

**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**

Robert S. Horton, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2015-001608

Appeal From Spartanburg County
The Honorable J. Derham Cole, Circuit Court Judge
The Honorable Roger L. Couch, Post-Conviction Relief Judge

Memorandum Opinion No. 2017-MO-005
Submitted April 3, 2017 – Filed April 26, 2017

AFFIRMED

Assistant Appellate Defender Susan Barber Hackett, of
Columbia, for Petitioner.

Attorney General Alan Wilson and Assistant Attorney
General Alicia A. Olive, both of Columbia, for
Respondent.

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

We deny the petition on Petitioner's Question II. 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 on petitioner's Question I 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's conviction and sentence are affirmed pursuant to Rule 220(b)(1), SCACR, and the following authorities: *State v. Boiter*, 302 S.C. 381, 396 S.E.2d 364 (1990) (finding evidence of a prior *false* accusation of abuse by a *complainant* may be probative of the complainant's credibility if (1) made by the complainant, (2) demonstrated to be false, and (3) recent enough in time so as to be of sufficient probative value).

AFFIRMED.

BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.