



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

June 04, 2019

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

REMITTITUR

Re: Johnell Porter v. State
Lower Court Case No. 2015CP4601186
Appellate Case No. 2017-001605

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:
Nathan James Sheldon, Esquire
Taylor Davis Gilliam, Esquire
Janell Gregory, Esquire
Johnell Porter, #240208

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