

# The South Carolina Court of Appeals

Morris Tyler, #138551, Appellant,

v.

State of South Carolina, Respondent.

Appellate Case No. 2012-212263

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## ORDER

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In this habeas corpus action, the circuit court denied relief finding that habeas corpus relief was improper in the circuit court because the issues could have been raised in a timely application for post-conviction relief. *Simpson v. State*, 329 S.C. 43, 495 S.E.2d 429 (1998). Based on petitioner's failure to show that there is an arguable basis for asserting that this determination by the lower court was improper, the notice of appeal is dismissed under Rule 203(d)(1)(B)(vi) of the South Carolina Appellate Court Rules (SCACR). The remittitur will be sent as provided by Rule 221, SCACR.

 A.J.  
FOR THE COURT

Columbia, South Carolina

**FILED**

5/15/13 AS

cc:

Morris Tyler, 138551

Mary Shannon Williams