

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
)
Tyrone Beaty, SCDC No. 191955)
)
Applicant,)
)
v.)
)
State of South Carolina,)
)
Respondent.)
_____)

IN THE COURT OF COMMON PLEAS
IN THE FIFTEENTH JUDICIAL CIRCUIT

Case No. 2019-CP-26-05093

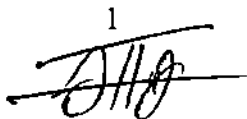
FINAL ORDER OF DISMISSAL

FILED
HORRY COUNTY
2022 FEB 10 P 1:33
RENEEN N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

This matter comes before the Court by way of Applicant Tyrone Beaty's August 9, 2019 application for post-conviction relief. Respondent made its return on May 20, 2021 and requested that the application be dismissed for failing to state a cognizable claim concerning the great seal, untimeliness, and because it is barred by the prohibition on successive applications.

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 June 10, 2021 and filed June 18, 2021. The conditional order provisionally denied and dismissed the application, while also allowing Applicant twenty days from the date of service of said order to show why the dismissal should not become final. Attached to this final order and incorporated herein by reference is an affidavit of service indicating that Applicant was personally served with the conditional order on January 11, 2022.

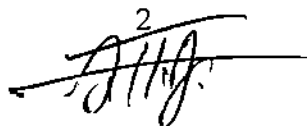
Applicant filed a document titled "Objection to the Conditional Order of Dismissal" on June 18, 2021. Applicant asserts that the Supreme Court has not addressed the Great Seal issue, and that the State's failure to bring it to the court's attention constitutes "fraud upon the court." He asserts that his discovery constitutes newly discovered evidence and that the conditional order fails to address all issues raised in his application. On July 12, 2021 Applicant filed another document

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titled "Objections to the Conditional of Dismissal." In this document Applicant again asserts that the conditional order does not contain the proper findings of fact and conclusions of law. He largely reasserts the arguments regarding the Great Seal in the previous document. He asserts that the failure to timely file the application should be excused because Respondent "did not comply with the filing procedures of the final order of finding of facts and conclusion of laws." Finally, Applicant asserts that he is entitled to proceed with a successive application because "the previous application will need a supplemental order of dismissal before its can be said it is a previous application."

This Court has reviewed Applicant's response to the conditional order of dismissal in its entirety, in conjunction with the original pleadings, and finds a sufficient reason has not been shown why the conditional order of dismissal should not become final. Applicant's claims about the Great Seal, as explained in the conditional order, are without merit. The absence of clear Supreme Court precedent specifically on point does not entitle Applicant to proceed with a successive and untimely application for post-conviction relief. Likewise, this Court finds that the conditional order adequately addressed all grounds for relief raised in the initial application in finding summary disposition appropriate.

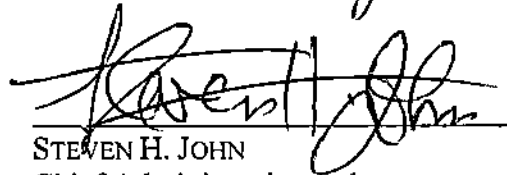
[Conclusion and signature page follows]

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IT IS THEREFORE ORDERED that for the reasons set forth in the Court's conditional order of dismissal, as supplemented by the findings above, the application for post-conviction relief is hereby **DENIED AND DISMISSED WITH PREJUDICE**.

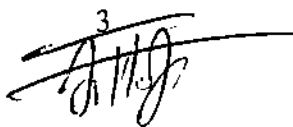
This Court hereby advises Applicant that he must file and serve a notice of appeal within 30 days of the service of this order to secure appellate review. *See* Rule 203, SCACR. Applicant's attention is directed to Rule 243, SCACR, for the procedures following the filing and service of the notice of appeal.

AND IT IS SO ORDERED this 4th day of February, 2022.



STEVEN H. JOHN
Chief Administrative Judge
Fifteenth Judicial Circuit

Conroy, South Carolina





FILED
HORRY COUNTY
2022 FEB 10 P 1:32
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

ALAN WILSON
ATTORNEY GENERAL

February 8, 2022

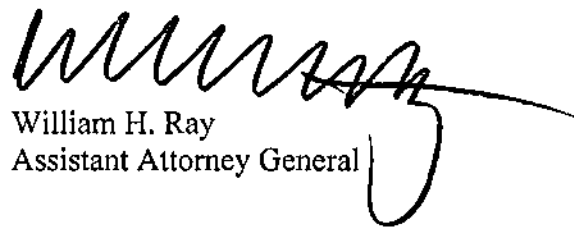
The Honorable Renee Elvis
Horry County Clerk of Court
PO Box 677
Conway, SC 29528-0677

Re: Tyron Beaty, #191955 v. State of South Carolina
2019-CP-26-5093

Dear Ms. Elvis:

Enclosed please find Final Order of Dismissal signed by the Honorable Steven H. John 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,


William H. Ray
Assistant Attorney General

WHR/em

cc: Tyron Beaty, #191955



ALAN WILSON
ATTORNEY GENERAL

January 31, 2022

The Honorable Steven H. John
1301 Second Avenue, Suite 3A30
Conway, SC 29526-5234

Re: Tyrone Beaty, #191955 v. State of South Carolina
2019-CP-26-5093

FILED
HORRY COUNTY
2022 FEB 10 P 1:32
RENEE N. ELMIS
CLERK OF COURT
HORRY COUNTY, SC

Dear Judge John:

Enclosed please find the proposed Final Order of Dismissal in the above-captioned case. If this Order meets your approval, please sign and return to me in the enclosed envelope, and I will forward to the Horry County Clerk of Court to be filed and served.

Sincerely,

William H. Ray
Assistant Attorney General

WHR/em
Enclosure(s)

cc: Tyrone Beaty, #191955