

The South Carolina Court of Appeals

Ricardo Gomez Hernandez, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2018-000328

ORDER

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

Based on the vote of the panel, the court grants the petition for a writ of certiorari from Judge Kelly's order, dispenses with further briefing, and proceeds with an *Austin* review of Judge Cole's order.

After *Austin* review, the petition for a writ of certiorari from Judge Cole's order is denied.

FOR THE COURT

BY

V. Claire Allen

CLERK

Columbia, South Carolina

FILED
Oct 01 2020

cc:

Tommy Arthur Thomas, Esquire
Megan Harrigan Jameson., Esquire
The Honorable R. Keith Kelly