

THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

Thomas Chad Heaton, Respondent,

v.

State of South Carolina, Petitioner.

Appellate Case No. 2011-205087

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS

Appeal from Anderson County
John C. Hayes, III, Post-Conviction Relief Judge

Memorandum Opinion No. 2013-MO-020
Heard June 6, 2013 – Filed June 12, 2013

DISMISSED AS IMPROVIDENTLY GRANTED

Attorney General Alan M. Wilson, Chief Deputy
Attorney General John W. McIntosh, and Senior
Assistant Deputy Attorney General Salley W. Elliott, all
of Columbia, for Petitioner.

Ricky K. Harris, of Spartanburg, for Respondent.

PER CURIAM: We granted a writ of certiorari to review the court of appeals' decision in *Heaton v. State*, Op. No. 2011-UP-456 (S.C. Ct. App. filed Oct. 13, 2011), affirming the grant of Respondent's post-conviction relief (PCR) application. We now dismiss the writ as improvidently granted.

DISMISSED AS IMPROVIDENTLY GRANTED.

**TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ.,
concur.**