

STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG

) IN THE COURT OF COMMON PLEAS  
) FOR THE SEVENTH JUDICIAL CIRCUIT  
)  
)

Isaac Lyles, #209983,  
Applicant,

) Case No.: 2018-CP-42-4193  
)  
)

v.

) **FINAL ORDER OF DISMISSAL**  
)  
)

State of South Carolina,  
Respondent.

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SPARTANBURG COUNTY  
AMY W. COO

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, provisionally summarily dismissing the application, but affording Applicant twenty days from service of the conditional order to provide sufficient reasons as to why this order should not be finalized. Applicant was personally served with this conditional order of dismissal on May 3, 2021, as evidenced by the attached affidavit of personal service.

On May 4, 2021, Applicant filed "Applicant's Opposition and Reply to the Court's Conditional [*sic*] order." In this response, Applicant claims he is entitled to post-conviction relief because he is continuing to suffer from "collateral consequences resultant from the conviction." He also claims that his 1994 convictions could be reopened nineteen years later for sentencing enhancement purposes, claiming the court was without jurisdiction in using the prior convictions for enhancement of the sentence imposed. Applicant claims his application is not moot, despite completion of the sentence, because the conviction was used to enhance a subsequent sentence.

On August 5, 2021, Applicant wrote a letter to the Spartanburg Clerk of Court, requesting



a status update on his case. On September 30, 2021, Applicant wrote a letter addressed to the Supreme Court of South Carolina requesting a mandamus order or directive be made to move his case along, stating he has no other available remedy and is entitled to relief in a PCR Action.

This Court has reviewed all responses in full and finds none are sufficient to warrant an evidentiary hearing. Consequently, this Court finds this application must be summarily dismissed with prejudice.

This Court finds that the application is barred for untimeliness. Applicant pled guilty to all charges on March 21, 1994. The application was therefore due on March 22, 1995. This application was filed on December 5, 2018, well beyond the statutory filing period. Thus, the Court shall dismiss the matter as barred by the statute of limitations.

Additionally, Applicant's application is barred on successiveness grounds. Applicant's current allegations were or could have been raised in earlier proceedings based upon Applicant's prior PCR applications and Applicant has not sufficiently proven why these issues could not have been raised earlier. Thus, the current application is successive and barred.

Before this Court will hold an evidentiary hearing, Applicant must make a *prima facie* showing that he is entitled to relief. *Welch v. MacDougall*, 246 S.C. 258, 143 S.E.2d 455 (1965). Applicant has failed to make such a showing based on the information set forth in his responses, and, consequently, is not entitled to an evidentiary hearing. Thus, the Court reasserts its finding in the conditional order of dismissal that the current PCR application must be dismissed for untimeliness and successiveness. Accordingly, this Court finds no reason why the conditional order of dismissal should not become final.


**IT IS THEREFORE ORDERED** that, for the reasons in this Court's conditional order of dismissal, the PCR application is hereby denied and dismissed with prejudice. This court

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hereby advises Applicant that 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 22<sup>nd</sup> day of November, 2021.

  
J. MARK HAYES, II  
Chief Administrative Judge  
Seventh Judicial Circuit

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Spartanburg, South Carolina

<sup>1</sup> The Honorable J. Derham Cole is currently the Chief Administrative Judge for Common Pleas for the Seventh Judicial Circuit, but because he oversaw Applicant's plea proceedings, the proposed final order of dismissal is being sent to the Honorable J. Mark Hayes, II, Chief Administrative Judge for General Sessions for the Seventh Judicial Circuit.