

**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**

Darrell Heyward, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2017-001564

Appeal From Beaufort County
Diane Schafer Goodstein, Circuit Court Judge

Unpublished Opinion No. 2020-UP-195
Submitted May 1, 2020 – Filed June 24, 2020

APPEAL DISMISSED

Appellate Defender Joanna Katherine Delany, of
Columbia, for Petitioner.

Attorney General Alan McCrory Wilson and Assistant
Attorney General Sara Elyssa Gunton, of Columbia, for
Respondent.

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

Because the circumstances of this case 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 One and proceed with a review of the direct appeal issue pursuant to *Davis v. State*, 288 S.C. 396, 660 S.E.2d 512 (2008).

On direct appeal, Petitioner argues the trial court erred in admitting evidence of a witness's prior inconsistent statement over his objections that the evidence violated his confrontation rights, the statement was the only evidence of his guilt, and the witness testified he did not remember either making the statement or the statement itself. After review pursuant to *Anders v. California*, 386 U.S. 738 (1967), we dismiss Petitioner's direct appeal and grant counsel's motion to be relieved.

APPEAL DISMISSED.¹

HUFF, THOMAS, and MCDONALD, JJ., concur.

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