

The Supreme Court of South Carolina

The State, Respondent,

v.

Kenneth Simmons, Appellant.

Appellate Case No. 1999-010754

ORDER

By order dated February 2, 2005, this Court stayed appellant's execution so that he could pursue post-conviction relief. The post-conviction relief judge determined appellant is entitled to a new trial. The State has informed this Court that it will not appeal the order and on re-trial the State cannot seek the death penalty. The State therefore requests this Court dissolve the stay of execution as moot. The request is granted and the stay is hereby dissolved.



FOR THE COURT C.J.

Columbia, South Carolina

July 27, 2017

cc:

Melody J. Brown, Esquire
Bartón J. Vincent, Esquire
James Morton, Esquire
Emily C. Paavola, Esquire
The Honorable David Pascoe