

# The Supreme Court of South Carolina

Dion O. Taylor, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2015-001397

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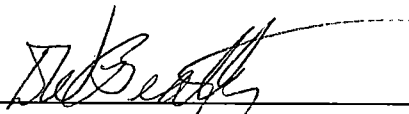
## ORDER

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Counsel has submitted a petition pursuant to *Johnson v. State*, 294 S.C. 310, 364 S.E.2d 201 (1988), and a motion to be relieved as counsel. Petitioner has filed a *pro se* response. We deny the motion to be relieved as counsel and direct the parties to address the following question:

Did the post-conviction relief (PCR) judge err in summarily dismissing petitioner's second PCR application without conducting an evidentiary hearing to determine if the issues raised therein could not have been raised in petitioner's first PCR action, in which petitioner represented himself, due to petitioner's mental incompetence, *cf. Ferguson v. State*, 382 S.C. 615, 677 S.E.2d 600 (2009); *Council v. Catoe*, 359 S.C. 120, 597 S.E.2d 782 (2004)?

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

  
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FOR THE COURT C.J.

Columbia, South Carolina

March 24, 2017

cc:

Lara Mary Caudy, Esquire

Alicia A. Olive, Esquire

Dion O. Taylor, 335089