

The Supreme Court of South Carolina

PATRICIA A. HOWARD
CLERK OF COURT

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March 29, 2022

The Honorable Paul B. Wickensimer
Courthouse
305 E North St
Greenville SC 29601-2121

REMITTITUR

Re: Samuel L. Whitner v. State
Lower Court Case No. 2017CP2302111
Appellate Case No. 2022-000267

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

CHIEF DEPUTY CLERK

cc: Taylor Zane Smith, Esquire

Robert Michael Dudek, Esquire
Mr. Samuel L. Whitner, #263066

The Supreme Court of South Carolina

Samuel L. Whitner, Petitioner,

v.

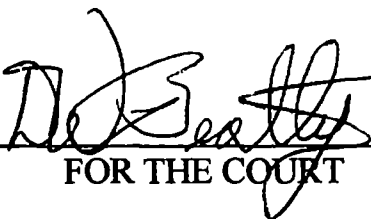
State of South Carolina, Respondent.

Appellate Case No. 2022-000267

ORDER

The circuit court issued a conditional order of dismissal, which gave petitioner twenty days to show cause why the conditional order should not become final. According to the final order of dismissal, petitioner did not file a response to the conditional order. Petitioner has now served and filed a notice of appeal from the final order.

Where, as here, a PCR 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) of the South Carolina Appellate Court Rules.


C.J.
FOR THE COURT

Columbia, South Carolina

March 10, 2022

cc: Taylor Zane Smith, Esquire
Robert Michael Dudek, Esquire

The Supreme Court of South Carolina

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