### 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

Rion Beaty, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2016-000492

Appeal From Beaufort County J. Ernest Kinard, Jr., Plea Judge Roger L. Couch, PCR Judge

Unpublished Opinion No. 2018-UP-041 Submitted January 1, 2018 – Filed January 31, 2018

#### **APPEAL DISMISSED**

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

Attorney General Alan McCrory Wilson and Assistant Attorney General Ruston Wesley Neely, both of Columbia, for Respondent.

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

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 on Petitioner's Question One 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). We deny certiorari on Petitioner's Question Two.

This appeal is dismissed after review pursuant to *Anders v. California*, 386 U.S. 738 (1967). Counsel's motion to be relieved is granted.

# **APPEAL DISMISSED.**<sup>1</sup>

## SHORT, KONDUROS, and GEATHERS, JJ., concur.

<sup>&</sup>lt;sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.