

The Supreme Court of South Carolina

Devan Dwyer, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2016-001132

Lower Court Case No. 2015-CP-43-02810

ORDER

Petitioner's application for post-conviction relief was denied by Judge Maddox. His *pro se* notice of appeal was dismissed as untimely. Petitioner now seeks a writ of certiorari from an order issued by Judge Goldsmith finding petitioner was entitled to a belated review of Judge Maddox's order pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991).

Based on the vote of the Court: (1) the petition for a writ of certiorari from Judge Goldsmith's order is granted, with no further briefing required; and (2) after an *Austin* review of Judge Maddox's order, the petition for a writ of certiorari from Judge Maddox's order is denied.

FOR THE COURT

BY



CLERK

Columbia, South Carolina

August 21, 2017.

cc:

Jeremy Adam Thompson, Esquire

Julie Amanda Coleman, Esquire