

PCR-3

The Supreme Court of South Carolina

Leroy Folkes, Petitioner,

v.

State of South Carolina, Respondent.

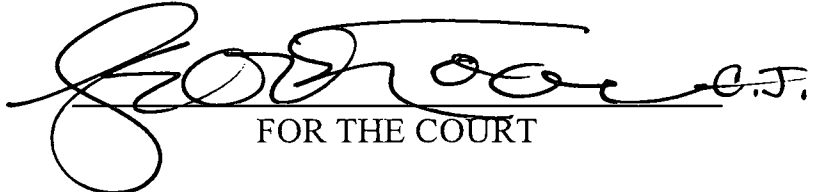
Appellate Case No. 2011-201126

ORDER

Petitioner's first application for post-conviction relief was denied by Judge McMahon. No notice of appeal was filed. Petitioner now seeks a writ of certiorari from a second order issued by Judge McMahon granting petitioner a belated review of the first order pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991).

Petitioner's counsel has filed a petition pursuant to *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988) from Judge McMahon's first order. Petitioner has not filed a *pro se* petition.

We grant the petition for a writ of certiorari from Judge McMahon's second order, dispense with further briefing, and proceed with an *Austin* review of his first order. After careful consideration of the entire record of petitioner's first post-conviction relief matter, as required by *Johnson v. State, supra*, we deny the petition from Judge McMahon's first order and grant counsel's request to withdraw.


FOR THE COURT

Columbia, South Carolina

September 20, 2012

cc:

Wanda H. Carter

Kaelon Elizabeth May

Leroy Folkes, 298608