

The Supreme Court of South Carolina

The State, Respondent,

v.

Stephen Christopher Stanko, Appellant.

Appellate Case No. 2010-154746

ORDER

Appellant was convicted of armed robbery and murder. He was sentenced to twenty years in prison for armed robbery and to death by lethal injection for murder. This Court affirmed his convictions and sentence. *State v. Stanko*, 402 S.C. 252, 741 S.E.2d 708 (2013). The United States Supreme Court denied appellant's petition for a writ of certiorari. *Stanko v. South Carolina*, 2013 WL 3465786 (U.S.S.C. Oct. 7, 2013).

Appellant now seeks a stay of execution, pursuant to *In re Stays of Execution in Capital Cases*, 321 S.C. 544, 471 S.E.2d 140 (1996), so that he can pursue post-conviction relief (PCR). The State does not oppose the motion.

The request for a stay of execution is granted. The stay shall remain in effect to the extent provided by this Court in *In re Stays of Execution in Capital Cases*.

The Honorable Benjamin H. Culbertson is hereby assigned to the PCR action appellant has filed. Judge Culbertson 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.

Judge Culbertson shall conduct a hearing on appellant's desires regarding counsel within thirty days of the date of this order. Within sixty days of the date of this order, Judge Culbertson 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. In addition to appellant's obligation to notify the Clerk of this Court of the status of this matter every sixty days under *In re Stays of Execution in Capital Cases, supra*, Judge Culbertson 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.


C.J.
FOR THE COURT

Columbia, South Carolina

November 7, 2013

cc:

Robert M. Pachak

John W. McIntosh

J. Anthony Mabry

Alan McCrory Wilson

Robert Michael Dudek

Donald J. Zelenka

John Gregory Hembree

Melanie Huggins-Ward

The Honorable Benjamin H. Culbertson