

# The Supreme Court of South Carolina

Demetrius Simmons, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2017-000057

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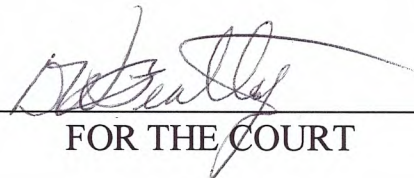
## ORDER

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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. We deny the motion to be relieved as counsel and direct the parties to address the following question:

Did the post-conviction relief judge err in denying petitioner's claim that he did not knowingly and voluntarily waive his right to a direct appeal?

Petitioner shall serve and file a petition on this question within thirty (30) days of the date of this order. At the same time, petitioner shall, pursuant to *White v. State*, 263 S.C. 110, 208 S.E.2d 35 (1974), serve and file a brief addressing the direct appeal issues. Thereafter, respondent shall have thirty (30) days to serve and file its return to the petition and a brief addressing the direct appeal issues. Within ten (10) days after service of respondent's brief, petitioner may file a reply brief on the direct appeal issues.



FOR THE COURT

C.J.

Columbia, South Carolina

November 27, 2017

cc:

DeShawn Herman Mitchell, Esquire

Wanda H. Carter, Esquire

Demetrius Simmons, 283195