

The Supreme Court of South Carolina

James Nathaniel Bryant,

Appellant,

v.

The State,

Respondent.

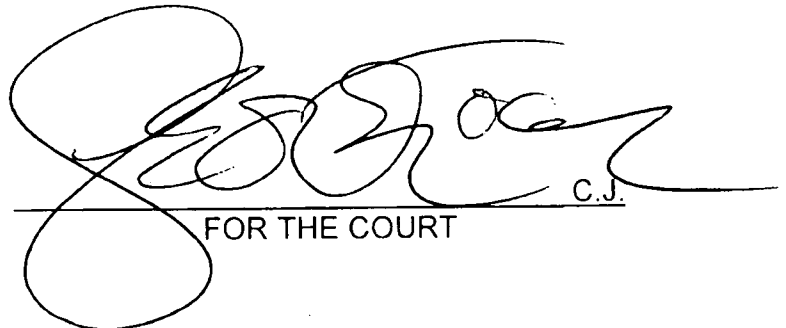
Horry County
2013-CP-26-06631

ORDER

Appellant was initially convicted of murder and armed robbery and was sentenced to death. State v. Bryant, 354 S.C. 390, 581 S.E.2d 157 (2003). This Court reversed appellant's conviction on appeal. A new trial was held and appellant was again convicted and sentenced to death. State v. Bryant, 372 S.C. 305, 642 S.E.2d 582 (2007). The United States Supreme Court denied certiorari on October 1, 2007. Bryant v. South Carolina, 552 U.S. 899, 128 S.Ct. 245 (2007). Appellant filed an application for post-conviction relief (PCR) which was dismissed with prejudice by the Court of Common Pleas on September 9, 2010. On January 8, 2013, appellant filed a motion to stay his execution and to petition for habeas corpus in the United States District Court for South Carolina. Appellant also filed a PCR action in the Court of Common Pleas on October 2, 2013. On November 22, 2013, the District Court issued an order granting a motion to stay the habeas corpus action pending resolution of the PCR action. Bryant v. Byars, C/A No. 1:13-2665-DCN-SVH.

The Honorable Benjamin H. Culbertson is hereby assigned to the PCR action appellant has filed. Judge Culbertson 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 Culbertson 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 Culbertson 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 Culbertson 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 23, 2014
Columbia, South Carolina

cc: The Honorable Benjamin H. Culbertson
Donald J. Zelenka
Daniel E. Shearouse
Melanie Huggins-Ward
Marta K. Kahn, Esquire
Elizabeth Franklin-Best, Esquire