

# The South Carolina Court of Appeals

Marcus Timmons, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2016-000469

---

## ORDER

---

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

Based on the vote of the panel, the court grants the petition for a writ of certiorari from Judge Brown's order, dispenses with further briefing, and proceeds with an *Austin* review of Judge Davis's first order.

The petition for a writ of certiorari from Judge Davis's order is denied.

FOR THE COURT

BY

  
CLERK

Columbia, South Carolina

cc: William G. Yarborough, III, Esquire  
Alan McCrory Wilson, Esquire  
Patrick Lowell Schmeckpeper, Esquire  
The Honorable D. Craig Brown

**FILED**

April 25, 2018

27