

The Supreme Court of South Carolina

Trenton M. Barnes, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2023-001267

ORDER

Petitioner has filed a notice of appeal and petition for a writ of certiorari from an order of the circuit court denying his application for post-conviction relief (PCR). In reviewing the documents related to the petition, the State has advised the Court that the Richland County Clerk's Office provided the State and PCR counsel with an incomplete copy of Petitioner's PCR application. Because of this mistake, the parties did not present evidence on an issue raised in Petitioner's PCR application, and the circuit court's order denying Petitioner's PCR application failed to provide findings of fact and conclusions of law on the allegation, which Petitioner now raises in his petition for a writ of certiorari. As such, the State has filed a motion to remand this matter to the circuit court to issue a supplemental order addressing the claim raised in Petitioner's petition for a writ of certiorari.

We grant the motion to remand and direct the circuit court to conduct an evidentiary hearing on whether Petitioner's trial counsel was ineffective for failing to object to the introduction of testimony from two prison informants as inadmissible under Rule 602, SCRE, and issue a supplemental order addressing the issue. *See Fishburne v. State*, 427 S.C. 505, 512, 832 S.E.2d 584, 587 (2019) (holding remand is an appropriate remedy when the PCR court does not issue findings of fact or conclusions of law on one or all of the allegations contained in the applicant's PCR application).

John Kitzberg C.J.
John Cannon J.
George Jensen J.
D. Man J.
Victor H. Verdri J.

Columbia, South Carolina
August 13, 2024

cc:
D Russell Barlow, II
Gary Howard Johnson, II
The Honorable George M. McFaddin, Jr.