

STATE OF SOUTH CAROLINA)
 COUNTY OF FLORENCE)
)
 Rontell Singletary, #338278)
)
 Applicant)
 v.)
 State of South Carolina,)
 Respondent.)

IN THE COURT OF COMMON PLEAS
 FOR THE TWELFTH JUDICIAL CIRCUIT

2019-CP-21-1587

CONDITIONAL ORDER OF DISMISSAL

2020 MAY 27 AM 8:30
 DORIS POULOS O'HARA
 CCCCP & GS
 FLORENCE COUNTY, SC

FILED

This matter is before the Court by way of an application for post-conviction relief (PCR) filed by Rontell Singletary (Applicant) on June 10, 2019. In its Return and Motion to Dismiss, Respondent requested the action be summarily dismissed.

PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Florence County Clerk of Court. Applicant was indicted at the March 2007 term of the Florence County Grand Jury for murder (2007-GS-21-00562). Applicant was represented by Charles S. McLaurin, Esquire. E.L. Clements, III prosecuted the case.

Applicant pleaded guilty as indicted on December 9, 2009, before the Honorable Ralph King Anderson. Judge Anderson sentenced Applicant to thirty years' imprisonment. Applicant did not appeal. Applicant commenced this PCR action on June 10, 2019.

CURRENT APPLICATION

Applicant alleges he is being held in custody unlawfully, alleging "Sixth Amendment Due Process" violation. Applicant requests relief in the form of a new trial.

Attached to this return and incorporated herein are the Florence County Clerk of Court

records, Applicant's records from the South Carolina Department of Corrections, and the records of this PCR action.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the pleadings and all relevant supporting documents. Pursuant to subsection 17-27-70(b) of the South Carolina Code (2014), this Court makes the following findings of fact and conclusions of law:

Statute of Limitations

This Court finds this application for post-conviction relief should be summarily dismissed for failure to comply with the filing procedures of the Uniform Post-Conviction Procedure Act. S.C. Code Ann. § 17-27-10 to -160 (2014). Specifically, the Act requires as follows:

An application for relief filed pursuant to this chapter must be filed within one year after the entry of a judgment of conviction or within one year after the sending of the remittitur to the lower court from an appeal or the filing of the final decision on appeal, whichever is later.

S.C. Code Ann. § 17-27-45(A).

The South Carolina Supreme Court has held that the statute of limitations shall apply to all applications filed after July 1, 1996. *Peloquin v. State*, 321 S.C. 468, 469 S.E.2d 606 (1996). A motion for summary judgment may properly be used to raise the defense of statute of limitations. *McDonnell v. Consolidated School District of Aiken*, 315 S.C. 487, 445 S.E.2d 638 (1994). In addition, S.C. Code Ann. § 17-27-70(c) authorizes this Court to “grant a motion by either party for summary disposition of [an] application when it appears from the pleadings . . . that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.”

Applicant pleaded guilty December 9, 2009, and he did not pursue a direct appeal. The

application was, therefore, due on or before December 10, 2010. This application was filed on June 10, 2019, which is well beyond the statutory filing period. Indeed, this application was filed almost *nine years* after the requisite filing period. Therefore, this application is summarily dismissed for failure to file within the time mandated by the Uniform Post-Conviction Procedure Act.

CONCLUSION


Pursuant to subsection 17-27-70(b) of the South Carolina Code (2014), this Court intends to dismiss this application with prejudice unless Applicant provides specific reasons, factual or legal, why the application should not be dismissed in its entirety. Applicant is granted twenty (20) days from the date of service of this Order upon him to show why this Order should not become final. Applicant shall file any reasons he may have, factual or legal, with the Florence County Clerk of Court and shall serve opposing counsel at the following address:

Office of the Attorney General
Michael D. Davidson, Assistant Attorney General
Post Office Box 11549
Columbia, South Carolina 29211

AND IT IS SO ORDERED this 17 day of March, 2020.

2020 MAY 27 AM 8:30
DORIS POULOS O'HARA
CCCP & GS
FLORENCE COUNTY, SC

FILED


WILLIAM H. SEALS, JR.
Chief Administrative Judge
Twelfth Judicial Circuit

Mani, South Carolina.