



ALAN WILSON
ATTORNEY GENERAL

March 3, 2022

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

Re: Trovon A. Keith, #272473 v. State of South Carolina
2019-CP-26-7456

Dear Ms. Elvis:

Enclosed please find the Amended Final Order of Dismissal signed by the Honorable Benjamin H. Culbertson 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,

Chelsey F. Marto
Assistant Attorney General

CFM/em

cc: Trovon A. Keith, #272473

FILED
HORRY COUNTY
2022 MAR -8 P 1:33
RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
Trovon A. Keith, SCDC No. 272473)
Applicant,)
v.)
State of South Carolina)
Respondent.)

IN THE COURT OF COMMON PLEAS
FOR THE FIFTEENTH JUDICIAL CIRCUIT

Case No. 2019-CP-26-7456

**AMENDED FINAL ORDER
OF DISMISSAL**

FILED
HORRY COUNTY
2022 MAR -8 P 11:33
RENEE H. ELYNS
CLERK OF COURT
HORRY COUNTY SC

This matter comes before the Court by way of Applicant Trovon Keith's November 18, 2019 application for post-conviction relief. Respondent made its return on May 20, 2021 and requested that the application be dismissed due to untimeliness and 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 order provisionally denied and dismissed the action, and gave Applicant 20 days from the date of service of said order in which to show why the dismissal should not become final. Attached to this order and incorporated herein by reference is an affidavit of service indicating that Applicant was personally served with the conditional order on January 11, 2022.¹

¹ The Honorable Steven H. John, Chief Administrative Judge of the 15th Circuit Court of Common Pleas, signed a final order of dismissal on February 4, 2022. The order was filed on February 10, 2022. On February 9, 2022, Applicant filed a document titled "Applicants Argument About Respondents Motion to Dismiss Conflict of Interest with Steven H. John" where he objected to the order because Judge John presided over the trial giving rise to his convictions. This Court, via the undersigned, therefore finds it necessary to amend the final order of dismissal to accommodate Applicant's objection.

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/mkc

Applicant filed a document titled "Applicant's Response to Conditional Order of Dismissal signed by Judge Benjamin H. Culbertson" on July 22, 2021. Applicant asserts that the indictments upon which he was convicted do not contain information sufficient to convey jurisdiction upon the circuit court. Specifically, he asserts that they documents fail to state the exact time, date, and location where the crime took place within Horry County. He acknowledges that the indictments stated that the crime took place within Horry County, and he also acknowledges that his case has already been reviewed by several judges. Applicant asserts that he is entitled to proceed with his application because subject matter jurisdiction may be raised at any time.

This Court has reviewed Applicant's response to the conditional order of dismissal and finds that Applicant has failed to provide a sufficient reason why the conditional order of dismissal should not become final. "Circuit courts obviously have subject matter jurisdiction to try criminal matters." *State v. Gentry*, 363 S.C. 93, 101, 610 S.E.2d 494, 499 (2005). "Subject matter jurisdiction of the circuit court and sufficiency of the indictment are two distinct concepts and the blending of these concepts serves only to confuse the issue." *Id.* An indictment is merely a notice document, and whether it could be made more definite is irrelevant. *State v. Baker*, 390 S.C. 56, 62, 700 S.E.2d, 440, 442.

[Conclusion and signature page follows]

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 the 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 24 day of Feb., 2022.



BENJAMIN H. CULBERTSON
Chief Administrative Judge *for General Sessions*
Fifteenth Judicial Circuit

Conway, South Carolina