

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
Robert Lee Isom, #297314)
)
Applicant,)
)
v.)
)
State of South Carolina,)
)
Respondent.)
_____)

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

Case No. 2019-CP-10-4357

FINAL ORDER OF DISMISSAL

2022 JUL 22 PM 1:39
JULIE J. ARMSTRONG
CLERK OF COURT

FILED

This matter is before the Court based on a successive application for post-conviction relief. Respondent made its return on August 13, 2020 and requested that the application be dismissed due to untimeliness and the prohibition on successive applications pursuant to the Uniform Post-Conviction Procedures Act, S.C. Code Ann. §17-27-10 et. seq. (2014).

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 24, 2021. The order provisionally denied and dismissed this action, and gave 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 indicating that Applicant was personally served with the conditional order on November 12, 2020.

This Court, having not received notice of a response from Applicant, issued a Final Order of Dismissal in this matter on January 28, 2021. However, Applicant previously responded with a filing "Re: Conditional Order of Dismissal Filed by Respondent" on October 2, 2020. This Court vacated the initial Final Order of Dismissal on March 28, 2021, reflecting that the Order failed to include Applicant's response to the Conditional Order of Dismissal.

In Applicant's document entitled "Re: Conditional Order of Dismissal Filed by Respondent", Applicant asserts that the indictments upon which he was convicted do not contain information sufficient to convey jurisdiction upon the circuit court. Specifically, he asserts that the documents fail to assert the time, place of the assault of the death. He acknowledges that the indictments stated that the crime took place within Charleston County. Applicant asserts that he is entitled to proceed with his application because subject matter jurisdiction may be raised at any time.

This Court has reviewed Applicant's response to the conditional order of dismissal and finds that Applicant has failed to provide a sufficient reason why the conditional order of dismissal should not become final. "Circuit courts obviously have subject matter jurisdiction to try criminal matters." *State v. Gentry*, 363 S.C. 93, 101, 610 S.E.2d 494, 499 (2005). "Subject matter jurisdiction of the circuit court and sufficiency of the indictment are two distinct concepts and the blending of these concepts serves only to confuse the issue." *Id.* An indictment is merely a notice document, and whether it could be made more definite is irrelevant. *State v. Baker*, 390 S.C. 56, 62, 700 S.E.2d, 440, 442. Furthermore, he fails to address why this claim is not barred as successive, untimely or *res judicata*. Accordingly, this Court finds Applicant has not provided sufficient reason to overcome the procedural bars as set forth in the Conditional Order of Dismissal.

A handwritten signature in black ink, consisting of a large, stylized initial 'P' followed by a cursive flourish.

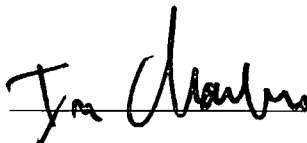
IT IS THEREFORE ORDERED that for the reasons set forth in the Court's Conditional Order of Dismissal, this application for post-conviction relief is hereby **DENIED AND DISMISSED WITH PREJUDICE**.

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 _____ day of _____, 2022.



THE HONORABLE ROGER M. YOUNG
Presiding Judge



Tom Charlton
South Carolina