

**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 Court of Appeals**

John David Sartin, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2019-001606

Appeal From Pickens County
Alex Kinlaw, Jr., Circuit Court Judge

Unpublished Opinion No. 2023-UP-320
Submitted September 1, 2023 – Filed September 27, 2023

APPEAL DISMISSED

Chief Appellate Defender Robert Michael Dudek, of
Columbia, for Petitioner.

Senior Assistant Deputy Attorney General Melody Jane
Brown, of Columbia, for Respondent.

PER CURIAM: Petitioner seeks a writ of certiorari from an order of the circuit court denying his application for post-conviction relief (PCR) but finding he was entitled to a belated review of his direct appeal issue pursuant to *White v. State*, 263 S.C. 110, 208 S.E.2d 35 (1974).

Because there is sufficient evidence to support the PCR judge's finding that Petitioner did not knowingly and intelligently waive his right to a direct appeal, we grant certiorari on Petitioner's Question 1 and proceed with a review of the direct appeal issue pursuant to *Davis v. State*, 288 S.C. 290, 342 S.E.2d 60 (1986). We deny certiorari on Petitioner's Question 2.

After careful review of Petitioner's brief and the record pursuant to *Anders v. California*, 386 U.S. 738 (1967), we dismiss Petitioner's direct appeal. Counsel's motion to be relieved is granted.

APPEAL DISMISSED.¹

THOMAS, KONDUROS, and GEATHERS, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.