

The South Carolina Court of Appeals

Kyle Wayne Way, Petitioner,

v.

State of South Carolina, Respondent.

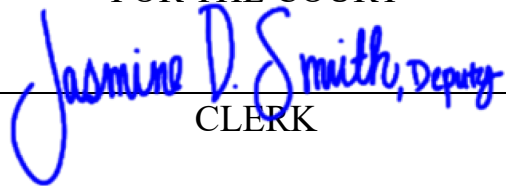
Appellate Case No. 2024-000547

ORDER

This matter is before the court on a petition for a writ of certiorari. Based on the vote of the panel, the petition for a writ of certiorari is granted as to the post-conviction relief (PCR) court's finding that Petitioner was not entitled to a belated direct appeal. We dispense with further briefing on the petition for certiorari, and this court will proceed with its review of Petitioner's direct appeal pursuant to *Davis v. State*, 288 S.C. 290, 342 S.E.2d 60 (1986). Petitioner shall file his initial appellant's brief within thirty days of this order. *See Davis*, 288 S.C. at 291, 342 S.E.2d at 60 ("In [PCR] cases in which the [PCR court] finds that the applicant is *not* entitled to a *White v. State* review, . . . the applicant shall not file a brief addressing the direct appeal issues unless certiorari is granted on the *White v. State* issue."). As to whether the PCR court erred in finding trial counsel was not ineffective for failing to adequately argue for a directed verdict, the petition for a writ of certiorari is granted. The parties shall proceed to serve and file the appendix and briefs as provided by Rule 243(j), SCACR.

FOR THE COURT

BY


CLERK

Columbia, South Carolina

FILED
Oct 12 2026

cc:

Joanna Katherine Delany, Esquire

Zachary William Jones, Esquire

Kyle Wayne Way, 382833

The Honorable Kristi F. Curtis