

The Supreme Court of South Carolina

Brian Keith Stephens, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2014-000471

Lower Court Case No. 2013-CP-30-00721

ORDER

Petitioner's first application for post-conviction relief (PCR) was dismissed, after a hearing, by the Honorable Frank Addy. No timely notice of appeal was filed.

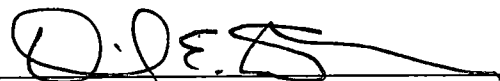
Petitioner's second PCR application was dismissed, after a hearing, by the Honorable Donald Hocker, who found petitioner was not entitled to a belated review of the denial of his first PCR application pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991). On appeal, this Court granted the petition for a writ of certiorari, dispensed with further briefing, reversed Judge Hocker's order, and ordered the parties to brief the *Austin* question in accordance with the procedures set forth in *King v. State*, 308 S.C. 348, 417 S.E.2d 868 (1992).

Counsel filed a petition pursuant to *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988), addressing the *Austin* question, and petitioner has filed a *pro se* response.

Based on the vote of the Court, after careful consideration of the record as required by *Johnson, supra*, and petitioner's *pro se* petition, the petition for a writ of certiorari from Judge Addy's order is denied and counsel's request to withdraw is granted.

FOR THE COURT

BY



CLERK

Columbia, South Carolina

March 25, 2016

cc:

James Rutledge Johnson, Esquire

Laura Ruth Baer, Esquire

Brian Keith Stephens, 131066

The Honorable Lynn W. Lancaster