

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

Tyrone Lorenza Robinson, #235104,

Applicant,

v.

State of South Carolina,

Respondent.

) IN THE COURT OF COMMON PLEAS
) FOURTEENTH JUDICIAL CIRCUIT

) CASE NO. 2021-CP-07-00820

ORDER OF DISMISSAL

2025 JUL 14 PM 1:24
JERRI ANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

THIS MATTER CAME BEFORE THE COURT by way of applications for post-conviction relief (PCR) filed by Tyrone Lorenza Robinson (Applicant) on April 22, 2021. An evidentiary hearing was convened on April 16, 2025. At that hearing, Applicant was present and represented by Chelsey F. Marto, Esquire, and Assistant Attorney General Danielle Dixon represented the State. At the hearing, the Court heard testimony from Applicant and Deputy Solicitor Sean Thornton. Following a thorough review of the records before this Court and the testimony and evidence presented at the evidentiary hearing, this Court finds Applicant did not meet his burden of proof. Thus, this Court denies and dismisses this application with prejudice.

PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections serving a life sentence. In October 2012, the Beaufort County Grand Jury indicted Applicant for murder (2012-GS-07-01935). This charge arose from the fatal shooting of eight-year-old Khalil Singleton on September 1, 2013.¹

¹ Applicant was indicted with co-defendants Aaron Young, Sr. and Aaron Young, Jr. On April 21, 2014, the State called the case to trial with all three co-defendants. Before the jury was sworn, however, the State joined the defendants' motion to sever, and the trials were severed and continued.

On September 15–19, 2014, Applicant proceeded to a jury trial before the Honorable Thomas G. Cooper, Jr. Applicant was represented by Arie D. Bax, Esquire. Solicitor Duffie McDuffie Stone, III. and Deputy Solicitor Sean Thornton prosecuted the case. The jury convicted Applicant as indicted, and Judge Cooper sentenced Applicant to life.

Applicant filed a motion to reconsider the sentence, which was denied on October 12, 2017.² Applicant filed a timely notice of appeal, which was perfected by Appellate Defender David Alexander through the filing of a brief pursuant to Anders v. California, 386 U.S. 738 (1967).³ The Court of Appeals dismissed pursuant to Anders, and the remittitur was sent December 16, 2020.

CURRENT APPLICATION

On April 22, 2021, Applicant filed this current PCR application totaling 414 pages. In his application, Applicant alleges he is being held in custody unlawfully on the following grounds:

1. Ineffective Assistance of Counsel
2. Prosecutorial Misconduct
3. The Circuit Court lacked Subject Matter Jurisdiction
4. Double Jeopardy
5. Actual Innocence⁴

On June 4, 2021, Applicant filed an amended application totaling 427 pages, including 303 handwritten pages of argument. Applicant alleged the following:

1. Ineffective Assistance of Counsel
2. Due Process Violations

² Applicant initially filed a notice of appeal on September 29, 2014, but he withdrew that appeal due to the pending motion to reconsider. See Appellate Case No. 2014-002138.

³ While Applicant’s motion to reconsider was pending, Applicant filed his first PCR application (2015-CP-07-2053). That application was dismissed without prejudice on December 12, 2019.

⁴ The State construed Applicant’s argument of failing to satisfy the elements of “felony murder rule theory” and due process violations for “failure to prove elements of murder beyond a reasonable doubt” as an argument of actual innocence.



On August 27, 2021, Applicant filed a second amended application totaling 119 pages, including 85 handwritten pages of argument. Applicant alleged the following:

1. Ineffective Assistance of Counsel
2. Due Process Violations
3. Prosecutorial Misconduct
4. Double Jeopardy
5. The Circuit Court lacked Subject matter jurisdiction.
6. Actual Innocence

On June 20, 2022, Applicant filed a third amended application totaling 596 pages, including 132 handwritten pages of argument. Applicant alleged the following:

1. "Violation of Federal Sixth Amendment right of effective assistance of counsel; Ineffective Assistance of Counsel"
2. "Violation of Federal Fifth and Fourteenth Amendment rights of Due Process of Law; and deprived out of Federal Due Process right to notice."
3. "Lack of Jurisdiction over the Crime."

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has had the opportunity to review the records before it, including the Beaufort County Clerk of Court records of the underlying convictions, Applicant's records from the South Carolina Department of Corrections, the trial transcript, Applicant's appellate records, and the records from this PCR action. This Court has further had the opportunity to observe the witnesses presented at the hearing, closely pass upon their credibility, and weigh their testimony accordingly. After a careful review based on the Strickland standard set forth below, this Court finds Applicant has failed to carry his burden of proof. Below are this Court's findings of fact and conclusions of law as required by section 17-27-80 of the South Carolina Code (2017).

