

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

Bernard McFadden, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2016-002319
Lower Court Case No. 2011-CP-43-01952

- Appeal From Sumter County
The Honorable W. Jeffrey Young, Trial Judge
The Honorable George C. James, Jr., Post-Conviction
Relief Judge

Memorandum Opinion No. 2018-MO-025
Submitted May 21, 2018 – Filed June 20, 2018

DISMISSED

Appellate Defender Taylor Davis Gilliam, of Columbia,
for Petitioner.

Attorney General Alan McCroiry Wilson and Julie
Amanda Coleman, both of Columbia, for Respondent.

PER CURIAM: Petitioner seeks a writ of certiorari from the denial of his application for post-conviction relief (PCR). We deny the petition as to Questions II and III.

However, because there is sufficient evidence to support the PCR judge's finding that petitioner did not knowingly and intelligently waive his right to a direct appeal, we grant the petition as to Question I and proceed with a review of the direct appeal issue pursuant to *Davis v. State*, 288 S.C. 290, 342 S.E.2d 60 (1986).

We dismiss this matter pursuant to Rule 220(b)(1), SCACR, after review pursuant to *Anders v. California*, 386 U.S. 738 (1967).¹ Counsel's motion to be relieved is granted.

DISMISSED.

BEATTY, C.J., KITTREDGE, HEARN and FEW, JJ., concur. JAMES, J., not participating.

¹ Petitioner has filed a pro se petition for a writ of certiorari which we decline to consider because he was only entitled to file a pro se response to the *Anders* brief raising any direct appeal issues. Petitioner has also filed a motion to supplement the appendix with a document relevant to his pro se petition. That motion is likewise denied as improper for the same reason.