

The Supreme Court of South Carolina

The State, Respondent,

v.

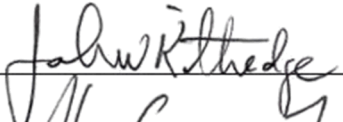

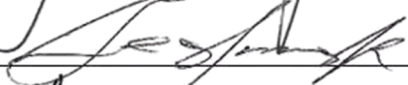

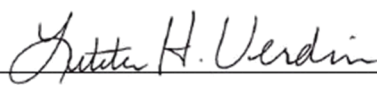
John Joseph Erb, Petitioner.

Appellate Case No. 2024-000762

ORDER

The Rule 242, SCACR, petition for a writ of certiorari to the court of appeals is denied.

However, pursuant to article V, section 5 of the South Carolina Constitution and section 14-3-310 of the South Carolina Code (2017), we issue a common-law writ of certiorari to the circuit court to review only that portion of the trial court's ruling that provides the State may "retry the Defendant for Murder." *See State v. Price*, 441 S.C. 423, 433, 895 S.E.2d 633, 638 (2023) (holding "we may use a common-law writ of certiorari to correct errors of law"). Should the State represent to this Court that it does not intend to retry the defendant for murder, but only on some lesser-included charge, we will consider the matter moot and dismiss the writ. Otherwise, the parties must file briefs in support of their positions as provided in Rules 208 and 211, SCACR.

	C.J.
	J.
	J.
	J.
	J.

Columbia, South Carolina
September 12, 2024

cc:

Benjamin Andrew Mack, Esquire
Alan McCrory Wilson, Esquire
Melody Jane Brown, Esquire
Scarlett Anne Wilson, Esquire
Timothy Francis Finch, Esquire
Cameron Jane Blazer, Esquire
The Honorable Jenny Abbott Kitchings