

Hopkins, Debbie

From: Garrett, Tracy
Sent: Wednesday, July 01, 2015 4:40 PM
To: Early, Doyet A.
Cc: Murphy, Maite; Brown-Clark, Winnifa; Zelenka, Don; Shearouse, Daniel; elizabeth.a.franklin@gmail.com; teresa@blumelaw.com; Pascoe, David M.; Hopkins, Debbie
Subject: Special Order (Circuit) Dated July 1, 2015 Re: Bayan Aleksey v. State 2015-CP-38-00764
Attachments: Special Order (Circuit) Early Bayan Aleksey v State 2015 CP 38 00764.pdf

Dear Judge Early,

Attached is a special order regarding the above-referenced case.

Thank you,

Tracy Garrett
Judge Scheduling Coordinator
SC Court Administration
1220 Senate Street, Suite 200
Columbia, SC 29201
tgarrett@sccourts.org
803-734-1861
803-734-0269 (fax)

RECEIVED

JUL -1 2015

S.C. Supreme Court

The Supreme Court of South Carolina

Bayan Aleksey,

Appellant,

v.

The State,

Respondent.

Orangeburg County
2015-CP-38-00764

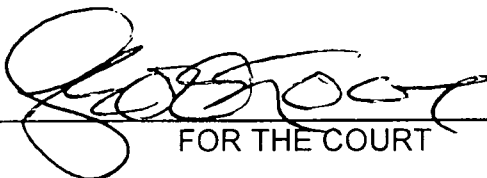
ORDER

Appellant was initially convicted and sentenced to death for the murder of a state trooper. This Court affirmed appellant's conviction on appeal. State v. Aleksey, 343 S.C. 20, 538 S.E.2d 248 (2000). The United States Supreme Court denied certiorari on May 14, 2001. Aleksey v. South Carolina, 532 U.S. 1027, 121 S.Ct. 1974 (2001). Appellant filed an application for post-conviction relief (PCR) which was dismissed with prejudice by the Court of Common Pleas on February 4, 2010. Subsequently, a Motion to Alter or Amend was denied in that matter on September 2, 2010.

On June 26, 2014, appellant made a motion for stay of execution and for a federal habeas action challenging his conviction and death sentence. A stay of execution was entered by the District Court on July 28, 2014. Appellant filed a petition for a writ of habeas corpus in the federal district court on June 8, 2015, and subsequently filed a PCR action in the Court of Common Pleas on June 11, 2015. The District Court has issued an order granting a motion to stay the habeas corpus action pending resolution of the PCR action. Aleksey v. Stirling, 5:14-03016-JMC-KDW.

The Honorable Doyet A. Early, III is hereby assigned to the PCR action appellant has filed. Judge Early shall retain jurisdiction over this case regardless of where he may be assigned to hold court and may schedule such hearings as may be necessary at any time without regard as to whether there is a term of court scheduled.

Judge Early shall conduct a hearing on appellant's desires regarding counsel within thirty days of the date of this order. Within sixty days of the date of this order, Judge Early shall issue a scheduling order setting forth the schedule that shall be followed in this matter, including the date of the hearing on the merits. The scheduling order may be amended as necessary. A copy of the scheduling order and any amended scheduling order shall be provided to counsel, this Court and Court Administration. In addition to appellant's obligation to notify the Clerk of this Court of the Status of this matter every sixty days under In re Stays of Execution in Capital Cases, 321 S.C. 544, 471 S.E.2d 140 (1996), Judge Early is requested to provide the Clerk of this Court and Court Administration with an update on the status of this matter every one hundred and twenty days.

 C.J.
FOR THE COURT

July 1, 2015
Columbia, South Carolina

cc:

Donald J. Zelenka, Esq.
Elizabeth Franklin-Best, Esq.
Teresa L. Norris, Esq.
Daniel E. Shearouse