



The Supreme Court of South Carolina

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CLERK OF COURT

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August 09, 2018

The Honorable Brandy W. McBee
PO Drawer 2289
Gaffney SC 29342-2289

REMITTITUR

Re: Jonathan L. Simpson v. State
Lower Court Case No. 2016CP1100348
Appellate Case No. 2017-001499

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

CLERK

cc:

LaNelle Cantey DuRant, Esquire
Jordan Adraine Cox, Esquire
Jonathan Leon Simpson, 318626

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