

RECORDED

STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS  
COUNTY OF SUMTER FOR THE THIRD JUDICIAL CIRCUIT

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JAMES C. CAMPBELL  
CLERK OF COURT  
SUMTER COUNTY, S.C.

David A. Duren, #181965, Applicant, Case No.: 2019-CP-43-1328

v.

**FINAL ORDER OF DISMISSAL**

State of South Carolina,  
Respondent.

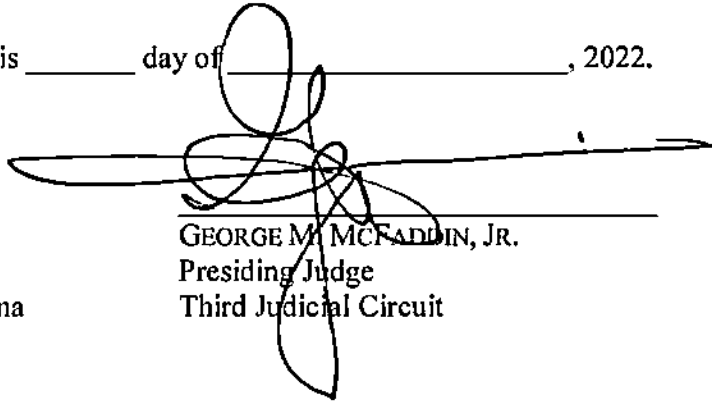
This matter is before the Court based on an application for post-conviction relief filed by Applicant David A. Duren, #181965. In response, Respondent, the State of South Carolina, made its return and moved to summarily dismiss the action as procedurally barred as untimely, successive, and under the doctrine of laches pursuant to the Uniform Post-Conviction Procedures Act, S.C. Code Ann. § 17-27-10 et seq. (2014).

After a review of the record and pleadings, this Court agreed this application should be summarily dismissed as untimely and successive and provisionally dismissed the action by way of a Conditional Order of Dismissal filed on November 22, 2021, giving the 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 December 15, 2021, serving the above-mentioned Conditional Order of Dismissal on Applicant.

In response to this conditional dismissal, Applicant filed several documents with the Sumter County Clerk of Court. First, Applicant filed a document, captioned "Applicant's Opposition and Reply to the Court's Conditional Order," on November 2, 2021. In this first response, Applicant argues the Conditional Order of Dismissal fails to reference or consider Jackson v. State, 331 S.C. 486, 489 S.E.D 915 (1997), which he asserts supports his position that he does not need to show any present incarceration to pursue post-conviction relief so long as he,

**IT IS THEREFORE ORDERED** that for the reasons set forth in the 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 \_\_\_\_\_ day of \_\_\_\_\_, 2022.



\_\_\_\_\_

GEORGE M. MCFADDIN, JR.  
Presiding Judge  
Third Judicial Circuit

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