

The Supreme Court of South Carolina

Michael A. Smith, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2014-001537

Lower Court Case No. 2012-CP-09-00174

ORDER

Following the denial of petitioner's application for post-conviction relief (PCR) by Judge Goodstein, no notice of appeal was filed. Judge Murphy subsequently granted petitioner a belated review of Judge Goodstein's order pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991).

Petitioner has filed a petition for a writ of certiorari from Judge Goodstein's order, but has failed to seek a writ of certiorari from Judge Murphy's order as required by *King v. State*, 308 S.C. 348, 417 S.E.2d 868 (1992) (when the post-conviction relief judge finds the right to appellate review of a previous PCR order was not knowingly and intelligently waived, the petition shall raise this question along with all other questions petitioner seeks to have reviewed from that order; at the same time, petitioner shall serve and file an *Austin* petition addressing the questions from the previous PCR order). Accordingly, this Court could deny the petition for this reason. However, in the interest of judicial economy, we issue a writ of certiorari to review Judge Murphy's order, dispense with further briefing, and proceed with a review of Judge Goodstein's order. The petition for a writ of certiorari from Judge Goodstein's order is denied.



FOR THE COURT

Columbia, South Carolina

September 3, 2015

cc:

John Harrison Strom, Esquire

James Clayton Mitchell, III, Esquire