

The Supreme Court of South Carolina

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May 12, 2016

The Honorable Melanie Huggins-Ward
Clerk of Court, Horry County
PO Box 677
Conway SC 29528-0677

REMITTITUR

Re: Michel A. Dukes, Sr. v. State
Lower Court Case No. 2013-CP-26-02686
Appellate Case No. 2016-000040

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

CLERK

cc:

Michel Andre Dukes, Sr., #311176
Joshua L. Thomas, Esquire

The Supreme Court of South Carolina

Michel A. Dukes, Sr., Appellant,

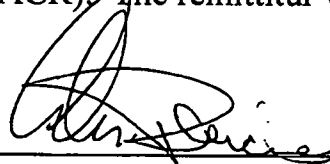
v.

State of South Carolina, Respondent.

Appellate Case No. 2016-000040

ORDER

In this habeas corpus action, the circuit court denied relief finding that habeas corpus relief was improper in the circuit court because the issues could have been raised in a timely application for post-conviction relief. *Simpson v. State*, 329 S.C. 43, 495 S.E.2d 429 (1998). Based on petitioner's failure to show that there is an arguable basis for asserting that this determination by the lower court was improper, the notice of appeal is dismissed under Rule 203(d)(1)(B)(vi) of the South Carolina Appellate Court Rules (SCACR). The remittitur will be sent as provided by Rule 221, SCACR.



C.J.

FOR THE COURT

Columbia, South Carolina

April 26, 2016

cc:

Michel Andre Dukes, Sr., #311176

Joshua L. Thomas, Esquire