

The State of South Carolina
In the Court of Appeals

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SEP 20 2018

Appeal from Aiken County SC Court of Appeals
Court of Common Pleas
Diane S. Goodstein-Circuit Court Judge

Case No. 2016-CP-02-00297

State of South Carolina... Respondent

Tyrone Bowman, #255037, ... Appellant

Proof of Service

I certify that I have served the Notice of
Appeal on the State of South Carolina by
depositing a copy of it in the U.S. mail, postage
prepaid, on 9-6-18, addressed to his Attorney
of Record, Rashida Cleveland

Date Sept 6 2018

s/ Tyrone Bowman
Tyrone Bowman
1516 Old Gilliard Rd
Ridgeville, SC 29472

The Honorable Jenny A. Kitching
Clerk South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

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SEP 20 2018
SC Court of Appeals

RE: Tyrone Bowman, 255037, PRO Se
State of South Carolina vs Tyrone Bowman
Case No. 2016-CP-02-00297

Mrs Jenny

Enclosed for filing is a Notice of Appeal in the
Above Case. Also enclosed are the following:

- 1) Proof of service of the Notice of Appeal on the Respondent
- 2) Copy of the Order which is to be challenged on Appeal

Date / Sept. 16th 2018

SWORN TO AND SUBSCRIBED BEFORE ME

6 DAY OF September

2018

Nicole R. Chapman

STATE OF NOTARY PUBLIC

STATE OF SOUTH CAROLINA

MY COMMISSION EXPIRES 12-22-2026

Tyrone Bowman
Tyrone Bowman
1516 Old Gilliard Rd
Bridgesville, SC 29472

Fact/History

The Appellant on October 23, 2010 was ARRESTED for the Offense of Trafficking in Cocaine 2nd and P.W.I.D cocaine base 2nd. On January 18th 2012 the Appellant pled to both charges under the advice of his Attorney and received a concurrent ten (10) year sentence. After Appellant began serving his sentence, the Dept. of Corrections (SCDC) informed the Appellant via caseworker/Annual Review that the Appellant was serving a ten (10) sentence for an offense the Appellant never Pled to - Trafficking Methaqualone. To correct this error, the Appellant requested his first and Only Motion of Discovery receiving it on May 22nd 2015 and thru due diligence discovered that the Appellant case consist of Mistaken Apprehension of Law, Application of Wrong legal principles and clear erroneous fact findings. An upon this Discovery the Appellant filed a P.C.R. which was filed and clock stamped February 12th 2016 - 9 months After receiving the motion of Discovery In Accordance with Statute 17-27-45(C) of S.C code of laws

Argument/Legal Authority

The Issue at this Juncture is was the P.C.R. Timely?

The Appellant contends that he fell within 17-27-45(c) statute because he acted as soon as he knew there was an error in his case and upon realizing his Motion of Discovery (EXHIBIT A) he filed a P.C.R.

In *Dorman vs Campbell* 500 S.E.2d 789 (1998) The Court (Court of Appeals) discussed the interplay between Reasonable Diligence and Commencement of statute of limitations. Specifically they stated "The Exercise of Reasonable diligence means that an injured party must act promptly where the facts and circumstances of an injury would put a person of common knowledge and experience on notice that some right of his has been invaded or that some claim against another party might exist. The statute of limitation begins to run from this point, and not when advice of counsel is sought or a full-blown theory of recovery is developed."

