

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). When petitioner sent a letter to this Court indicating his desire to "waive [his] appeals" and be executed, the Court remanded this matter to Judge Cothran, the judge assigned to the PCR action, to conduct a hearing to determine whether petitioner was competent and his decision to waive his right to PCR was knowing and voluntary. This matter is currently pending before Judge Cothran.

Counsel for petitioner has now filed a letter asking the Court to withdraw petitioner's waiver, vacate the order remanding the matter to Judge Cothran for a competency determination, and allow petitioner to proceed with his PCR action. We deny the motion to withdraw the waiver and direct Judge Cothran to continue

with the competency hearing.



C.J.
FOR THE COURT

Columbia, South Carolina

October 28, 2013

cc:

Robert Michael Dudek

Warren Blair Giese

Kathrine Haggard Hudgins

Donald J. Zelenka

Henry Dargan McMaster

Christopher Wayne Adams

John W. McIntosh

The Honorable R. Ferrell Cothran, Jr.

The Honorable Jeanette W. McBride