

The Supreme Court of South Carolina

The State,

Respondent,

v.

Gary DuBose Terry,

Appellant.

Lexington County
2012-CP-32-02718


ORDER

Appellant was convicted of murder, first degree burglary, first degree criminal sexual conduct (CSC), and malicious injury to a telephone system and was sentenced to death for murder. State v. Terry, 339 S.C. 352 (2000). This Court affirmed appellant's convictions. The United States Supreme Court denied certiorari on October 2, 2000. Appellant filed an application for post-conviction relief (PCR) which was denied by the Court of Common Pleas on February 18, 2009, and this Court affirmed that decision on August 29, 2011. Terry v. State, 394 S.C. 62, 714 S.E.2d 326 (2012). Subsequently, in 2012, appellant filed an action for habeas corpus in the United States District Court for South Carolina, as well as another PCR action in the Court of Common Pleas. On December 10, 2012, the District Court issued an order granting a motion to stay the habeas corpus action and encouraging appellant's counsel to seek expedited proceedings before the Court of Common Pleas in the PCR action.

The Honorable William P. Keesley is hereby assigned to the PCR action appellant has filed. Judge Keesley 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 Keesley 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 Keesley 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, 321 S.C. 544, 471 S.E.2d 140 (1996), Judge Keesley 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

September 16, 2014
Columbia, South Carolina

cc: The Honorable William P. Keesley
Donald J. Zelenka
Elizabeth A. Franklin-Best
Derek Enderlin
Beth Carrigg
Tiffany B. Raines