

Hopkins, Debbie

From: Garrett, Tracy
Sent: Tuesday, August 1, 2017 10:18 AM
To: Hopkins, Debbie
Subject: FW: Special Order (Circuit) Re: James D. Robertson v State 2011-CP-46-00072
Attachments: Special Order (Circuit) Alford Kelly Re James D Robertson v State PCR 2011 CP 46 00072.pdf

Debbie,

Attached is the original email transmittal.

Tracy Garrett
SC Court Administration
803-734-1861

From: Garrett, Tracy
Sent: Friday, July 28, 2017 3:44 PM
To: Alford, Lee S. <LAlfordj@sccourts.org>; Kelly, R. Keith <kkellyj@sccourts.org>
Cc: Hayes, John C. III <JHayesj@sccourts.org>; Hamilton, David <David.Hamilton@YorkCountyGov.Com>; 'dzelenka@scag.gov' <dzelenka@scag.gov>; 'keir@blumelaw.com' <keir@blumelaw.com>; 'emily@justice360sc.org' <emily@justice360sc.org>
Subject: Special Order (Circuit) Re: James D. Robertson v State 2011-CP-46-00072

Dear Judges,

Attached please find a special order regarding the above-referenced Capital PCR case.

Thank you,

Tracy Garrett
Judge Scheduling Coordinator
SC Court Administration
1220 Senate Street, Suite 200
Columbia, SC 29201
803-734-1861
803-734-0269 (fax)

The Supreme Court of South Carolina

James D. Robertson,

Appellant,

v.

State of South Carolina,

Defendant.

York County
2011-CP-46-00072

ORDER

Petitioner was convicted of murder, armed robbery, and credit card fraud. He was sentenced to death for murder, thirty years for armed robbery, and one year for credit card fraud. After a determination of his competency, petitioner waived his right to a direct appeal. This Court conducted a proportionality review and dismissed the appeal.

Petitioner filed an application for post-conviction relief (PCR) which was denied. This Court denied his petition for a writ of certiorari in October 2010. In January 2011, petitioner filed the current PCR application in state court.

Petitioner also filed a petition for a writ of habeas corpus in federal court. By Order dated April 8, 2011, a federal magistrate stayed the federal proceedings pending the exhaustion of Petitioner's state court remedies.

By Order dated May 31, 2011, the Honorable Lee S. Alford was assigned to the current PCR action, which he summarily dismissed by order dated September 20, 2011. This Court granted certiorari to review the circuit court's dismissal of Petitioner's application, and issued its opinion remanding the matter for the limited purpose of determining whether or not Petitioner's prior PCR counsel were statutorily qualified.

The Court finds that, due to the retirement of the Honorable Lee S. Alford, it is necessary to reassign this matter to another judge.

Therefore, the Honorable R. Keith Kelly is hereby assigned to Petitioner's current Post-Conviction Relief action. Judge Kelly shall retain jurisdiction over this case regardless of where he may be assigned to hold court and may schedule such hearings as may be necessary at any time without regard to whether there is a term of court scheduled.

Judge Kelly is requested to provide the Office of Court Administration with an update on the status of this case every one hundred and twenty days.

The previous Order dated May 31, 2011 assigning this matter to the Honorable Lee S. Alford is hereby rescinded.

IT IS SO ORDERED.



Donald W. Beatty
Chief Justice

July 28, 2017
Columbia, South Carolina