

# The South Carolina Court of Appeals

The State, Respondent,

v.

Austin Bernard Martin, Appellant.

Appellate Case No. 2024-001002

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## ORDER

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On July 24, 2024, we dismissed this appeal because Appellant failed to provide a sufficient guilty plea explanation pursuant to Rule 203(d)(1)(B)(iv), SCACR. *See* Rule 203(d)(1)(B)(iv), SCACR (providing that "[i]f the appeal is from a guilty plea, an *Alford* plea or a plea of nolo contendere," the notice of appeal must be accompanied by "a written explanation showing that there is an issue which can be reviewed on appeal"). On July 29, 2024, Appellant filed a pro se guilty plea explanation, which we construe as a petition to rehear the dismissal. However, after careful consideration of the petition for rehearing, the court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing.<sup>1</sup> Accordingly, the petition for rehearing is denied.

  
\_\_\_\_\_ J.

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<sup>1</sup> Appellant failed to articulate any issues with his guilty plea or sentencing that were preserved for this court's review on direct appeal. Appellant's allegations regarding the alleged ineffectiveness of his plea counsel would be more appropriately set forth in an application for post-conviction relief. *See* S.C. Code Ann. § 17-27-10 et seq.; *Al-Shabazz v. State*, 338 S.C. 354, 363, 527 S.E.2d 742, 747 (2000) ("In a direct appeal, the focus generally is upon the propriety of rulings made by the circuit court in response to a party's motions or objections. In PCR, the focus usually is upon alleged errors made by trial or plea counsel.").

**FILED**  
**Oct 04 2024**

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J.



J.

Columbia, South Carolina

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