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 Supreme Court

Thomas Chad Heaton, Respondent,

v.

State of South Carolina, Petitioner.

Appellate Case No. 2011-205087

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS

Appeal from Anderson County John C. Hayes, III, Post-Conviction Relief Judge

Memorandum Opinion No. 2013-MO-020 Heard June 6, 2013 – Filed June 12, 2013

## DISMISSED AS IMPROVIDENTLY GRANTED

Attorney General Alan M. Wilson, Chief Deputy Attorney General John W. McIntosh, and Senior Assistant Deputy Attorney General Salley W. Elliott, all of Columbia, for Petitioner.

Ricky K. Harris, of Spartanburg, for Respondent.

**PER CURIAM:** We granted a writ of certiorari to review the court of appeals' decision in *Heaton v. State*, Op. No. 2011-UP-456 (S.C. Ct. App. filed Oct. 13, 2011), affirming the grant of Respondent's post-conviction relief (PCR) application. We now dismiss the writ as improvidently granted.

## DISMISSED AS IMPROVIDENTLY GRANTED.

TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ., concur.