

# The Supreme Court of South Carolina

Frank Tolen, Jr., Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2021-000795

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## ORDER

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Petitioner has filed a notice of appeal from the circuit court's order, which dismissed Petitioner's post-conviction relief action based upon the circuit court's determination that the action is barred as being successive and untimely under the statute of limitations. In his explanation pursuant to Rule 243(c), SCACR, Petitioner has failed to show that there is an arguable basis for asserting the circuit court's determination was improper. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

  
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FOR THE COURT C.J.

Columbia, South Carolina  
August 27, 2021

cc:  
Alan McCrory Wilson, Esquire  
Frank Tolen, Jr., 246966