

**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**

Frank Green, Jr., Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2012-212826

Appeal From Aiken County
Doyet A. Early, III, Plea Judge
Edgar W. Dickson, Post-Conviction Relief Judge

Unpublished Opinion No. 2015-UP-019
Submitted November 1, 2014 – Filed January 14, 2015

APPEAL DISMISSED

Deputy Chief Appellate Defender Wanda H. Carter, of
Columbia, and Frank Green, Jr., pro se, for Petitioner.

Attorney General Alan McCrory Wilson and Assistant
Attorney General Daniel Francis Gourley, II, both of
Columbia, for Respondent.

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

Evidence supports the PCR court's dismissal of Petitioner's claim of ineffective assistance of counsel. Accordingly, we deny certiorari on this issue. *See Speaks v. State*, 377 S.C. 396, 399, 660 S.E.2d 512, 514 (2008) ("On appeal, the PCR court's ruling should be upheld if it is supported by any evidence of probative value in the record.").

Because evidence supports the PCR court's finding Petitioner did not knowingly and intelligently waive his right to a direct appeal, we grant certiorari on this issue 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).

On direct appeal, Petitioner argues the plea court erred in accepting his guilty plea without first finding a sufficient factual basis supported the plea. However, because no contemporaneous objection was made, this issue is unpreserved for appellate review. *See In re Antonio H.*, 324 S.C. 120, 122, 477 S.E.2d 713, 714 (1996) (holding a defendant must raise an issue at the time of his plea to preserve it for appeal). Further, Petitioner's pro se issues are not proper for direct appeal because they relate only to allegations of ineffective assistance of counsel. *See State v. Carpenter*, 277 S.C. 309, 309, 286 S.E.2d 384, 384 (1982). Accordingly, after consideration of Appellant's pro se brief and review pursuant to *Anders v. California*, 386 U.S. 738 (1967), we dismiss Petitioner's direct appeal. Counsel's motion to be relieved is granted.

APPEAL DISMISSED.¹

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

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