

The Supreme Court of South Carolina

Johnnie L. Jones, Petitioner,

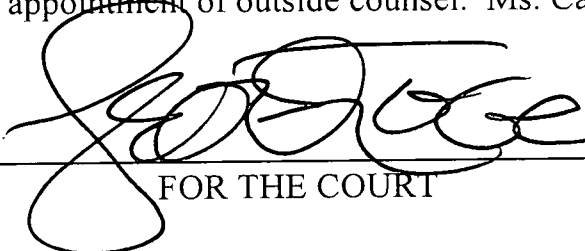
v.

State of South Carolina, Respondent.

Appellate Case No. 2013-001888

ORDER

By order dated February 7, 2014, we denied petitioner's motion to relieve Wanda Carter, of the Commission on Indigent Defense, Division of Appellate Defense, as his counsel in this matter and to have counsel outside the Division of Appellate Defense appointed in Ms. Carter's place. Ms. Carter has now filed a motion for the appointment of outside counsel in which she raises the same alleged conflict of interest set forth in petitioner's earlier motion - the fact that petitioner alleged in his application for post-conviction relief (PCR) that Ms. Carter was ineffective in her representation of petitioner on direct appeal. However, as Ms. Carter acknowledges in her petition, that issue was not ruled upon by the PCR judge. Accordingly, it is not reviewable by this Court. *Pruitt v. State*, 310 S.C. 254, 423 S.E.2d 127 (1992)(issue must have been raised to *and ruled upon* by the PCR judge to be preserved for this Court's review). We therefore find there is no conflict of interest necessitating the appointment of outside counsel. Ms. Carter's motion is denied.


C.J.
FOR THE COURT

Columbia, South Carolina

April 3, 2014

cc:

Daniel Francis Gourley, II, Esquire

Wanda H. Carter, Esquire

Johnnie L. Jones #340271