

Tony L. Cunningham #161005

Meel F2B145

March 12, 2019

386 Redemption way

McCormick, S.E. 29899

THE SUPREME COURT OF SOUTH CAROLINA
DANIEL E. SHEAROUSE, CLERK OF COURT
POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

RECEIVED
MAR 18 2019
S.C. SUPREME COURT

DEAR, DANIEL E. SHEAROUSE,

I AM WRITING YOU CONCERNING THE FILING AND
SERVE OF THE Order TO SECURE APPELLANT REVIEW.
Rule 203, SCACR, Rule 227 SCACR.

HOWEVER, THE ATTORNEY GENERAL OFFICE, MEGAN
HARRIGAN JAMESON, MAIL ME THIS Order WELL
BEYOND THE FILING TIME, SIGNED BY JUDGE, PAUL
M. BURCH AUGUST 18, 2018, AND SENT ME THE SERVICE
OF THIS Order March 6, 2019, and THE MAILROOM
BROUGHT IT TO ME, MARCH 11, 2019, THIS DELAY WOULD
VOID MY OPPORTUNITY TO BE HEARD ON NOTICE OF
APPEAL. PLEASE TAKE IN CONSIDERATION THAT THIS
DELAY IS NOT DUE TO MY NEGLIGENCE, I AM RESPONDING
5 DAYS AFTER ATTORNEY GENERAL JAMESON MAIL
HER order to ME.

Sincerely Tony L. Cunningham #161005

Mailroom
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ON



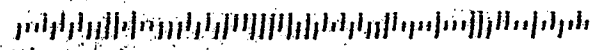
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Tony L. Cunningham, 161005
F2--0145-A
McCormick Correctional Institution
386 Redemption Way
McCormick, South Carolina 29899

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1453



THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM WILLIAMSBURG COUNTY
COURT OF COMMON PLEAS

Paul M. Burch, CIRCUIT COURT JUDGE

CASE NO; 2016-CP-45-0459
#161005

TONY LAMAR CUNNINGHAM [S.C.D.C. APPELLANT,

V

STATE OF SOUTH CAROLINA

RESPONDENT.

NOTICE OF APPEAL

TONY LAMAR CUNNINGHAM, APPEALS THE ORDER OF
DISMISSAL OF THE HONORABLE Paul M. Burch
DATED Aug. 13, 2018.

APPELLANT RECEIVED WRITTEN NOTICE OF ENTRY
OF THIS ORDER ON OR ABOUT March 11, 2019
DATE.

OTHER COUNSEL OF RECORD;

OFFICE OF THE ATTORNEY GENERAL

Megan Harrigan Jameson, Esquire

P. O. DIVISION - 3rd CIRCUIT

P. O. BOX 11549

COLUMBIA, SOUTH CAROLINA 29211

TONY LAMAR CUNNINGHAM

MCCI F-2B145

386 REDEMPTION WAY

MECORMICK S.C. 29899

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM WILLIAMSBURG COUNTY
COURT OF COMMON PLEAS

Paul M. Burch

CIRCUIT COURT JUDGE

RECEIVED

MAR 18 2019

S.C. SUPREME COURT

CASE NO. 2016-CP-45-0459

TONY LAMAR CUNNINGHAM #161005
J. [S.C.D.C. APPELLANT,
STATE OF SOUTH CAROLINA RESPONDENT,

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 UNITED STATES MAIL, POSTAGE PREPAID, ON March 12, 2019 ADDRESSED TO THE ATTORNEY OF RECORD, AS FOLLOWS:

THE SUPREME COURT OF SOUTH CAROLINA

DANIEL E. SHEAROUSE, CLERK OF COURT

POST OFFICE BOX 11330

COLUMBIA, SOUTH CAROLINA 29211

OFFICE OF THE ATTORNEY GENERAL

Megan Harrigan-Jameson

PER DIVISION-3rd

CIRCUIT, P.O. BOX 11549

COLUMBIA, S. C. 29211

sworn to, and subscribed before me this 12 day of March 2019
my commission expires

NOTARY public of S.C.



