

THE SUPREME COURT OF SOUTH CAROLINA

Appellate Case No. 2012- 213664
Lower Court Case No. 2011-CP-38-00487

THE STATE,

RESPONDENT,

v.

JONATHAN JAMES,

PETITIONER.

RECEIVED

AUG 25 2014

the Court

MOTION TO AMEND ORDER

By Order dated August 21, 2014, this Court ordered the circuit court to conduct a hearing and issue a ruling on the remaining allegations in petitioner's first post-conviction relief application (2004-CP-38-1327) that were not ruled on in light of the order issued in the matter granting relief on ground one.¹ Respondent requests this Court remand the hearing to the Chief Administrative Judge for the First Judicial Circuit. Additionally, Respondent requests further clarification as to the specific procedure this Court would like the lower court to follow as the post-conviction relief transcript from the April 25, 2006 hearing is unavailable. Respondent requests a directive on whether the parties shall proceed *de novo* or attempt to reconstruct the record. Further, Respondent requests clarification on whether the hearing is strictly limited to the issues raised and in Petitioner's original post-conviction relief application (2004-CP-38-1327) and subsequent amendment dated October 19, 2004.

¹ This Court subsequently reversed that order. James v. State, 377 S.C. 81, 659 S.E.2d 148 (2008).

Respectfully submitted,

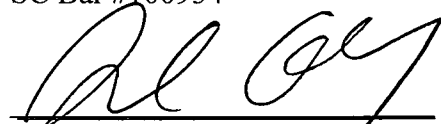
ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

DANIEL GOURLEY
Assistant Attorney General
SC Bar #100934

By:


Attorneys for the Respondents
Post Office Box 11549
Columbia, South Carolina 29211

August 25, 2014.

The Supreme Court of South Carolina

Jonathan James, Petitioner,

v.


State of South Carolina, Respondent.

Appellate Case No. 2012-213664

Lower Court Case No. 2011-CP-38-00487

ORDER

This matter is before the Court on a petition for a writ of certiorari. The petition is denied. However, the circuit court is hereby directed to conduct a hearing and issue a ruling on the remaining allegations in petitioner's first post-conviction relief application (2004-CP-38-1327) that were not ruled on in light of the order issued in the matter granting petitioner relief on one ground.¹ See *Garner v. State*, 371 S.C. 1, 636 S.E.2d 860 (2006).


C.J.
FOR THE COURT

Columbia, South Carolina

August 21, 2014

cc:

Kathrine Haggard Hudgins, Esquire
Daniel Francis Gourley, II, Esquire
The Honorable DeAndrea G. Benjamin
The Honorable Winnifa Brown-Clark

¹ This Court subsequently reversed that order. *James v. State*, 377 S.C. 81, 659 S.E.2d 148 (2008).



ALAN WILSON
ATTORNEY GENERAL

August 25, 2014

RECEIVED

AUG 25 2014

S.C. Supreme Court

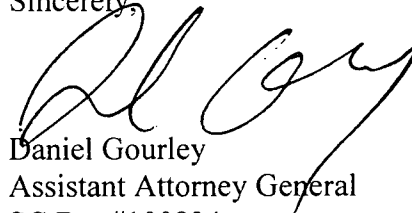
The Honorable Daniel E. Shearouse
Clerk of the South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

RE: Jonathan James v. State of South Carolina
Appellate Case No. 2012-213664
Lower Court Case No. 2011-CP-38-0487

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of the **Motion to Amend Order** in the above mentioned case.

Sincerely,



Daniel Gourley
Assistant Attorney General
SC Bar #100934

DG/jacc

cc: Kathrine H. Hudgins, Esquire