

# The Supreme Court of South Carolina

Ernest Battle, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2013-001776

Lower Court Case No. 2010-CP-10-8516

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## ORDER

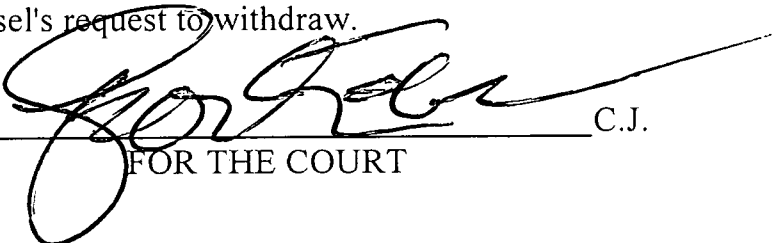
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Judge Keesley granted petitioner post-conviction relief (PCR) on one ground raised in petitioner's PCR application, but denied relief on the remaining grounds. The State filed a notice of appeal, but petitioner did not cross-appeal. This Court reversed the order granting relief. Battle v. State, 382 S.C. 197, 675 S.E.2d 736 (2009). Petitioner has now filed a petition for a writ of certiorari from a consent order issued by Judge Jefferson finding petitioner is entitled to a belated review of the grounds upon which post-conviction relief was denied in Judge Keesley'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 Jefferson's order, dispense with further briefing, and proceed with an Austin review of Judge Keesley's order.

After careful consideration of the record as required by Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988), we deny the petition for a writ of certiorari from Judge Keesley's order and grant counsel's request to withdraw.



  
C.J.  
FOR THE COURT

Columbia, South Carolina

May 21, 2015

cc:

Ashleigh Rayanna Wilson, Esquire

Robert M. Pachak, Esquire

Ernest Battle, #165247