ALAN WILSON
ATTORNEY GENERAL

March 6, 2019.

Tony L. Cunningham, #161005
F2-0145-A
McCormick Correctional Institution
386 Redemption Way
McCormick, South Carolina 29899

Re: Tony L. Cunningham, #161005 v. State of South Carolina
2016-CP-45-0459

Dear Mr. Cunningham:

Enclosed please find a copy of the signed and filed **Final Order of Dismissal** in your above mentioned post-conviction relief case.

Sincerely,

Megan Harrigan Jameson
Senior Assistant Deputy Attorney General

MHJ/ks
Enclosures

STATE OF SOUTH CAROLINA)
COUNTY OF WILLIAMSBURG)

IN THE COURT OF COMMON PLEAS
THIRD JUDICIAL CIRCUIT

Tony Lamar Cunningham, #161005,)

2016-CP-45-0459

Applicant,)

FINAL ORDER OF DISMISSAL

v.)

State of South Carolina,)

Respondent.)

2019 AUG 24 AM 10:56

This matter comes before the Court by way of an application for post-conviction relief ("PCR") filed September 7, 2016. Respondent made its Return and Motion to Dismiss on August 16, 2017, requesting the application be summarily dismissed as untimely, successive, and barred by the doctrine of *res judicata*.

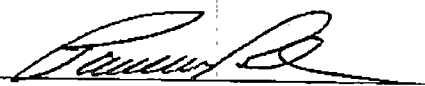
Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, this Court issued a Conditional Order of Dismissal signed September 1, 2017 and filed November 9, 2017, provisionally denying and dismissing this action, while giving Applicant twenty days from the date of service of said Order in which to show why the dismissal should not become final. Applicant was served with the Order on June 1, 2018, as evidenced by the attached Affidavit of Service.

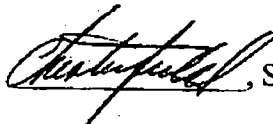
On October 16, 2017, Applicant filed his "Amend and Response to Conditional Order of Dismissal." This Court has reviewed Applicant's responses and finds all of Applicant's objections are meritless. Applicant has failed to show that he should be entitled to a hearing on his untimely PCR application. Accordingly, 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 this Court's Conditional Order of Dismissal, the PCR application is hereby denied and dismissed with prejudice.

This Court hereby advises Applicant that he must file and serve a Notice of Appeal within thirty days of the service of this Order to secure appellate review. See Rule 203, SCACR. 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 13th day of August, 2018.


PAUL M. BURCH
Presiding Judge
Third Judicial Circuit

 South Carolina.

STATE OF SOUTH CAROLINA
COUNTY OF WILLIAMSBURG
IN THE COURT OF COMMON PLEAS

TONY L. CUNNINGHAM, #161005,

Applicant,

v.

STATE OF SOUTH CAROLINA,

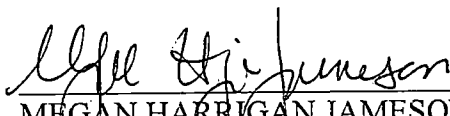
Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the **Final Order of Dismissal** has been served upon the applicant by mailing one (1) copy in the United States mail, postage prepaid, addressed to:

Tony L. Cunningham, #161005
F2-0145-A
McCormick Correctional Institution
386 Redemption Way
McCormick, South Carolina 29899

This 6th day of March, 2018.


MEGAN HARRIGAN JAMESON
Attorney for Respondent

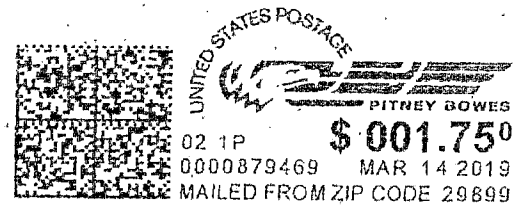
SWORN to before me this 6th day March, 2018.



Notary Public for South Carolina.

My Commission Expires: 10/1/2025

By L. Cunningham #161005
1cc I FZ B145
6 Redemption way
McCormick, S.E. 29899



THE SUPREME COURT OF SOUTH CAROLINA
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