

MAIL ROOM

Terrell McCoy, 256070
MCL F4 175
386 Redemption Way
McCormick SC 29899
June 28, 2022

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JUL 05 2022
S.C. SUPREME COURT

South Carolina Supreme Court

RE: Terrell McCoy VS. STATE of SC
Appellate Case, 2017-000755

Dear Clerk of Court, On February 1, 2019, The (5) Supreme Court Judges, CJ-Beatty; J- Kittedge; J- Hearn; J- Few; and the other Justice, I cannot read his signature, granted, vacated, and Remanded my petition for a writ of Certiorari. An order was issued directing the inferior Court to issue an order which comply with law on all issues raised in my PCR hearing, and SCRPC Rule 59(e).

The Order mandated that a new PCR order "shall" be issued within thirty (30) days of the date of this order, and that the PCR "shall" notify this Court, in writing, that she has timely complied with this order. Can you please send me a copy of the PCR Judge's notification to this Court that she has timely complied with this order. I've attached the order to this letter for your review.

Thank you kindly. This is not a Habeas Corpus or a petition for writ, but only a letter requesting a copy of the Judge's notification pertaining to my case.
Terrell McCoy

Please Return Order →

6-28-22

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S.C. SUPREME COURT

Proof of Service

I Terrell McCoy, Hereby declare that on 6-28-22 I personally placed a letter to SC Supreme Court, regarding a copy of the PCL Judges notification that she complied with SC Supreme Court Order, inside a prepaid stamp envelope to be mailed by U.S postal to the following

South Carolina Supreme Court
Post office Box 11330

Columbia SC 29211

Samantha Jo Weidauer, Esquire

Attorney General

PO Box 11549

Columbia SC 29211

6/28/22

LS/ J. L. L. L.

MCI F4178

386 Redemptionway

McCormick SC 29899

The Supreme Court of South Carolina

Terrell McCoy, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2017-000755

Lower Court Case No. 2013-CP-10-01994

ORDER

Petitioner has filed a petition for a writ of certiorari, following the denial of his application for post-conviction relief (PCR). Petitioner's arguments to this Court encompass allegations of (1) ineffective assistance of counsel against standby trial counsel for failing to warn him about the dangers of self-representation, (2) error by the PCR judge in denying petitioner's request to relieve PCR counsel and proceed *pro se* at the PCR hearing, and (3) multiple claims of ineffective assistance of appellate counsel. We grant the petition for a writ of certiorari and dispense with further briefing.

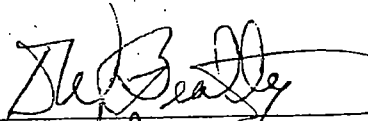
Our review of the Appendix indicates Petitioner raised numerous issues in his PCR application and at the PCR hearing. At the conclusion of the hearing, the PCR judge announced that she would issue a form order that day denying the PCR application. The PCR judge asked the State to submit a proposed, formal order and to transmit a copy to opposing counsel. The PCR judge noted that she expected to rewrite portions of the State's proposed draft so the final version would conform to her own preferences as to PCR orders.

Upon reviewing the order denying Petitioner's PCR application, we conclude many of the issues Petitioner presented to the PCR judge were not ruled upon. For example, the PCR judge issued a broad ruling finding appellate counsel was effective before addressing only two of the specific issues raised by petitioner—the failure to appeal the denial of a motion under *Batson v. Kentucky*, 476 U.S. 79

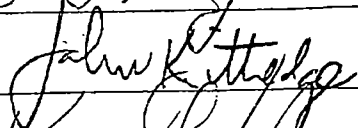
(1986), and a request for a jury charge. Petitioner filed a Rule 59(e), SCRCP, motion, which arguably preserved several additional issues that were presented at the PCR hearing. However, the PCR judge issued an order summarily denying Petitioner's Rule 59(e) motion without specifically discussing the issues raised by Petitioner.

This Court recently addressed our continuing concerns over PCR orders that do not comply with S.C. Code Ann. § 17-27-80 (2014) (requiring the PCR court to "make specific findings of fact, and state expressly its conclusions of law, relating to each issue presented"), and Rule 52(a), SCRCP (stating "[i]n all actions tried upon the facts without a jury or with an advisory jury, the court shall find the facts specially and state separately its conclusions of law thereon"). *See Reese v. State*, 425 S.C. 108, 110, 820 S.E.2d 376, 377 (2018) ("Counsel preparing proposed orders should be meticulous in doing so, opposing counsel should call any omissions to the attention of the PCR judge prior to issuance of the order, and the PCR judge should carefully review the order prior to signing it." (quoting *Pruitt v. State*, 310 S.C. 254, 256, 423 S.E.2d 127, 128 (1992))). In *Reese*, we noted *Pruitt* was decided twenty-six years earlier, and we cited numerous cases reiterating the law and our admonition that it be followed. *Id.* at 109-11, 423 S.E.2d at 377-78.

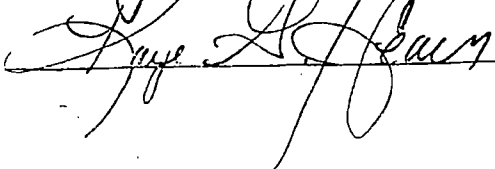
Because the PCR judge's orders denying Petitioner's PCR application and his Rule 59(e) motion did not rule on the merits of all of the issues properly presented, the orders did not comply with the law. Accordingly, we vacate the orders dismissing Petitioner's PCR application and denying the Rule 59(e) motion, and we dismiss the proceedings before this Court without prejudice. This matter is remanded to the PCR judge to issue an order that contains specific findings on each of the allegations raised by Petitioner at the PCR hearing and in his Rule 59(e) motion. The new PCR order shall be issued within thirty (30) days of the date of this order. The PCR judge shall notify this Court, in writing, that she has timely complied with this order. Following the issuance of a legally sufficient PCR order and a ruling on any Rule 59(e) motion, the aggrieved party may serve and file a new Notice of Appeal.



C.J.



J.



J.

John Cannon J.
John Cannon J.

Columbia, South Carolina

February 01, 2019

cc:

Clarissa Warren Joyner, Esquire
Megan Harrigan Jameson, Esquire
The Honorable Deadra L. Jefferson
The Honorable Julie J. Armstrong

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COLUMBIA SC 290

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S.C. SUPREME COURT

The Supreme Court of SC
Patricia A. Howard, Clerk of Court
Post office Box 11330
Columbia SC 29211

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