

The Supreme Court of South Carolina

Charles Pagan, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2010-154481

ORDER

Counsel has submitted a petition pursuant to *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988), and moves to be relieved. We deny the petition to be relieved and direct the parties to address the following questions:

1. Did the PCR judge err in finding trial counsel was not ineffective for failing to object when the trial judge visited the jury room?
2. Did the PCR judge err in finding trial counsel was not ineffective for failing to challenge the photographic lineups?
3. Did the PCR judge err in finding trial counsel was not ineffective for failing to object when the solicitor stated during opening statement and closing argument that petitioner had anal sex with the victim?
4. Did the PCR judge err in finding trial counsel was not ineffective for failing to object to the solicitor's statement during closing argument that petitioner was

"the only murderer that [Cooks] is gone [sic] testify against"?

5. Did the PCR judge err in finding trial counsel was not ineffective for failing to object when the solicitor indicated the victim's family members were present in the courtroom during the trial?

Petitioner shall serve and file a petition on these questions within thirty (30) days of the date of this order. Thereafter, respondent shall have thirty (30) days to serve and file its return.



C.J.
FOR THE COURT

Columbia, South Carolina

October 3, 2012

cc:

David A. Spencer

Robert M. Pachak

Charles Pagan