

The Supreme Court of South Carolina

Johnell Porter, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2017-001605


ORDER

Petitioner's application for post-conviction relief was denied by the Honorable J. Michael Baxley. The notice of appeal was dismissed as untimely for failure to timely serve the State. Petitioner now seeks a writ of certiorari from an order issued by the Honorable Letitia H. Verdin finding petitioner was entitled to a belated review of Judge Baxley's order pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991). Counsel for petitioner has filed a petition for a writ of certiorari pursuant to *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988), from Judge Baxley's order, and petitioner has filed a *pro se* response.

Based on the vote of the Court: (1) the petition for a writ of certiorari from Judge Verdin's order is granted, with no further briefing required; and (2) after an *Austin* review of Judge Baxley's order and careful consideration of the record and petitioner's *pro se* response, as required by *Johnson* the petition for a writ of certiorari from Judge Baxley's order is denied and counsel's request to withdraw is granted.

FOR THE COURT

BY



CLERK

Columbia, South Carolina

May 17, 2019

cc:

Nathan James Sheldon, Esquire

Taylor Davis Gilliam, Esquire

Janell Gregory, Esquire

Johnell Porter, #240208