

The South Carolina Court of Appeals

Shawndell Q. McClenton, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2025-001385

ORDER

Petitioner's application for post-conviction relief (PCR) was denied by G. Thomas Cooper, Jr. PCR counsel failed to petition for a writ of certiorari for review of that denial. Petitioner now seeks a writ of certiorari from an order issued by Judge Carmen T. Mullen granting Petitioner a belated review of Judge Cooper's order pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991).¹

The panel voted to grant the petition for a writ of certiorari from Judge Mullen's order, dispense with further briefing, and conduct an *Austin* review of Judge Cooper's order.

¹ Although Petitioner failed to follow the procedure outlined *King v. State*, 308 S.C. 348, 417 S.E.2d 868 (1992), we construe Petitioner's filing as a petition for a writ of certiorari seeking review of the grant of *Austin* relief. See *King*, 308 S.C. at 349, 417 S.E.2d at 868 (explaining that if a PCR court "has affirmatively found that the right to appellate review of a previous post-conviction relief order was not knowingly and intelligently waived," a petitioner shall file two petitions with the appellate court: one addressing the PCR court's finding concerning his right to appellate review of the previous order "along with other questions [the] petitioner seeks to have reviewed from that order," and (2) "an *Austin* petition addressing the questions from the previous post-conviction relief order"). Further, due to Petitioner's failure to follow the *King* procedure, the State did not file a return. However, the State conceded Petitioner was entitled to a belated review at the PCR hearing.

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

Based on the vote of the panel after careful consideration of the entire appendix as required by *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988), the petition for a writ of certiorari is denied and counsel's request to withdraw is granted.

FOR THE COURT

BY


CLERK

Columbia, South Carolina

cc:

Kylee Marcella Kanealey, Esquire
Gary Howard Johnson, II, Esquire
Shawndell McClenton, 00255563
The Honorable Carmen T. Mullen
The Honorable G. Thomas Cooper, Jr.

FILED
Jul 16 2026