At the outset, this Court notes Applicant's PCR filings are extensive and extremely repetitive. As promised at the hearing, the Court has endeavored to review his filings and divine the nature of Applicant's grounds. At the hearing, the Court made an effort to guide Applicant so



that his presentation and complaints were more comprehensible, and to an extent, this effort was somewhat of a success. Based upon a review of the filings, this Court has categorized Applicant's allegations to the best of its ability and will address his claims as outlined below:

1. Lack of jurisdiction;
2. Sentence void for lack of jurisdiction;
3. Counsel was ineffective for not arguing lack of jurisdiction;
4. Lack of jurisdiction over the crime;
5. Prosecutorial misconduct for pursuing conviction under the felony murder rule;
6. Double jeopardy;
7. Counsel was ineffective for not objecting to picture of four-wheeler;
8. Counsel was ineffective for not objecting when the solicitor fabricated the trajectory of the bullet;
9. Counsel was ineffective for not eliciting further testimony from J.S., a minor at the time of the trial.

Ineffective Assistance of Counsel

In a PCR action, an applicant bears the burden of proving the allegations in his application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). To prove ineffective assistance of counsel, the applicant must show counsel was deficient, and the deficiency prejudiced applicant. Strickland v. Washington, 466 U.S. 668 (1984). When evaluating deficiency, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." Butler, 286 S.C. at 442, 334 S.E.2d at 814 (citing Strickland, 466 U.S. at 690). The applicant must overcome this presumption to receive relief. Cherry, 300 S.C. at 118, 386 S.E.2d at 625. To prove prejudice, an applicant must prove counsel's deficient performance prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625.



*Jurisdictional and indictment issues*⁵

Applicant's arguments in this regard center on his belief that the State improperly changed its theory of the case and, in doing so, did not put him on notice of the charges he faced. These allegations patently lack merit. As a threshold matter, the circuit court clearly had subject matter jurisdiction. See State v. Gentry, 363 S.C. 93, 101, 610 S.E.2d 494, 499 (2005) (“[S]ubject matter jurisdiction of the circuit court and the sufficiency of the indictment are two distinct concepts and the blending of these concepts serves only to confuse the issue. *Circuit courts obviously have subject matter jurisdiction to try criminal matters.*” (emphasis added)).

Further, this Court has reviewed the indictment and finds it was sufficient to put Applicant on notice of the charge. See id. at 102–03, 610 S.E.2d at 500 (“The indictment is a notice document. A challenge to the indictment on the ground of insufficiency must be made before the jury is sworn as provided by § 17–19–90. If the objection is timely made, the circuit court should judge the sufficiency of the indictment by determining whether (1) the offense is stated with sufficient certainty and particularity to enable the court to know what judgment to pronounce, and the defendant to know what he is called upon to answer and whether he may plead an acquittal or conviction thereon; and (2) whether it apprises the defendant of the elements of the offense that is intended to be charged.”) Because the indictment was sufficient, there was no basis for counsel to object to the indictment itself. However, trial counsel *did* move to quash the indictment and, by doing so, advanced many of the same arguments Petitioner raises now. (ROA 228-45). Further, counsel raised this argument again at the directed verdict stage and properly argued the directed verdict motion. (ROA 664-75, 1021-23). This Court finds counsel was not deficient in interposing any objection as to any structural amendments of the indictment. Much of Applicant's argument

⁵ This section combines allegations 1-4, as outlined above.



centers on his mistaken belief that the State improperly changed its theory of the case. In many respects, the legal theory pursued by the State broke new ground. However, trial counsel adequately preserved the record and objected appropriately in challenging the State's legal and factual theory. The South Carolina Supreme Court ultimately found the State's theory of the case to be valid and legally supported under the law. Based on the foregoing, Applicant has not shown counsel was ineffective for not further objecting to the indictment or arguing the court lacked jurisdiction.

Prosecutorial Misconduct

When alleging prosecutorial misconduct, an applicant bears the burden of proof. Alabama v. Smith, 490 U.S. 794 (1989). Although a PCR applicant may present a claim based on constitutional violations other than ineffective assistance of counsel, such constitutional violations may only be alleged if the issue could not have been raised at trial or on direct appeal. Gibson v. State, 329 S.C. 37, 41 496 S.E.2d 426, 428 (1998); Simmons v. State, 264 S.C. 417, 423, 215 S.E.2d 883, 885 (1975) (“[A]n application for post-conviction relief is not a substitute for an appeal.”); Drayton v. Evatt, 312 S.C. 4, 8, 430 S.E.2d 517, 520 (1993) (“Issues that could have been raised at trial or on direct appeal cannot be asserted in an application for post-conviction relief absent a claim of ineffective assistance of counsel.”); but see Fortune v. State, 428 S.C. 545, 559, 837 S.E.2d 37, 44 (2019) (addressing issue of prosecutorial misconduct that implicated due process and was not adequately raised as a claim of ineffective assistance of counsel).

This Court finds Applicant has not met his burden of proving prosecutorial misconduct. Again, his argument here centers on his mistaken belief that the State improperly changed its theory of the case and/or presented a theory that he believes was not supported by the indictment. As noted, the South Carolina Supreme Court ultimately found the State's theory of the case to be



valid and legally supported under the law. It is incredulous to aver the State engaged in misconduct in pursuing a legal theory that was ultimately affirmed by the South Carolina Supreme Court. Applicant has not met his burden in this regard, and this claim is denied.

