

**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**

Johnnie Smith, Jr., Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2009-133326

ON WRIT OF CERTIORARI

Appeal From York County
John C. Hayes, III, Circuit Court Judge

Memorandum Opinion No. 2012-MO-024
Submitted May 2, 2012 – Filed June 27, 2012

DISMISSED AS IMPROVIDENTLY GRANTED

Wanda H. Carter, of Columbia, for Petitioner Johnnie
Smith, Jr.

Attorney General Alan McCrory Wilson, Chief Deputy
Attorney General John W. McIntosh, Senior Assistant
Deputy Attorney General Salley W. Elliott, and Assistant
Attorney General Ashley Anne McMahan, all of
Columbia, for Respondent State of South Carolina.

PER CURIAM: We granted certiorari to review the circuit court's denial of Johnnie Smith's application for post-conviction relief. We now dismiss the writ as improvidently granted.

DISMISSED AS IMPROVIDENTLY GRANTED.

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