

The South Carolina Court of Appeals

John Mack, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2022-000296

ORDER

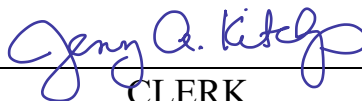
Petitioner's application for forensic DNA testing under the Access to Justice Post-Conviction DNA Testing Act¹ was denied by Judge J. Derham Cole, Sr. No notice of appeal was timely filed. Petitioner now seeks a writ of certiorari from an order issued by Judge Grace Gilchrist Knie granting him a belated review of Judge Cole's order pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991).

The panel voted to grant the petition for a writ of certiorari from Judge Knie's order, dispense with further briefing, and proceed with an *Austin* review of Judge Cole's order.

Based on the vote of the panel, the court denies the petition for a writ of certiorari from Judge Cole's order.

FOR THE COURT

BY



CLERK

Columbia, South Carolina

cc:

Jessica M. Saxon, Esquire

David A. Spencer, Esquire

The Honorable Grace Gilchrist Knie

FILED
May 15 2023

¹ S.C. Code Ann. §§ 17-28-10 to -120 (2014).