Double jeopardy

Applicant next contends his trial violated the double jeopardy clause, and counsel was ineffective for not objecting on this basis. This claim lacks merit. Although Applicant's case was initially called to trial in April 2014 with Applicant's co-defendants, it was severed and continued before the jury was sworn. This Court finds credible Deputy Solicitor Sean Thornton's testimony that the jury had not been sworn when the court severed and continued the first trial. This testimony is consistent with the April 2014 transcript, which does not indicate the jury was sworn. Because the jury was not sworn, jeopardy did not attach. See State v. Rowlands, 343 S.C. 454, 457, 539 S.E.2d 717, 718 ("Generally, jeopardy attaches when a jury *is sworn* and impaneled" (emphasis added)). Thus, Applicant failed to prove counsel was ineffective for not raising a double jeopardy issue. For the same reason, Applicant did not prove any constitutional violation, and this claim is denied.

Picture of Four-Wheeler

Applicant contends counsel was ineffective for not objecting to a picture of a four-wheeler used by the State at trial. This Court finds the picture was authenticated by Charlese Mitchell, who testified it depicted the scene outside her home that day. (ROA 326-27). Applicant has not set forth a valid, legal objection to this picture that would have reasonably excluded its use. Applicant thus did not prove deficiency. Further, in this self-defense case, it is not reasonably probable the outcome would have been different had this picture had been excluded. Applicant has not shown deficiency or prejudice in this regard, and this claim is denied.



Trajectory of Bullet

Applicant asserts counsel was ineffective for not objecting when the solicitor fabricated the trajectory of the bullet. This claim lacks merit. Initially, the solicitor's argument relating to the trajectory of the bullet was a reasonable inference based on the pathologist's testimony, and Applicant did not show this argument was fabricated. (R. 574-78, 968-69). Further, counsel argued his own theory about what the bullet's trajectory showed—which was also based upon reasonable inferences from the evidence. (R. 948-50). Counsel's performance was reasonable under prevailing professional norms and not deficient. Applicant did not set forth a valid, legal objection to the solicitor's argument and did not prove deficiency or prejudice. Thus, this claim is denied.

Testimony of J.S.

Applicant asserts counsel was ineffective for not eliciting further testimony from J.S., a minor who testified at trial. However, J.S. (who never identified Applicant as the shooter) testified he didn't think the shooter meant to shoot the victim. (R. 785-89). This testimony hurt the State, and Applicant has failed to set forth what more counsel should have done in this regard. Applicant thus did not prove deficiency. Likewise, Applicant did not submit any credible evidence of what J.S. would have said upon further questioning, thereby leaving this Court to speculate about what that testimony would be. Applicant did not prove deficiency or prejudice, and this claim is denied.

CONCLUSION

Based on the foregoing, this Court concludes Applicant has not established any constitutional violations that would require this Court to grant relief. Thus, this application is denied and dismissed with prejudice.

Should Applicant wish to secure appellate review, he must file and serve a notice of appeal within thirty days of receipt by counsel of written notice of entry of judgment. See Rule 203,

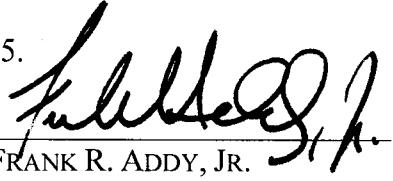


SCACR. Applicant has the right to an appellate counsel's assistance in seeking review of the denial of PCR. Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991). If Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on applicant's behalf. Rule 71.1(g), SCRPC. Attention is directed to Rule 243, SCACR, for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. This application for PCR is denied and dismissed with prejudice; and
2. Applicant shall be remanded to and remain in the custody of the State.

AND IT IS SO ORDERED THIS 1st day of July, 2025.


FRANK R. ADDY, JR.
Presiding Judge
Fourteenth Judicial Circuit

Greenwood, South Carolina

FORM 4

**STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
IN THE COURT OF COMMON PLEAS**

**JUDGMENT IN A CIVIL CASE
CASE NUMBER 2021CP0700820**

Tyrone Lorenzo Robinson		South Carolina State Of Warden Bryan Kendall	Bryan Kendall Department Of Correction South Carolina
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PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other: Order of Dismissal
- ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other: _____
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

ORDER OF DISMISSAL

This order ends does not end the case.
 Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

s/ F. R. Addy, Jr
Circuit Court Judge

2159
Judge Code

7/1/2025
Date

For Clerk of Court Office Use Only

This judgment was entered on **July 14, 2025**, and a copy mailed first class or placed in the appropriate attorney's box on **July 16, 2025**, to attorneys of record or to parties (when appearing pro se) as follows:

Tyrone Lorenzo Robinson #235104 Ridgeland Corr. Inst.
S-A-Rm 19 P. O. Box 2039 Ridgeland, SC 29936
Chelsey Faith Marto PO Box 8795 Columbia, SC 29201

Danielle Dixon PO Box 11549 Columbia, SC 29211

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter



Jerri Ann Roseneau - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

