

The Supreme Court of South Carolina

Antonio Gordon, Petitioner,

v.

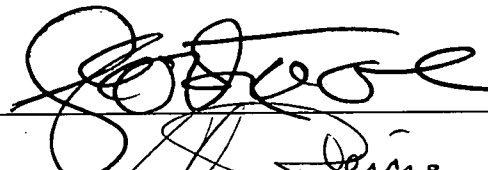
State of South Carolina, Respondent.

Appellate Case No. 2013-002153


ORDER

Petitioner has filed a *pro se* "Belated Notice of Appeal[]" from an order dated December 9, 2003, denying petitioner's *pro se* motion for rehearing or reconsideration in this post-conviction relief matter. Petitioner has also filed a "Motion Requesting Permission to File a Belated PCR Under Austin[] v. State, 409 S.E.2d 395 (1991)" and a motion to relieve Tara Shurling as counsel.

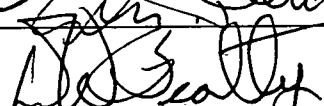
We hereby vacate the order denying the *pro se* motion for rehearing or reconsideration, as the motion was improper since at the time it was filed, petitioner was represented by counsel. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010). Having vacated the order on appeal, we dismiss as moot petitioner's belated notice of appeal and deny as moot the motion to relieve Ms. Shurling as counsel. The "Motion Requesting Permission to File a Belated PCR Under Austin[] v. State, 409 S.E.2d 395 (1991)" is denied.



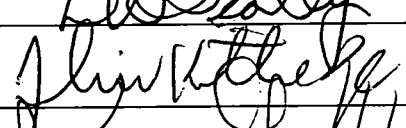
C.J.



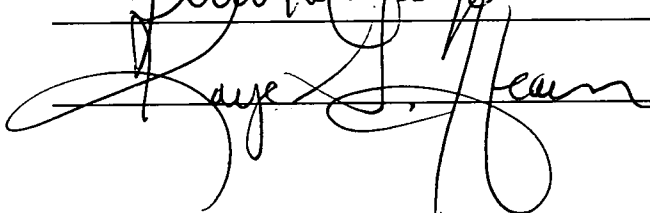
J.



J.



J.



J.

Columbia, South Carolina

March 6, 2014

cc:

James Rutledge Johnson, Esquire

Tara Dawn Shurling, Esquire

Antonio Gordon, 259798

The Honorable David Hamilton