

The Supreme Court of South Carolina

Lenson Clyburn Jr., Petitioner,

v.

State of South Carolina, Respondent.


Appellate Case No. 2011-197712

Lower Case No. 2010-CP-13-00126


ORDER

We granted Petitioner's petition for a writ of certiorari in this matter to review the post-conviction relief (PCR) court's order denying Petitioner PCR relief. In his petition, as well as his briefs submitted to this Court, Petitioner argued that the PCR court erred because: (1) Petitioner's drug court termination hearing violated his due process rights because he was not afforded proper notice and was not represented by counsel at that hearing; (2) Petitioner did not voluntarily and intelligently waive his right to an appeal of the drug court termination hearing; and (3) the issues in Petitioner's PCR application relative to his guilty plea hearing were not time-barred.

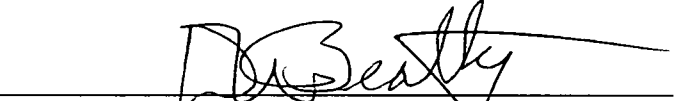
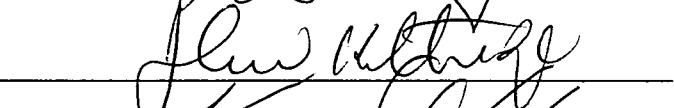
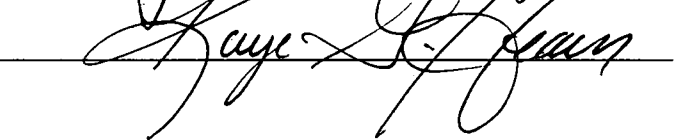
In reviewing this matter, the Court has determined that an additional issue exists that requires the Court's consideration. Therefore, the Court orders the parties to brief the following issue: whether the probate court acting as a drug court had subject matter jurisdiction to impose Petitioner's suspended sentence upon his termination from the drug court program. The parties shall proceed to serve and file briefs regarding this issue as provided by Rule 243(j), SCACR.



C.J.



J.

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Columbia, South Carolina

February 4, 2015

cc:

The Honorable Faye L. Sellers
Karen Christine Ratigan, Esquire
Wanda H. Carter, Esquire
Alan McCrory Wilson, Esquire