

The Supreme Court of South Carolina

Quincy Jovan Allen, Petitioner,

v.

State of South Carolina, Respondent.

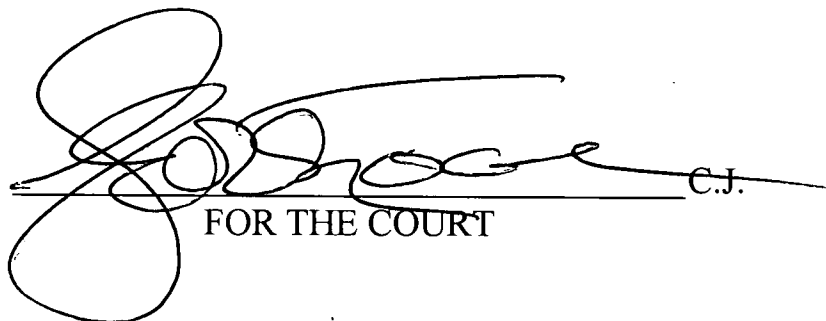
Appellate Case No. 2005-031796

ORDER

Petitioner pled guilty to two counts of murder, assault and battery with intent to kill, second degree arson, two counts of third degree arson, and pointing and presenting a firearm. He was sentenced to death. After a request by petitioner to waive his direct appeal, this matter was remanded for a competency hearing. Petitioner then indicated that he wished to pursue his direct appeal, and the remand order was vacated. Subsequently, petitioner again indicated that he wished to waive his direct appeal, and the matter was remanded for a competency hearing. After a finding that petitioner was competent and had made a decision to proceed with his direct appeal freely and voluntarily, this Court ordered the parties to continue with petitioner's direct appeal. Petitioner's convictions and sentences were affirmed on direct appeal, and the United States Supreme Court denied petitioner's request for a writ of certiorari. *State v. Allen*, 386 S.C. 93, 687 S.E.2d 21 (2009), *cert. denied*, ___ U.S. ___, 130 S.Ct. 3329, 176 L.Ed.2d 1229 (2010).

Following a stay of execution, petitioner filed an application for post-conviction relief (PCR). That matter is currently pending in the circuit court before Judge Cothran. Petitioner has now sent a letter to this Court indicating his desire to "waive [his] appeals" and be executed. We direct Judge Cothran to conduct a hearing to determine whether petitioner is competent and his decision to waive his right to PCR is knowing and voluntary. Judge Cothran shall conduct a full hearing allowing the introduction of testimony, exhibits, and evidence to provide a full record for this Court's evaluation. In determining petitioner's competency to waive his right to PCR, Judge Cothran shall apply the standard set forth in *Singleton v. State*, 313 S.C. 75, 437 S.E.2d 53 (1993). Further, Judge Cothran shall conduct an

in depth inquiry to ensure that petitioner persists in his desire to abandon his PCR application. *Id.*



C.J.
FOR THE COURT

Columbia, South Carolina

June 18, 2013

cc:

Mr. Quincy Jovan Allen
Christopher Wayne Adams, Esquire
Donald J. Zelenka, Esquire
The Honorable R. Ferrell Cothran, Jr.
South Carolina Court Administration