



The Supreme Court of South Carolina

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September 16, 2013

The Honorable M. Hope Blackley
PO Box 3483
Spartanburg SC 29304-3483

REMITTITUR

Re: Horacio Rodriquez v. State
Lower Court Case No. 2012CP4201523
Appellate Case No. 2013-001802

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

Daniel E. Shearouse
DS

CLERK

cc: W. Barry Bland, Esquire
Suzanne H. White, Esquire
Horacio Rodriquez, #348551

The Supreme Court of South Carolina

Horacio Rodriquez, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2013-001802

ORDER

Petitioner has filed a notice of appeal from an order dismissing the application for post-conviction relief (PCR) based on petitioner's request to withdraw the PCR application. The order finds that petitioner's request to withdraw the application was made knowingly, intelligently and voluntarily.

Under *Rush v. State*, 368 S.C. 144, 628 S.E.2d 42 (2006), this order is not appealable. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.



FOR THE COURT

J.

Columbia, South Carolina
August 29, 2013

cc: W. Barry Bland, Esquire
Suzanne H. White, Esquire