

Honorable John W. Kittredge oversaw the case. The PCR application was denied and dismissed on April 6, 1999.¹

Second PCR Action: (2018-CP-42-4193)

This matter comes before the Court pursuant to a post-conviction relief application filed by Applicant Isaac Lyles on December 5, 2018. Respondent moved to summarily dismiss the application on March 23, 2021, for untimeliness and successiveness.

Pursuant to this request, and after reviewing the attached pleadings pertinent to this matter, this Court issued a conditional order of dismissal dated April 5, 2021. Applicant offered responses to the conditional order on May 4, 2021, August 5, 2021, and September 30, 2021. The final order of dismissal was filed on November 22, 2021.

Applicant filed his motion for reconsideration pursuant to Rule 59(e) on December 7, 2021, and his motion to supplement his motion pursuant to Rule 59(e) on April 4, 2022. In the original motion, Applicant alleges that the Court failed to address the merits of the case; namely that Applicant's prior convictions were improperly used to render him LWOP eligible. In his supplement, Applicant reiterated his argument in the original motion and stated that the conditional and final orders violated the separation of powers doctrine because they were drafted by the Attorney General's Office. He also claimed that his improper enhancement allegation constituted newly discovered evidence because he personally discovered it within a year of filing the application. Applicant claimed that the procedural bars as set forth in the conditional and final orders of dismissal are inapplicable in his case because his allegation is under *Jackson v. State*, 331 S.C. 486, 489 S.E.2d 915 (1997). This return is in response to those motions.

¹ These records have since been destroyed and, consequently, specific details about this case remain unknown to Respondent.



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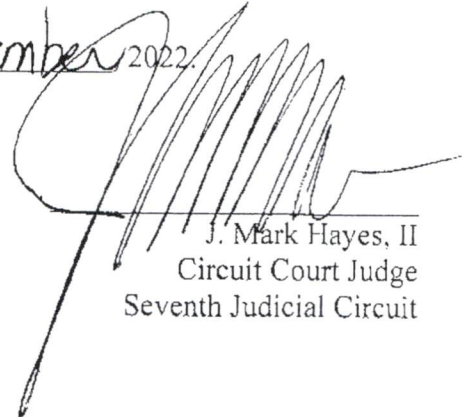
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II.

After careful consideration of the pleadings and review of the record, this Court is unable to discover any material fact or principle of law that has either been overlooked or disregarded, and further finds no error of law or fact not appropriately considered. The final order of dismissal issued by this Court contains the appropriate findings of fact and conclusions of law as required by section 17-27-80 of the South Carolina Code of Laws and Rule 52(a) of the South Carolina Rules of Civil procedure. Accordingly, Applicant's motions for reconsideration is **DENIED**.

IT IS THEREFORE ORDERED that Applicant's motion is hereby **DENIED AND DISMISSED**.

AND IT IS SO ORDERED this 8th day of November 2022.



J. Mark Hayes, II
Circuit Court Judge
Seventh Judicial Circuit

Spartanburg, South Carolina

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