

The Supreme Court of South Carolina

Charles Junious, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2013-002563

The Honorable The Honorable W. Jeffrey Young
Clarendon County
Trial Court Case No. 2009CP1400574

ORDER

Based on the failure of petitioner to provide the proof of service and statement requested in this Court's letter of December 5, 2013, this matter is dismissed. This dismissal is without prejudice to whatever right petitioner may now have to seek review pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991) by filing a new application for post-conviction relief in the circuit court.¹ The remittitur will be sent as provided by Rule 221(b), SCACR.


C.J.
FOR THE COURT

Columbia, South Carolina
December 23, 2013

cc: Daniel Francis Gourley, II, Esquire
William H. Johnson, Esquire
Mr. Charles Junious, 332874

¹ See *King v. State*, 308 S.C. 348, 417 S.E.2d 868 (1992) (discussing appellate procedure to be followed depending on findings of PCR judge on the *Austin* claim).