

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)
 Matthew Jamison, #267844,)
 Applicant)
 v.)
 State of South Carolina,)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 FOR THE FIFTH JUDICIAL CIRCUIT

Case No.: 2020-CP-40-004834

FINAL ORDER OF DISMISSAL

RICHLAND COUNTY
 FILED
 2022 MAR 11 AM 11:18
 JENNIFER M. MARINO
 CLERK, C.S. & F.C.

This matter comes before the Court pursuant to an application for post-conviction relief filed by Matthew Jamison (Applicant) October 13, 2020. Respondent made its Amended Return and Motion to Dismiss on November 1, 2021, requesting the application be summarily dismissed because it is as untimely, successive to Applicant's previous PCR application, and barred by the doctrine of *res judicata* pursuant to S.C. Code Ann. § 17-27-20, § 17-27-45, and § 17-27-90.

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 January 27, 2022, 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 February 11, 2022, serving the above-mentioned Conditional Order of Dismissal on the Applicant. Applicant filed a Reply to Conditional Order of Dismissal on March 1, 2022.¹ In his response, Applicant argues ineffective assistance of his 1st and 2nd PCR counsel, ineffective assistance of appeal counsel, and violation of S.C. Constitution and rules. Applicant has failed to overcome the

¹ Applicant submitted a response to the Office of the Attorney General on February 14, 2022, but failed to file the response with the Richland County Clerk of Court. On March 2, 2022, the Office of the Attorney General received an identical copy of Applicant's response and that one was filed with the Richland County Clerk of Court on March 1, 2022.

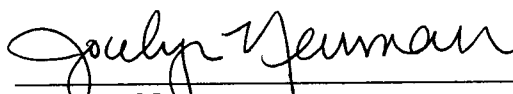
procedural threshold of providing specific reasons, factual or legal, why the application should not be dismissed in its entirety.

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 9th day of March, 2022.



JOCELYN NEWMAN
Chief Administrative Judge
Fifth Judicial Circuit Court

Columbia, South Carolina

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
Post Office Box 21787 - Columbia, South Carolina 29221

Pursuant to Rule 4(d)(2) of the South Carolina Rules of Civil Procedure, the Director of the South Carolina Department of Corrections has designated Sgt. P. Sawyer (Server) as his duly authorized agent for the purpose of making service of the process on the below named individual.

STATE OF SOUTH CAROLINA)
COUNTY OF Spartanburg)

AFFIDAVIT OF PERSONAL SERVICE

On this 11 day of February, 2022, I served the Conditional Order of Dismissal (2020-CP-40-4834), on Inmate Matthew Jamison, SCDC Inmate #267844 by delivering personally and leaving a copy of the same at Livesay Correctional Institution. Deponent is not a party to this action.

s/ Sgt. P. Sawyer

SCDC Server

SWORN TO AND SUBSCRIBED BEFORE ME

this 11 day of February, 2022
Audrey Aileen Webster Horton
Audrey Aileen Webster Horton (L.S.)
Notary Public for South Carolina

My Commission Expires: 02-07-2022

ADMISSION OF SERVICE

Service of a copy of the within Conditional Order of Dismissal (2020-CP-40-4834) is admitted at the South Carolina Department of Corrections (Livesay Correctional Institution), 504 Broadcrest Dr., Spartanburg County, SC this 11 day of February, 2022.
s/ M. Jamison
Inmate
SCDC Inmate #: 267844