

The Supreme Court of South Carolina

Darrell L. Goss, Petitioner,


v.

State of South Carolina, Respondent.

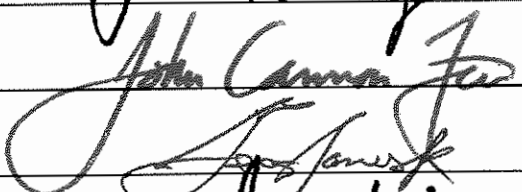
Appellate Case No. 2025-000218

ORDER


Petitioner filed his second post-conviction relief (PCR) application alleging ineffective assistance of counsel for failure to file a notice of appeal from a prior PCR order issued by the Honorable Jennifer B. McCoy and entitlement to belated appellate review of Judge McCoy's order pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991). The Honorable Jocelyn Newman found that Petitioner's request for belated appellate review of Judge McCoy's order was premature and dismissed his second PCR application because the time for serving and filing the notice of appeal from Judge McCoy's order has not yet started, due to a pending Rule 59(e), SCRCP, motion. This finding was correct. *See Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 15, 602 S.E.2d 772, 775 (2004) (holding a timely Rule 59(e), SCRCP, motion stays the time for an appeal until the lower court rules on the motion). Therefore, we dispense with briefing and affirm Judge Newman's order.




C.J.



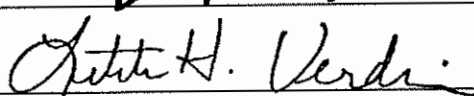
J.



J.



J.



J.

Columbia, South Carolina
August 14, 2025

cc:
Danielle Dixon
Jessica M. Saxon