

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BERKLEY)
)
 Billy Randolph King, #249995,)
)
 Applicant,)
)
 v.)
)
 State of South Carolina,)
)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 FOR THE NINTH JUDICIAL CIRCUIT

Case No. 2018-CP-08-298

FINAL ORDER OF DISMISSAL

20 JUN 29 AM 9:50
 LEAN COLEMAN, CLERK
 CLERK OF COURT
 BERKELEY COUNTY, S.C.
 FILED

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed February 15, 2018. Applicant amended his application on May 10, 2018 and May 31, 2018. Respondent made its return on January 4, 2019, requesting the application be summarily dismissed based upon filing after the statute of limitations had expired, being barred as successive, being barred by doctrine of *res judicata*, and being barred by the doctrine of laches.

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 on January 8, 2019 and filed on January 17, 2019, 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. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated February 11, 2019, serving the above-mentioned Conditional Order of Dismissal on Applicant.

Applicant responded to this Court's Conditional Order of Dismissal with an "Opposition to Conditional Order to Dismissal" filed on February 12, 2019. Applicant contends that "the issues being brought up have not been brought up before because information about them were not available to the applicant" and "Constitutional Rights of U.S. citizens has not statue of

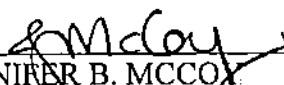
limitations.” Applicant has failed to present any arguable reason as to why this Court should toll the Statute of Limitations or as to why the allegations presented in this application could not have been presented previously. The application was filed after the one-year statute of limitations and is therefore untimely. Also, Applicant does not make any objection to the State’s claims of *res judicata* and laches.

Therefore, this Court finds a sufficient reason has not been shown 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 the 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 15th day of June, 2020.



JENNIFER B. MCCOY
Chief Administrative Judge
Ninth Judicial Circuit

Charleston, South Carolina.



ALAN WILSON
ATTORNEY GENERAL

June 23, 2020

The Honorable Leah Guerry Dupree
Clerk of Court, Berkeley County
Post Office Box 219
Moncks Corner, South Carolina 29461-0219

Re: **Billy R. King, #249995 v. State of South Carolina**
2018-CP-08-298

Dear Ms. Dupree:

Enclosed please find the original **Final Order of Dismissal** signed by the Honorable Jennifer B. McCoy, in the above-captioned case, for filing in your office. In addition, please forward proof of service and a time stamped copy back to our office for our file.

Sincerely,

s/ Benjamin Limbaugh
Benjamin H. Limbaugh
Assistant Attorney General

BHL/jj