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STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )  
Tarone D. Johnson, #260921, )  
Applicant, )  
v. )  
State of South Carolina, )  
Respondent. )

IN THE COURT OF COMMON PLEAS )  
FOR THE NINTH JUDICIAL CIRCUIT )  
CASE NO. 2019-CP-10-02870 )

**FINAL ORDER  
OF DISMISSAL**

BY JULIE J. ARMSTRONG  
CLERK OF COURT  
2024 AUG -9 PM 2:29  
FILED

This matter is before the Court by way of an application for post-conviction relief (PCR) filed by Tarone D. Johnson (Applicant) on May 30, 2019. Respondent filed a return and motion to dismiss the application as untimely. Respondent further contended Applicant did not set forth a prima facie claim of newly-discovered evidence. After reviewing the records and pleadings, this Court agreed this application should be summarily dismissed and provisionally dismissed the action by way of a Conditional Order of Dismissal filed April 17, 2024, giving Applicant twenty days from the date of service of said Order to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is a Certificate of Service indicating Applicant was served the Conditional Order of Dismissal on May 13, 2024.


On May 8, 2024, Applicant filed a response to the Conditional Order of Dismissal, again asserting newly-discovered evidence in the form of a recanting witness affidavit. This issue was addressed in this Court’s Conditional Order of Dismissal, wherein this Court found (1) the affidavit was obtained by an investigator hired by Applicant, (2) the affidavit was notarized September 8, 2017, (3) Applicant waited until May 30, 2019, to file this current application, and (4) Applicant did not timely file this application. See S.C. Code Ann. § 17-27-45(c) (providing a PCR application “must be filed . . . within one year after the date of actual discovery of the facts by the applicant or after the date when the facts could have been ascertained by the exercise of reasonable

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diligence”). Applicant additionally contends (1) the trial court gave an unconstitutional malice charge; (2) the Allen charge was coercive; (3) the second statement was inadmissible; and (4) appellate counsel Douglas Truslow was ineffective in not obtaining Applicant’s files from trial counsel. These allegations were raised in Applicant’s initial application and considered by this Court in issuing the Conditional Order of Dismissal. Applicant has not set forth a reason this application should not be barred by the statute of limitations. Applicant likewise has not set forth a valid basis for an evidentiary hearing.

**IT IS THEREFORE ORDERED** that for the reasons set forth in the Court’s Conditional Order of Dismissal and in this Final Order of Dismissal, this PCR application is hereby **DENIED AND DISMISSED WITH PREJUDICE**. Should Applicant wish to procure appellate review, he must file and serve a notice of appeal within thirty days of this Order. 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 1 day of August, 2024.

  
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JENNIFER B. MCCOY  
Chief Administrative Judge  
Fourteenth Judicial Circuit

Charleston, South Carolina

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ALAN WILSON  
ATTORNEY GENERAL

August 6, 2024

The Honorable Julie J. Armstrong  
Clerk of Court - Charleston County  
100 Broad Street, Suite 106  
Charleston, South Carolina 29401

**Re: Tarone D. Johnson, #260921 v. State of South Carolina**  
**Case No.: 2019-CP-10-02870**

Dear Ms. Armstrong:

Enclosed please find the original Final Order of Dismissal signed by The Honorable Jennifer B. McCoy in the above-captioned case, for filing in your office. Please forward a time-stamped copy back to our office for our file.

Sincerely,

Danielle Dixon  
Assistant Attorney General

DD/vh  
Enclosure

cc: Tarone D. Johnson, #260921