



July 16, 2012

The Honorable Daniel E. Shearouse
Clerk
South Carolina Supreme Court
P.O. Box 11330
Columbia, S.C. 29211

Re: *Jonathan Binney v. State of South Carolina*, No. 06-CP-11-223

Dear Mr. Shearouse:

Pursuant to *In re Stays of Execution in Capital Cases*, 321 S.C. 544, 471 S.E.2d 140 (1996), I am writing to report on the status of the above-referenced capital post-conviction relief case. The PCR judge entered an order granting sentencing phase relief. Counsel for the State then provided this Court with a letter from Mr. Binney dated May 21, 2012, indicating that Mr. Binney did not wish to pursue his appeal. On July 2, 2012, this Court remanded the matter to the PCR judge for a determination of whether Mr. Binney is competent and his decision to waive his right to petition this Court for a writ of certiorari is knowing and voluntary. Mr. Binney has since moved this Court to withdraw its July 2, 2012 Order requiring a competency hearing because he no longer wishes to drop his appeal.

If you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely yours,


Emily C. Paavola

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