



The South Carolina Court of Appeals

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November 03, 2021

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Re: Antonio Ochoa-Tavera v. State
Appellate Case No. 2018-001115

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

V. Claire Allen

CLERK

cc: Antonio Ochoa-Tavera, 363134
The Honorable J. Cordell Maddox, Jr.

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Antonio Ochoa-Tavera, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2018-001115

Appeal From Greenville County
Daniel D. Hall, Trial Judge
J. Cordell Maddox, Jr., Post-Conviction Relief Judge

Unpublished Opinion No. 2021-UP-374
Submitted September 1, 2021 – Filed November 3, 2021

APPEAL DISMISSED

Appellate Defender Lara Mary Caudy, of Columbia, for
Petitioner.

Senior Assistant Deputy Attorney General William M.
Blich, Jr., of Columbia, for Respondent.

PER CURIAM: Petitioner seeks a writ of certiorari from the denial of his
application for post-conviction relief (PCR).

Evidence supports the PCR court's dismissal of Petitioner's claim of ineffective

assistance of counsel. Accordingly, we deny certiorari on this issue. *See Speaks v. State*, 377 S.C. 396, 399, 660 S.E.2d 512, 514 (2008) ("On appeal, the PCR court's ruling should be upheld if it is supported by any evidence of probative value in the record.").

Because there is sufficient evidence to support the PCR court's finding that Petitioner did not knowingly and intelligently waive his right to a direct appeal, we grant certiorari as to Petitioner's belated appeal PCR issue and proceed with a review of the direct appeal issue pursuant to *Davis v. State*, 288 S.C. 290, 342 S.E.2d 60 (1986).

On direct appeal, Petitioner argues the trial court erred by admitting evidence seized by law enforcement without a search warrant. After review pursuant to *Anders v. California*, 386 U.S. 738 (1967), Petitioner's direct appeal is dismissed. Counsel's motion to be relieved is granted.

APPEAL DISMISSED.¹

LOCKEMY, C.J., and WILLIAMS and MCDONALD, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.