

**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**

Mason Johnson, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2012-213721

Appeal From York County
The Honorable Lee S. Alford, Trial Judge
The Honorable John C. Hayes, III, Post-Conviction Relief Judge

Memorandum Opinion No. 2014-MO-033
Submitted August 6, 2014 – Filed August 13, 2014

AFFIRMED

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

Attorney General Alan Wilson, Assistant Attorney
General J. Rutledge Johnson, both of Columbia, for
Respondent.

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

We deny the petition as to petitioner's Question II. However, 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 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 convictions and sentences are affirmed pursuant to Rule 220(b)(1), SCACR, and the following authorities: *State v. Sinclair*, 275 S.C. 608, 274 S.E.2d 411 (1981) (where appellant's objection was sustained and he sought no further relief, this Court has no issue to decide); *State v. Beck*, 342 S.C. 129, 536 S.E.2d 679 (2000); *State v. Jennings*, 394 S.C. 473, 716 S.E.2d 91 (2011).

AFFIRMED.

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