

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

Patrick B. Connor, Respondent,

v.

State of South Carolina, Petitioner.

Appellate Case No. 2014-001427

Lower Court Case No. 2013-CP-23-00154

Appeal From Greenville County
The Honorable D. Garrison Hill, Circuit Court Judge

Memorandum Opinion No. 2015-MO-040
Submitted June 23, 2015 – Filed July 8, 2015

AFFIRMED IN PART, REVERSED IN PART

Attorney General Alan McCrory Wilson, Chief Deputy
Attorney General John W. McIntosh, Senior Assistant
Deputy Attorney General Salley W. Elliott, and Senior
Assistant Deputy Attorney General Karen Christine
Ratigan, all of Columbia, for Petitioner.

J. Falkner Wilkes, of Greenville, for Respondent.

PER CURIAM: Petitioner seeks a writ of certiorari to review the Post-Conviction Relief (PCR) judge's grant of relief to respondent. We grant the petition, dispense with further briefing, and affirm the decision of the PCR judge in part and reverse in part.

We find there is evidence supporting the PCR judge's finding that plea counsel failed to communicate the State's second plea offer to respondent. *See Cherry v. State*, 300 S.C. 115, 386 S.E.2d 624 (1989) (holding a PCR judge's findings will be upheld where any evidence of probative value exists to support them). However, we find the PCR judge erred in remanding respondent's case for a new trial, instead of a new sentencing hearing. *See Davie v. State*, 381 S.C. 601, 675 S.E.2d 416 (2009) (finding the proper remedy for a PCR applicant who pled guilty without being informed of a prior, more favorable offer is a new sentencing hearing). We therefore reverse the grant of a new trial and remand the case to the circuit court for a new sentencing hearing consistent with this opinion.

AFFIRMED IN PART, REVERSED IN PART.

**TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ.,
concur.**