

**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**

Christopher L. Hampton, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2017-002374

Appeal From Spartanburg County
Larry B. Hyman, Jr., Circuit Court Judge

Unpublished Opinion No. 2021-UP-095
Submitted February 1, 2021 – Filed March 24, 2021

APPEAL DISMISSED

Appellate Defender Wanda H. Carter and Christopher L.
Hampton, pro se, both of Columbia, for Petitioner.

Senior Assistant Deputy Attorney General Megan
Harrigan Jameson, of Columbia, for Respondent.

PER CURIAM: On November 5, 2007, Judge Roger L. Couch issued an order on Petitioner's first application for post-conviction relief (PCR). Judge Couch denied Petitioner's ineffective assistance of counsel claims and granted Petitioner's request for a belated direct appeal. No notice of appeal was filed. Petitioner now seeks a writ of certiorari from Judge Larry B. Hyman's October 16, 2017 order, which

granted Petitioner a belated review of Judge Couch's order pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991). Based on the vote of the panel, the court grants the petition for a writ of certiorari from Judge Hyman's order, dispenses with further briefing, and proceeds with an *Austin* review of Judge Couch's order.

After *Austin* review, the petition for a writ of certiorari as to the ineffective assistance of counsel claim is denied. However, because there is sufficient evidence to support Judge Couch's finding that Petitioner did not knowingly and intelligently waive his right to a direct appeal, we grant certiorari on the belated direct appeal question 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).

After consideration of Petitioner's pro se briefs and 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.¹

APPEAL DISMISSED.

HUFF, THOMAS, and HEWITT, JJ., concur.

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