

The Supreme Court of South Carolina

Miguel Saucedo Robinson, #327754, Petitioner,

v.

State of South Carolina, Respondent.

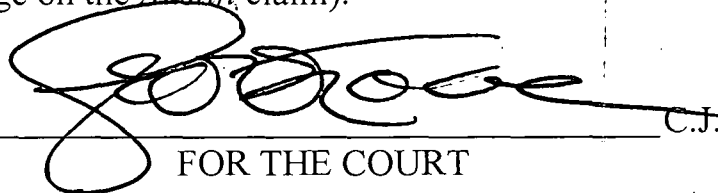
Appellate Case No. 2012-213556

ORDER

By order dated February 5, 2013, the notice of appeal in this matter was dismissed. When no petition for rehearing or reinstatement was received within the time provided by Rules 221 or 260 of the South Carolina Appellate Court Rules, the remittitur was properly sent to the circuit court on February 21, 2013.

Petitioner has now filed a letter and a second notice of appeal attempting to correct the deficiencies that caused the first notice of appeal to be dismissed. In effect, these new documents are a request to reinstate this appeal after the remittitur has been sent. This request is denied. *Wise v. South Carolina Dept. of Corrections*, 372 S.C. 173, 642 S.E.2d 551 (2007) (the sending of the remittitur ends appellate jurisdiction).

To the extent that petitioner may be asking this Court to grant him a belated appeal under *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991), that request is denied without prejudice. Instead, any relief under *Austin* must be sought by filing a new application for post-conviction relief in the circuit court. *Cf. King v. State*, 308 S.C. 348, 417 S.E.2d 868 (1992) (discussing appellate procedure to be followed depending on findings of PCR judge on the *Austin* claim).



C.J.
FOR THE COURT

Columbia, South Carolina
March 11, 2013

cc: James W. Hancock, Jr., Esquire
Harrison David Brant, Esquire
Mr. Miguel Saucedo Robinson, 327754