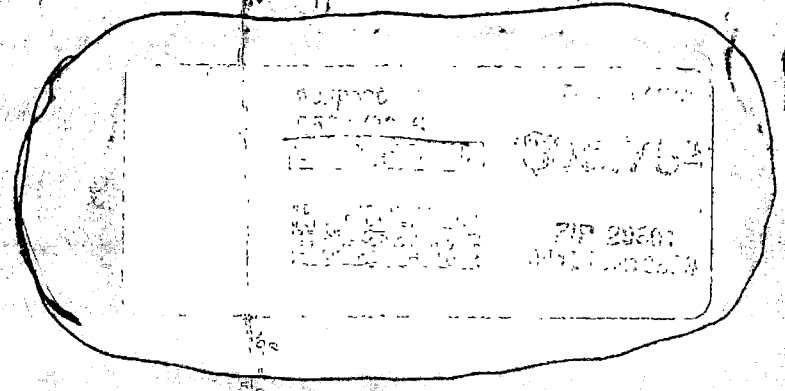
As to Appellant's Timeliness... The Appellant can only act when knowledge of some right of his has been invaded.

In *Coats vs State* 575 S.E.2d 557, 558-59 (2003) where the Appellant (Coats) Application was filed more than a year after conviction but within a year of the petitioner's learning he was not eligible

for Parole. In the end the Appellant contends that as a client, with a fiduciary Relationship, he should be able to rest assured that his Attorney is acting in his best Interest or that he should not have to watch over or second guess his plea Attorney As in *Craighton vs Stutz* Op. No. 2016-LP-306.

Tyrene Bowman
Tyrene Bowman
1516 Old Gilliard Rd.
Ridgeville, SC 29472

Second Judicial Circuit
Public Defender
P.O. Drawer 2247
Aiken, SC 29802



05/12

Tyrone Bowman #255037
Waterloo Correctional Institute
Post office Box 189
Rembert, SC 29128

EXHIBIT A

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

) IN THE COURT OF COMMON PLEAS
) FOR THE SECOND JUDICIAL CIRCUIT
)

Tyrone Bowman, #255037,

) Applicant,

) Case No.: 2016-CP-02-00297
)

v.

) State of South Carolina,

) **FINAL ORDER OF DISMISSAL**

) **RECEIVED**

) Respondent.
)

) SEP 20 2018

) SC Court

~~This matter comes before the Court by way of an application for post-conviction relief~~
filed by Tyrone Bowman (Applicant) on February 12, 2016. Respondent made its Return, requesting the application be summarily dismissed as untimely.

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 signed June 1, 2017 and electronically filed June 12, 2017, provisionally denying and dismissing this action, while giving the Applicant 20 days from the date of service of said Order in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated May 31, 2018, serving the above-mentioned Conditional Order of Dismissal on Applicant.

On June 18, 2018, Applicant filed a response to the Conditional Order of Dismissal. Additionally, on June 25, 2018, Applicant filed a "Motion to File an Amended P.C.R. Brief." This Court has reviewed Applicant's responses and finds all of Applicant's objections are meritless. Applicant has failed to show that he should be entitled to a hearing on his untimely PCR application. Accordingly, this Court finds that Applicant has failed to provide sufficient 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 post-conviction relief is hereby **DENIED AND DISMISSED WITH PREJUDICE**.

This Court hereby advises the Applicant that he must file and serve a Notice of Appeal within 30 days of the service of this Order to secure appellate review. 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 14 day of August, 2018.



DIANE S. GOODSTEIN
Resident Judge
First Judicial Circuit

, South Carolina

Tyrene Bowman #255037

MACDOUGAL I. CORR. INST.
151F OLD SILLIARD RD.
RIDGEVILLE, SC 29472

SCDC

SEP 13 2018

MAIL ROOM

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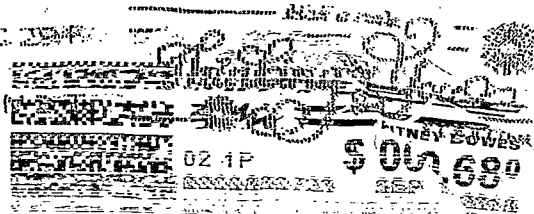
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SC Court of Appeals

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Jenny A. Kitching
Appeal Court Clerk
1015 Sumter St.
P.O. Box 11629
Columbia 29211