

The Supreme Court of South Carolina

Jonathan Leon Simpson, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2017-001499

Lower Court Case No. 2016-CP-11-00348

ORDER

Petitioner's application for post-conviction relief was denied by Judge Crouch. The Notice of Appeal was dismissed for failure to provide a copy of the order, the date the order was received, and proof of service. A consent order granting petitioner a belated review of Judge Crouch's order pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991), was subsequently issued by Judge Kelly. No Notice of Appeal was served and filed. Petitioner now seeks a writ of certiorari from a consent order issued by Judge Cole finding petitioner was entitled to an *Austin* review of Judge Crouch's order. Counsel for petitioner has filed a petition for a writ of certiorari from Judge Crouch's order pursuant to *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988). Petitioner has not filed a *pro se* response.

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

FOR THE COURT

BY



CLERK

Columbia, South Carolina

July 24, 2018

cc:

LaNelle Cantey DuRant, Esquire
Jordan Adraine Cox, Esquire
Jonathan Leon Simpson, 318626
The Honorable Julie J. Armstrong