

The Supreme Court of South Carolina

Terrance Gist, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2011-204806

ORDER

Petitioner's first application for post-conviction relief was denied by Judge Cole. No notice of appeal was filed. Petitioner now seeks a writ of certiorari from a second order issued by Judge Cole granting petitioner a belated review of the first order pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991).

Petitioner's counsel has filed a petition pursuant to *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988) from Judge Cole's first order. Petitioner has not filed a *pro se* petition.

We grant the petition for a writ of certiorari from Judge Cole's second order, dispense with further briefing, and proceed with an *Austin* review of his first order. After careful consideration of the entire record of petitioner's first post-conviction relief matter, as required by *Johnson v. State, supra*, we deny the petition from Judge Cole's first order and grant counsel's request to withdraw.



FOR THE COURT

Columbia, South Carolina

February 7, 2013

cc:

Kathrine Haggard Hudgins, Esquire

Suzanne Hollifield White, Esquire

Terrance Gist #314379