

The Supreme Court of South Carolina

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November 05, 2018

The Honorable Sue K. Carpenter
PO Drawer 580
Chester SC 29706-0580

REMITTITUR

Re: Darryl O. Dye v. State
Lower Court Case No. 2016CP1200220
Appellate Case No. 2018-001003

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,

Daniel E. Shearouse
ES

CLERK

cc:

Nathan James Sheldon, Esquire
DeShawn Herman Mitchell, Esquire
Darryl Omar Dye, 185452

The Supreme Court of South Carolina

Darryl Omar Dye, Petitioner;

v.

State of South Carolina, Respondent.

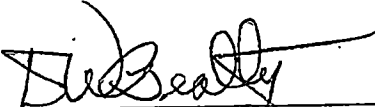
Appellate Case No. 2018-001003

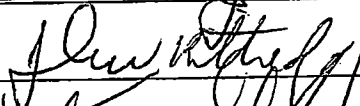
ORDER

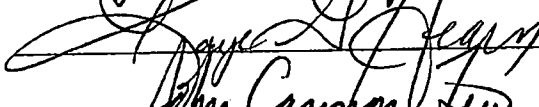
Petitioner filed a post-conviction relief (PCR) application following a conviction in a jury trial matter. He subsequently sought to amend his application to allege issues regarding an unrelated guilty plea matter. A notice of appeal has been filed from the PCR judge's final order, which (1) denied the motion to amend the application to include issues regarding the guilty plea matter; and (2) found petitioner did not knowingly and voluntarily waive his right to a direct appeal in the jury trial matter.

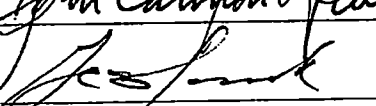
In the explanation required by Rule 243(c) of South Carolina Appellate Court Rules (SCACR), petitioner has failed to show there is an arguable basis for asserting error in the PCR judge's denial of petitioner's request to amend the PCR application. Consequently, the guilty plea matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.


As for the jury trial matter, petitioner may follow the procedure for seeking a belated review of his direct appeal issues under *White v. State*, 263 S.C. 110, 208 S.E.2d 35 (1974). See *Davis v. State*, 288 S.C. 290, 342 S.E.2d 60 (1986).


_____ C.J.


_____ J.


_____ J.


_____ J.


_____ J.

Columbia, South Carolina

October 18, 2018

cc:

Nathan James Sheldon, Esquire
DeShawn Herman Mitchell, Esquire
Darryl Omar Dye, 185452