

# 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

---

By order dated August 21, 2014, the Court denied the petition for a writ of certiorari in this matter, but directed the circuit court to conduct a hearing and issue a ruling on the remaining allegations in petitioner's first post-conviction relief (PCR) application that were not ruled on in light of the order issued granting petitioner relief on one ground, which this Court subsequently reversed.

The Office of the Attorney General now moves for an amended order, requesting the Court: (1) remand the matter to the Chief Judge for Administrative Purposes (CJAP) for the First Judicial Circuit; (2) clarify whether the parties should proceed *de novo* or attempt to reconstruct the record; and (3) limit the scope of the hearing to the issues raised in petitioner's original PCR application and amendment.

Because the Court denied the petition for a writ of certiorari, there is nothing to remand. Instead, the circuit court was directed to rule on issues raised at petitioner's first PCR hearing that remain pending before that Court. However, because Judge Williams, who issued the prior order in the matter, is now retired, we assign the case to the CJAP for the First Judicial Circuit.

The Court's prior order specifically directed a hearing be held and a ruling issued on the *remaining allegations* in petitioner's first PCR application. Therefore, we find it unnecessary to clarify the scope of the hearing.

With regard to the record, we would ordinarily direct the parties to attempt to

reconstruct the record. However, because Judge Williams has retired, we clarify that we intended a new hearing be held on petitioner's remaining claims.



*[Handwritten signature]* C.J.  
*[Handwritten signature]* J.  
*[Handwritten signature]* J.  
*[Handwritten signature]* J.  
*[Handwritten signature]* J.

Columbia, South Carolina

September 24, 2014

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