

**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**

Willie Pelzer, III, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2013-000731

Lower Court Case No. 2010-CP-09-00189

Appeal From Calhoun County
The Honorable Carmen T. Mullen, Circuit Court Judge

Memorandum Opinion No. 2015-MO-045
Submitted July 2, 2015 – Filed July 29, 2015

AFFIRMED

Appellate Defender Laura Ruth Baer, of Columbia, for
Petitioner.

Attorney General Alan McCrory Wilson, Assistant
Attorney General Megan Harrigan Jameson, of
Columbia, for Respondent.

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

Because petitioner did not knowingly and intelligently waive his right to a direct appeal, we granted certiorari on August 6, 2014 and now proceed with a review of the direct appeal issues pursuant to *Davis v. State*, 288 S.C. 290, 342 S.E.2d 60 (1986).

Petitioner's conviction and sentence are affirmed. See *State v. Shuler*, 344 S.C. 604, 545 S.E.2d 805(2001) (stating appellate courts give the trial judge's findings from a *Batson v. Kentucky*, 476 U.S. 79 (1986) hearing "great deference on appeal, reviewing the trial judge's ruling with a clearly erroneous standard"); *State v. Stanko*, 402 S.C. 252, 741 S.E.2d 708 (2013) ("When a trial judge bases the denial of a motion for a change of venue because of pre-trial publicity upon an adequate voir dire examination of the jurors, his decision will not be disturbed absent extraordinary circumstances."); *State v. Wright*, 304 S.C. 529, 405 S.E.2d 825 (1991) ("The grant or denial of a motion for continuance is within the sound discretion of the trial judge and will not be disturbed absent an abuse, resulting in prejudice to the defendant."); and *State v. Todd*, 290 S.C. 212, 349 S.E.2d 339 (1986) ("The law to be charged is determined from the evidence presented at trial.").

AFFIRMED.

**TOAL, C.J., PLEICONES, BEATTY, and HEARN, JJ., concur.
KITTRIDGE, J., not participating.**