

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to York County  
Thomas J. Rode, Circuit Court Judge

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**RECEIVED**

**Sep 30 2026**  
S.C. SUPREME COURT

QUENTIN EVANS,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2026-000646

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PETITION FOR WRIT OF CERTIORARI

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### **ISSUE PRESENTED**

Whether the PCR court properly granted Petitioner's request for a belated appeal from his initial PCR action pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991)?

## STATEMENT

On April 17, 2014, a York County grand jury indicted Petitioner for homicide by child abuse. App. 789. On March 16-19, 2015, Petitioner's case was tried before Judge J. D. Cole, Sr., and a jury. App. 1. Kevin S. Brackett and W. William Thompson, Sr., represented the State, and David Cook represented Petitioner. App. 1. The jury convicted Petitioner. App. 604, ll. 16-18. Judge Cole sentenced Petitioner to forty-five years' imprisonment with credit for time served. App. 611, ll. 6-13; App. 796. The Court of Appeals dismissed Petitioner's direct appeal on November 23, 2016, and sent the remittitur on December 12, 2016. App. 631; App. 633.

On July 6, 2017, Petitioner filed an initial application for post-conviction relief (PCR) with an attached amendment. App. 635-642. The State filed a return. App. 643-648. On April 17, 2023, Judge Eugene Griffith, Jr. presided over an evidentiary hearing on the initial application where Michael Brown represented Petitioner and Zachary Jones represented the State. App. 649. On September 5, 2023, Judge Griffith filed an order denying Petitioner's initial PCR application. App. 742-755.

On May 30, 2025, Petitioner filed a second PCR application seeking belated review of his initial application pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), based upon PCR counsel Brown's failure to file a notice of appeal from the order denying the initial application.<sup>1</sup> App. 756-763. Chelsey Marto was appointed to represent Petitioner in his second PCR application. App. 780. On February 16, 2026, the State filed a return requesting an evidentiary hearing on Petitioner's second PCR application. App. 781-788. On March 5, 2026,

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<sup>1</sup> On August 12, 2026, the South Carolina Supreme Court filed a disciplinary opinion suspending Brown from the practice of law upon finding, among other issues, that Brown violated the Rules of Professional Conduct in failing to initiate Petitioner's appeal from Judge Griffith's order. See In re Brown, Op. No. 28349 (S.C. Sup. Ct. filed August 12, 2026) (Howard Adv. Sh. No. 30).

Judge Thomas Rode filed a consent order granting belated review of Petitioner's initial PCR application pursuant to Austin, App. 789-793. This petition follows.

## ARGUMENT

The PCR court properly granted Petitioner's request for a belated appeal from Petitioner's first PCR action pursuant to *Austin*.

Petitioner was denied an opportunity to appeal from the PCR court's order denying his initial application when his initial PCR counsel failed to seek appellate review upon Petitioner's request. App. 758. In the consent order granting belated review, Judge Rode determined "both [Petitioner] and [the State] agree that [Petitioner] requested and was denied an opportunity to seek appellate review of his initial [PCR] application." App. 792. Accordingly, Judge Rode ruled that "[b]ased upon the consent of counsel for both parties, . . . [Petitioner] is entitled to a belated appellate review of his initial [PCR] application pursuant to *Austin*." App. 792.

Because Petitioner requested an opportunity for appellate review of initial PCR action, but he was denied such due to PCR counsel's ineffectiveness, he is entitled to belated review pursuant to *Austin*. See *Austin*, 305 S.C. at 454, 409 S.E.2d at 396 (indicating a PCR applicant is entitled to belated appellate review when PCR counsel was ineffective in failing to seek appellate review upon the applicant's request). The State agreed that Petitioner was entitled to a belated appeal and consented. Therefore, Judge Rode properly granted Petitioner a belated appeal from the initial PCR action.

### **CONCLUSION**

Based upon the foregoing, Petitioner requests that this Court grant his petition and allow review of his belated PCR appeal pursuant to Austin v. State.

  
Kersey A. Reynolds  
Appellate Defender

ATTORNEY FOR PETITIONER

This 30<sup>th</sup> day of September, 2026.