

**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**

Nicanor Perez Rodriguez, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2011-198031

Appeal From Greenville County
John C. Few, Trial Judge
G. Edward Welmaker, Post-Conviction Relief Judge

Memorandum Opinion No. 2013-MO-023
Submitted August 7, 2013 – Filed August 14, 2013

DISMISSED

Deputy Chief Appellate Defender Wanda H. Carter, of
South Carolina Commission on Indigent Defense,
Division of Appellate Defense, of Columbia, for
Petitioner.

Attorney General Alan Wilson, Chief Deputy Attorney
General John W. McIntosh, Assistant Deputy Attorney
General Salley W. Elliott, and Assistant Attorney
General Karen Christine Ratigan, all of Columbia, for
Respondent.

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

The petition is denied on petitioner's Question II. Because there is sufficient evidence to support the PCR judge's finding that petitioner did not knowingly and intelligently waive his right to a direct appeal, we grant certiorari on petitioner's Question I, dispense with further briefing, 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).

Petitioner's direct appeal issue is dismissed pursuant to Rule 220(b)(1), SCACR, after review pursuant to *Anders v. California*, 386 U.S. 738 (1967). Counsel's motion to be relieved is granted.

DISMISSED.

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