

The Supreme Court of South Carolina

John J. Smith, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2013-000758

Lower Court Case No. 2010-CP-40-0215

ORDER

Petitioner has filed a *pro se* notice of appeal from an order dated September 6, 2011. This order dismissed the application for post-conviction relief (PCR) based on petitioner's request to withdraw the PCR application. The order finds that petitioner's request to withdraw the application was made knowingly, intelligently and voluntarily.

Under *Rush v. State*, 368 S.C. 144, 628 S.E.2d 42 (2006), this order is not appealable. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.


C.J.
FOR THE COURT

Columbia, South Carolina
April 12, 2013

cc: Steven S. McKenzie, Esquire
Brian T. Perano, Esquire
Mr. John Julius Smith, #246646