. Section 1, 3, 11, and 22;
3. S.C. Rules of Court, Rule – 3.(a)(b)(c)(d)(e);

4. Statutes & Court Rules: S.C. Code Ann 14-5-670; 14-9-210; 17-19-10; 17-19-20; 17-19-100;
5. Terms of Circuit and Family Court 2007, 2008, and 2009.

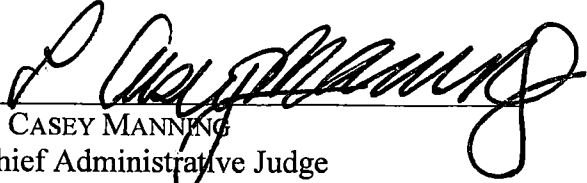
Applicant further objects to the Conditional Order, arguing his indictments were unconstitutionally defective, illegal and invalid. Applicant argues the indictments that do not include the date when they were filed, were not marked "Filed" and were not dated and signed by the clerk of court, are invalid.

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

AND IT IS SO ORDERED this 2nd day of December 2021.


L. CASEY MANNING
Chief Administrative Judge
Fifth Judicial Circuit

Columbia, South Carolina

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S.C. SUPREME COURT
2018-CP-40-5314