

The Supreme Court of South Carolina

Donnie Mack Malpass, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2013-001460


Lower Court Case No. 2012-CP-44-00327

ORDER

Petitioner's application for post-conviction relief was denied by Judge Goldsmith. Petitioner now seeks a writ of certiorari from an order issued by Judge Hayes granting petitioner a belated review of Judge Goldsmith's order pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991).

We grant the petition for a writ of certiorari from Judge Hayes' order, dispense with further briefing, and proceed with an *Austin* review of Judge Goldsmith's order.

The petition for a writ of certiorari from Judge Goldsmith's order is denied.


FOR THE COURT

Columbia, South Carolina

October 23, 2014

cc:

James Rutledge Johnson, Esquire

David Alexander, Esquire