

# The Supreme Court of South Carolina

Clarence Kendall Cook, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2013-000366

Lower Court Case No. 2012-CP-34-00041

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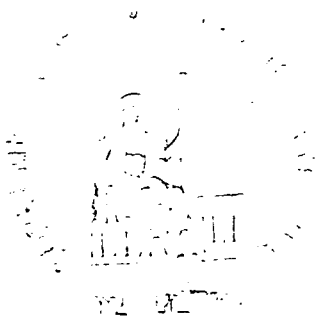
## ORDER

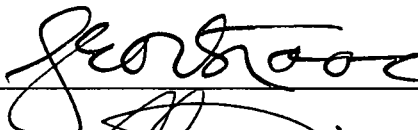
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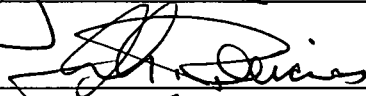
This matter is before the Court on a petition for a writ of certiorari. Petitioner asserts the PCR judge erred in finding he was not entitled to a belated direct appeal pursuant to *White v. State*, 263 S.C. 110, 208 S.E.2d 35 (1974). We grant the petition for a writ of certiorari, dispense with further briefing, and direct the parties to brief the following question:

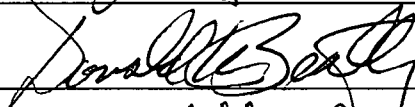
Did the trial judge err in charging the jury with the lesser included offense of voluntary manslaughter when there was no evidence of the element of sudden heat of passion required for voluntary manslaughter?

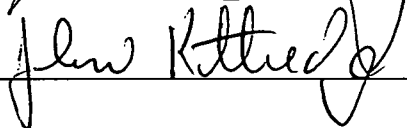
Time limits shall be as set forth in Rule 208(a), SCACR, while the format and number of briefs filed shall be as set forth in Rule 211, SCACR.<sup>1</sup>



  
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C.J.

  
\_\_\_\_\_  
J.

  
\_\_\_\_\_  
J.

  
\_\_\_\_\_  
J.

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<sup>1</sup> References to the record shall be to the appendix already filed in this matter.

 J.

Columbia, South Carolina

November 20, 2014

cc:

Kathrine Haggard Hudgins, Esquire

Joshua Lee Thomas, Esquire