

STATE OF SOUTH CAROLINA)
COUNTY OF WILLIAMSBURG)
Tony Cunningham, #161005,)
Applicant,)
v.)
State of South Carolina,)
Respondent.)

IN THE COURT OF COMMON PLEAS
FOR THE THIRD JUDICIAL CIRCUIT

Case No. 2014-CP-45-189

ORDER

FILED
2015 DEC 14 11:51
CLERK OF COURT

This matter comes before this Court by way of a post-conviction relief (PCR) application filed by Applicant on April 9, 2014. Respondent submitted a Return and Motion to Dismiss based upon statute of limitations, doctrine of laches, and failure to state a cognizable claim for PCR. This Court issued a Conditional Order of Dismissal signed June 27, 2015 and filed July 9, 2015. The Conditional Order of Dismissal was served on Applicant July 30, 2015. Applicant submitted a response to the Conditional Order of Dismissal on August 10, 2015. After reviewing Applicant's response to the Conditional Order of Dismissal, this Court issued a Final Order of Dismissal signed September 20, 2015 and filed October 8, 2015. Applicant submitted a response captioned "Final Order" filed on October 13, 2015.¹

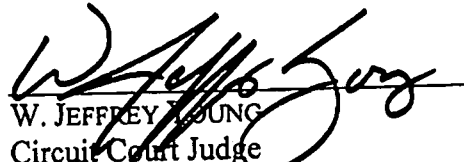
Applicant filed a motion pursuant to Rule 59(e) of the South Carolina Rules of Civil Procedure, in which he asks this Court to alter or amend its order dismissing his PCR application. Respondent made its return to the motion, requesting this motion be dismissed.

¹ This Court interprets Applicant's response to the Final Order as a motion to alter or amend the Final Order of Dismissal.

Based upon careful reconsideration of the evidence in this case, including Applicant's motion and supporting memorandum, this Court is not persuaded to alter or amend its judgment. This Court further finds oral argument would not aid in the reconsideration of the original judgment. The Final Order of Dismissal issued by this Court contains the required findings of fact and conclusions of law as required by section 17-27-80 of the South Carolina Code (2014) and Rule 52(a) of the South Carolina Rules of Civil Procedure.

IT IS THEREFORE ORDERED that Applicant's motion be denied and dismissed.

AND IT IS SO ORDERED this 24th day of November, 2015.


W. JEFFREY YOUNG
Circuit Court Judge
Third Judicial Circuit

Sumter, South Carolina