

The Supreme Court of South Carolina

Jerry Buck Inman,
a/k/a Jerry Buck Inmon, Applicant,

v.

State of South Carolina, Respondent

Appellate Case No. 2020-000881
Docket No. 2012-CP-39-00918 (Capital PCR Action)

ORDER

Jerry Buck Inman pled guilty to murder, first-degree burglary, first-degree criminal sexual conduct (CSC), and kidnapping. The plea court sentenced Inman to death for murder and two consecutive sentences of thirty years' imprisonment for first-degree burglary and first-degree CSC. The Court affirmed Inman's guilty pleas and sentences, and the United States Supreme Court denied Inman's request for a writ of certiorari. *State v. Inman*, 395 S.C. 539, 720 S.E.2d 31 (2011), *cert. denied sub nom. Inman v. South Carolina*, 568 U.S. 863 (2012). Inman subsequently filed an application for Post-Conviction Relief (PCR) in which he asserted a number of claims.

By order dated October 31, 2012, the Honorable Alexander S. Macaulay was assigned exclusive jurisdiction over this matter. On April 17, 2020, Judge Macaulay issued an Order granting Inman's petition for PCR. However, Judge Macaulay addressed only one of Inman's claims: whether section 16-3-20(B) was constitutional. *See* S.C. Code Ann. § 16-3-20(B) ("If trial by jury has been waived by the defendant and the State, or if the defendant pleaded guilty, the sentencing proceeding must be conducted before the judge."). Judge Macaulay found section 16-3-20(B) unconstitutional pursuant to *Hurst v. Florida*, 577 U.S. 92 (2016). Subsequently, Judge Macaulay issued the Order Denying Rule 59(e) motions on May 18, 2020, and the Amendment to the Order Denying Rule 59(e) motions on May 20, 2020.

Both parties appealed Judge Macaulay's ruling. The Court held Judge Macaulay erred in finding section 16-3-20(B) unconstitutional and in granting

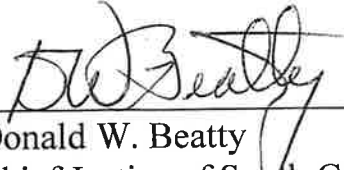
Inman PCR as to this issue. *Inman v. State*, Op. No. 28135 (S.C. Sup. Ct. filed Feb. 15, 2023) (Howard Adv. Sh. No. 7 at 26). Additionally, the Court held Judge Macaulay erred in failing to address Inman's remaining PCR claims as required by S.C. Code Ann. § 17-27-80 (providing the PCR court must make specific findings of fact and state expressly its conclusion of law relating to each issue presented). *Id.* Accordingly, the Court reversed Judge Macaulay's decision granting Inman PCR relief and remanded the case for an order that complies with section 17-27-80 as to Inman's remaining issues.

I find that the retirement of the Honorable Alexander S. Macaulay requires that this matter be reassigned. Now, therefore, pursuant to the provisions of Article V, Section 4 of the South Carolina Constitution,

IT IS ORDERED that the Honorable J. Derham Cole is hereby assigned to this PCR action. Judge Cole shall retain jurisdiction over this case regardless of where he may be assigned to hold court and may schedule such hearings as may be necessary at any time without regard to whether there is a term of court scheduled.

Within sixty days of the date of this order, Judge Cole shall issue a scheduling order setting forth the schedule that shall be followed in this matter, including the date of the hearing on the merits.

The scheduling order may be amended as necessary. A copy of the scheduling order and any amended scheduling order shall be provided to counsel, this Court, and Court Administration. Inman remains obligated to continue to notify the Clerk of this Court of the status of this matter every sixty days pursuant to *In re Stays of Execution in Capital Cases*, 321 S.C. 544, 471 S.E.2d 140 (1996). Judge Cole is requested to provide the Clerk of this Court and Court Administration with an update on the status of this matter every one hundred and twenty days.



Donald W. Beatty
Chief Justice of South Carolina

Columbia, South Carolina
June 1, 2023

cc:

The Honorable Alexander S. Macaulay (to The Honorable R. Scott Sprouse's chambers)

The Honorable J. Derham Cole

Alan McCrory Wilson, Esquire

Melody Jane Brown, Esquire

Donald J. Zelenka, Esquire

E. Charles Grose, Jr., Esquire

Diana L. Holt, Esquire

The Honorable Harold P. Welborn, Jr.