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S.C. Supreme Court

ALAN WILSON  
ATTORNEY GENERAL

September 17, 2014

Tracy Garrett  
Judge Scheduling Coordinator  
Court Administration  
Calhoun Building  
1015 Sumter Street, Suite 200  
Columbia, South Carolina 29201-3739

Re: James Nathaniel Bryant, III vs. State of South Carolina  
C.A. No. 2013-CP-26-06631

Dear Ms. Garrett:

I am writing to respectfully request that a judge be appointed to hear this capital post-conviction relief action. The Applicant in this action, Mr. Bryant, filed an application for post-conviction relief on October 2, 2013. He also currently has a federal habeas action pending in the United States District Court for the District of South Carolina, which is currently stayed pending resolution of this post-conviction relief action.

Mr. Bryant had previously filed an Application for Post-Conviction Relief on August 14, 2007 after the conclusion of his direct appeal to his capital sentencing proceeding. (C/A No. 2007-CP-26-5062) In that action, he was represented by Robert Lominack, Esquire, and Diana Holt, Esquire. The matter was heard by the Honorable Michael G. Nettles, Circuit Court Judge. Judge Nettles issued an Order of Dismissal with Prejudice on November 15, 2010. Mr. Bryant appealed the matter to the South Carolina Supreme Court, and his petition for writ of certiorari was denied on October 3, 2012. (Appellate Case No. 2010-181666). He subsequently filed his federal habeas action challenging his conviction and death sentence on September 27, 2013. (C/A No. 1:13-MC-00011-CMC-SVH). A stay in the federal habeas action was entered by the Honorable Shiva V. Hodges, United States Magistrate Judge on November 22, 2013.

At the present time, Mr. Bryant is not represented in this post-conviction relief action. He is represented in the federal habeas action by Marta K. Kahn, Esquire, and Elizabeth Franklin-Best, Esquire. The State has filed a Return and Motion to Dismiss in this action; Mr. Bryant was served on November 1, 2013, and Ms. Kahn and Franklin-Best

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were provided with courtesy copies of that filing. I am notifying all three of this request for the appointment of a judge by copy of this letter.

Thank you for your cooperation in this matter.

Sincerely,



Alphonso Simon, Jr.  
Assistant Attorney General

AS:dmd

Enclosures

cc: James N. Bryant, #6001 (w/copy of encls.)  
Marta K. Kahn, Esq. (w/copy of encls.)  
Elizabeth Franklin-Best, Esq. (w/copy of encls.)  
Debbie Hopkins  
Victims' Services