

The Supreme Court of South Carolina

Donnell McFadden, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2013-002667

Lower Court Case No. 2012-CP-21-01789

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:

Did the PCR judge err in finding appellate counsel was not ineffective for failing to raise error on direct appeal in the denial of petitioner's *Batson*¹ motion?

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:

Joshua Lee Thomas, Esquire
Benjamin John Tripp, Esquire
Donnell McFadden, 229635

¹ *Batson v. Kentucky*, 476 U.S. 79 (1986).