

The Supreme Court of South Carolina

Christopher Commander, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2014-002690

Lower Court Case No. 2012-CP-40-03816

ORDER

Pursuant to our July 24, 2015, order denying counsel's motion to be relieved as counsel, we directed the parties to address the questions raised in the *Johnson*¹ petition and those raised in the *pro se* response to the petition. On August 21, 2015, counsel submitted a petition in response to the July 24, 2015, order; however, it does not address the issues raised in the *pro se* response to the *Johnson* petition. Accordingly, we direct counsel to serve and file an amended petition on the following questions within fifteen (15) days of the date of this order:

- Was trial counsel ineffective in failing to object when witness John Presley introduced evidence of petitioner's prior domestic violence against the victim?
- Was trial counsel ineffective in failing to object when witness John Presley offered testimony as to his opinion regarding the truth of petitioner's statements describing the manner of the victim's death?
- Was trial counsel ineffective in failing to sufficiently challenge the forensic pathologist's findings of homicide as a manner of death?
- Was trial counsel ineffective in failing to effectively communicate with petitioner regarding the decision not to present the evidence that petitioner's

¹ *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988).

DNA was absent from the scene of the crime and in failing to request a mistrial when the solicitor implied petitioner's DNA evidence was present at the scene of the crime during closing arguments?

- Was trial counsel ineffective in failing to request a mistrial when the solicitor advised the jurors that they could consider events occurring after the victim's death in determining whether malice was present to support a charge of murder?
- Was trial counsel ineffective in failing to object to the court's instruction that "inferred malice may also rise where a deed is done with a deadly weapon?"
- Was petitioner prejudiced by trial counsel's cumulative errors?

Respondent shall have thirty (30) days after the service of the amended petition to serve and file its return.



FOR THE COURT C.J.

Columbia, South Carolina

September 16, 2015

cc:

Suzanne H. White, Esquire

Robert M. Pachak, Esquire

Christopher Sam Commander, #318173