

# The South Carolina Court of Appeals

Frederick Jermaine Harris, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2011-194532

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## ORDER

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We deny Petitioner's motion to remand for reconstruction of the record from his first post-conviction relief (PCR) hearing because the materials in the appendix are sufficient for us to conduct a meaningful review of the first PCR court's order, pursuant to *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988). See *Koon v. State*, 358 S.C. 359, 595 S.E.2d 456 (2004) (denying the petitioner's request to remand to reconstruct the record of the PCR hearing because the information before the court was sufficient to resolve the issues raised by the petitioner), *overruled on other grounds by State v. Gentry*, 363 S.C. 93, 610 S.E.2d 494 (2005).

Petitioner's application for PCR was denied by Judge Larry R. Patterson. No notice of appeal was filed. Petitioner now seeks a writ of certiorari from an order issued by Judge G. Edward Welmaker granting Petitioner a belated review of Judge Patterson's order pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991).

We grant the petition for a writ of certiorari from Judge Welmaker's order, dispense with further briefing, and proceed with an *Austin* review of Judge Patterson's order.

Petitioner's counsel asserts the petition is without merit and requests permission to withdraw from further representation. Petitioner has filed a pro se petition.

After careful consideration of the entire appendix as required by *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988), we deny the petition from Judge Patterson's order and grant counsel's request to withdraw.

John Cannon, Jr. C.J.  
Daniel G. Piser J.  
U. Ke J.

Columbia, South Carolina

cc: Robert M. Pachak  
Karen Christine Ratigan  
Frederick Jermaine Harris

**FILED**  
12/18/13