

The Supreme Court of South Carolina

Steven McElrath, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2015-001081
Lower Court Case Nos. 2011-CP-04-02710 and 2009-
CP-04-00012

ORDER

Petitioner's application for post-conviction relief was denied by Judge McIntosh. No Notice of Appeal was filed. Petitioner now seeks a writ of certiorari from an order issued by Judge Dickson finding petitioner was entitled to a belated review of Judge McIntosh's order pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991). Counsel for petitioner has filed a petition for a writ of certiorari pursuant to *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988), and petitioner has filed a *pro se* response.

Based on the vote of the Court: (1) the petition for a writ of certiorari from Judge Dickson's order is granted, with no further briefing required, and (2) after an *Austin* review of Judge McIntosh's order and careful consideration of the record and petitioner's *pro se* response, as required by *Johnson v. State, supra*, the petition for a writ of certiorari from Judge McIntosh's order is denied and counsel's request to withdraw is granted.

FOR THE COURT

BY



CLERK

Columbia, South Carolina

February 10, 2017

cc:

Kathrine Haggard Hudgins, Esquire
Patrick Lowell Schmeckpeper, Esquire
Steven McElrath, #328413