

The Supreme Court of South Carolina

Jonathan Kyle Binney, Petitioner-Respondent,

v.

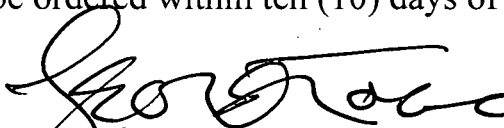
State of South Carolina, Respondent-Petitioner.

Appellate Case No. 2012-212107

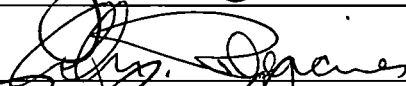
ORDER

After petitioner-respondent (Binney) indicated he wished to waive appellate review of the circuit court's order issued on his application for post-conviction relief (PCR), this Court remanded this matter to the PCR judge to determine Binney's competency and whether his decision was knowing and voluntary. Counsel for Binney have now filed a petition for rehearing of the order of remand, along with a letter in which Binney indicates he no longer wishes to abandon his appeal. The State has filed a return indicating it does not oppose the motion. Because Binney now wishes to proceed with appellate review of the PCR order, the order of remand is vacated.

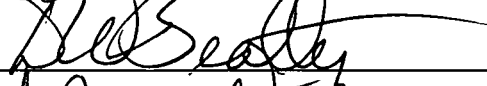
Binney's counsel have also filed a request that Emily C. Paavola be appointed to represent Binney before this Court in this matter. The motion to appoint Ms. Paavola is granted. The transcript shall be ordered within ten (10) days of the date of this order.



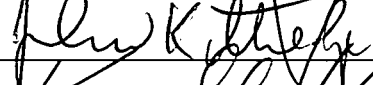
C.J.




J.



J.



J.



J.

Columbia, South Carolina

August 10, 2012

cc: John H. Blume, III
Emily C. Paavola
W. Edgar Salter, III
J. Michael Baxley