



The Supreme Court of South Carolina

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August 24, 2018

The Honorable David Hamilton
PO Box 649
York SC 29745-0649

REMITTITUR

Re: Isaias D. Gutierrez v. State
Lower Court Case No. 2011CP4602611, 2015CP4603199
Appellate Case No. 2017-001080

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:
Susan Barber Hackett, Esquire
Janell Gregory, Esquire

The Supreme Court of South Carolina

Isaias D. Gutierrez, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2017-001080

Lower Court Case Nos. 2011-CP-46-02611 and 2015-CP-46-03199

ORDER

Petitioner's application for post-conviction relief was denied by Judge Alford. No notice of appeal was served. Petitioner now seeks a writ of certiorari from an order issued by Judge Cooper finding petitioner was entitled to a belated review of Judge Alford'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 Cooper's order is granted, with no further briefing required; and (2) after an *Austin* review of Judge Alford's order, the petition for a writ of certiorari from Judge Alford's order is denied.

FOR THE COURT

BY



CLERK

Columbia, South Carolina

August 08, 2018

cc:

Susan Barber Hackett, Esquire
Megan Harrigan Jameson, Esquire