

**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**

Tyron L. Sims, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2010-154478

Appeal From Lexington County
R. Lawton McIntosh, Circuit Court Judge

Unpublished Opinion No. 2013-UP-160
Submitted February 1, 2013 – Filed April 17, 2013

APPEAL DISMISSED

Appellate Defender Robert M. Pachak, of Columbia, for
Petitioner.

Attorney General Alan McCrory Wilson, Chief Deputy
Attorney General John W. McIntosh, Senior Assistant
Deputy Attorney General Salley W. Elliott, and Assistant
Attorney General Adam West Lee, all of Columbia, for
Respondent.

PER CURIAM: Petitioner seeks a writ of certiorari from the denial of his application for post-conviction relief. The State consents to Petitioner's request for a belated direct appeal. Accordingly, we grant certiorari 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 appeals his conviction of first-degree burglary, arguing the trial court erred in failing to comply with the plea requirements pursuant to *Boykin v. Alabama*, 395 U.S. 328 (1969), because the trial court did not advise Petitioner that he could not be convicted at a trial by jury unless the jury returned a unanimous verdict. After a thorough review of the record and all briefs pursuant to *Anders v. California*, 386 U.S. 738 (1967), we dismiss Petitioner's appeal and grant counsel's motion to be relieved.

APPEAL DISMISSED.¹

FEW, C.J., and GEATHERS and LOCKEMY, JJ., concur.

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