

Calvin Tyler #258233

K.C.I. Sycamore A-side #25  
4848 Goldmine Hwy.  
Kershaw, S.C. 29067

Date: February 6, 2015

**RECEIVED**

FEB 12 2015

S.C. Supreme Court

The Honorable Daniel E. Shearouse, Clerk  
South Carolina Supreme Court  
PO Box 11330  
Columbia, S.C. 29211

RE: Tyler v. State  
Case No.: 2010-CP-10-7736

Dear Mr. Shearouse:

Enclosed for filing is the Notice of Appeal in the above entitled case. Also enclosed for filing are the following:

1. Proof of Service of the Notice of Appeal on the Respondent,
2. A copy of the order which is to be challenged on appeal.

Please return to me a clocked-stamped copy of the enclosed documents for my personal files.

I thank you for all the attention and assistance you give this very important matter.

Sincerely, Calvin Tyler #258233

Calvin Tyler #258233

cc: Ashleigh R. Wilson  
Assistant Attorney General of South Carolina  
P.O. Box 11549  
Columbia, S.C. 29211

STATE OF SOUTH CAROLINA  
In The Supreme Court

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Appeal From Charleston County  
In The Court of Common Pleas

Honorable R. Markley Dennis, Jr. Circuit Court Judge

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P.C.R. Case No.: 2010-CP-10-7736

CALVIN TYLER, ..... APPLICANT,

VS.

STATE OF SOUTH CAROLINA ..... RESPONDENT.

NOTICE OF APPEAL

Notice is hereby given that Calvin Tyler appeals the order of the Honorable R. Markley Dennis, Jr., dated January 6, 2015, denying post-conviction relief. Applicant received written notice of entry of Judge Dennis's order on January 12, 2015.

Calvin Tyler, #258233

s/ Calvin Tyler  
K.C.I. Sycamore A #25  
4848 Goldmine Hwy  
Kershaw, S.C. 29067  
Applicant

This 9 day of February, 2015  
Other Counsel of Record

Ashleigh R. Wilson

Asst. Attorney General of South Carolina

P.O. Box 11549

Columbia, S.C. 29211

Attorney for Respondent

STATE OF SOUTH CAROLINA  
In The Supreme Court

Appeal From Charleston Court  
In The Court of Common Pleas

Honorable R. Markley Dennis, Jr., Circuit Court Judge

P.C.R. Case No.: 2010-CP-10-7736

CALVIN TYLER, ..... APPLICANT,

VS.

STATE OF SOUTH CAROLINA, ..... RESPONDENT.

PROOF OF SERVICE

The Applicant in the above entitled case, Calvin Tyler, hereby swears that he has served the Notice of Appeal on the Respondent by depositing a copy of same in the United States Mail with proper postage affixed thereto, this 9 day of February, 2015, and addressed as following:

Ashleigh R. Wilson  
Asst Attorney General of South Carolina  
P.O. Box 11549  
Columbia, S.C. 29211

Sworn to and subscribed before me this  
6 day of February, 2015

Catherine A. Orr  
Notary Public of South Carolina

s/ Calvin Tyler  
Calvin Tyler #258233  
K.C.I. Sycamore A #25  
4848 Goldmine Hwy  
Kershaw, S.C. 29067  
Applicant

My Commission Expires \_\_\_\_\_  
My Commission Expires December 22, 2018

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STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

IN THE COURT OF COMMON PLEAS

Calvin Tyler, #258233, )

2010-CP-10-7736

Applicant, )

v. )

**FINAL ORDER OF DISMISSAL**

State of South Carolina, )

Respondent. )

BY \_\_\_\_\_  
JULIE M. HARRINGTON  
CLERK OF COURT  
2015 JAN -7 PM 1:05

This matter comes before the Court pursuant to an application for post-conviction relief (PCR) filed September 21, 2010 and received by the Respondent on December 7, 2012. The Respondent (the State) made its Return and Motion to Dismiss on October 30, 2013, requesting that the Application be summarily dismissed. 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 dated November 6, 2013, provisionally denying and dismissing this action, while giving the Applicant twenty (20) days from the date of service of said Order in which to show why the dismissal should not become final. The Applicant was served a copy of the filed Conditional Order of Dismissal on December 3, 2013.

In a document captioned "Applicant Respondent and Opposition to the State's Conditional Order of Dismissal" and filed December 27, 2013, the Applicant argues:

- Post-conviction relief counsel did not insure that applicant got a "full bite" of the apple.
- Post-conviction relief counsel did not insure that all available grounds were raised or that application was not amended when it was clearly evident that it needed to be.

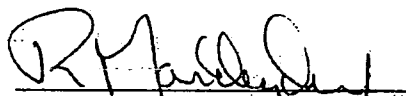
RMDF

This Court has reviewed the Applicant's response to the State's motion to dismiss in its entirety, in conjunction with the original pleadings, and finds that a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final. This Court finds the Applicant has shown no reason that a hearing should be held on his claim of ineffective assistance of post-conviction relief counsel. This Court also finds this application is successive and the Applicant's response to the conditional order of dismissal does not raise any claims which could not have been raised in the Applicant's first two applications for post-conviction relief. This Court finds no reason why the Conditional Order of Dismissal should not become final.

IT IS THEREFORE ORDERED that, for the reasons set forth in the Court's Conditional Order of Dismissal, the Application for PCR is hereby denied and dismissed with prejudice.

This Court hereby advises the Applicant that he must file and serve a Notice of Appeal within thirty (30) days of the service of this Order to secure appellate review. See Rule 203, SCACR. The Applicant's attention is directed to Rule 227, SCACR, for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this 6<sup>th</sup> day of January, 2015.

  
The Honorable R. Markley Dennis  
Chief Administrative Judge  
9th Judicial Circuit

Moncks Corner, South Carolina.

RMD 8/2

Calvin Tyler #258233

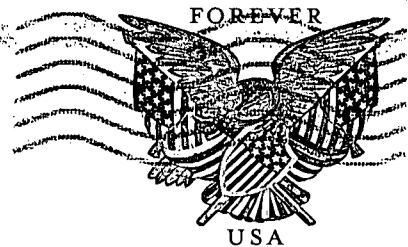
Kershaw Co. I. Sycamore A-side #25

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Kershaw, S.C. 29067

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The Honorable Daniel E. Shearouse, Clerk  
South Carolina Supreme Court  
P.O. Box 11330  
Columbia, S.C. 29211

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