

**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**

Devon Leon Houston, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2011-189046

Appeal From Greenville County
C. Victor Pyle, Jr., Trial Judge
Robin B. Stilwell, Post-Conviction Relief Judge

Memorandum Opinion No. 2012-MO-033
Submitted August 9, 2012 – Filed August 15, 2012

APPEAL DISMISSED

Appellate Defender Robert M. Pachak, of the 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).

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, 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).

Counsel for petitioner has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), and a petition to be relieved as counsel. Petitioner has not filed a *pro se* response. After a thorough review of the record pursuant to *Anders, supra*, we dismiss the appeal and grant the petition to be relieved as counsel.

DISMISSED.

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