

The Supreme Court of South Carolina

Marlon Rivera, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2013-002652

ORDER

Counsel has submitted a petition pursuant to *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988), and a motion to be relieved as counsel. We deny the motion to be relieved as counsel and direct the parties to address the following question:

Following this Court's reversal of the Court of Appeals' opinion, was appellate counsel ineffective in failing to petition this Court to remand the matter for consideration of the remaining issues on appeal?

Petitioner shall serve and file a petition on this question within thirty (30) days of the date of this order. Thereafter, respondent shall have thirty (30) days to serve and file its return.


C.J.
FOR THE COURT

Columbia, South Carolina

October 9, 2014

cc: J. Falkner Wilkes, Esquire

Karen Christine Ratigan, Esquire

Lara Mary Caudy, Esquire

Marlon Rivera, 311864
Paul B. Wickensimer