

# The Supreme Court of South Carolina

Stephen C. Stanko, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2017-000211

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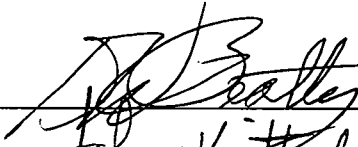
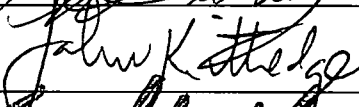
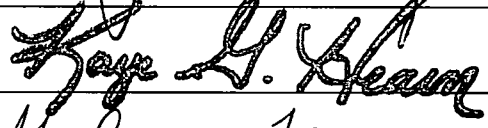
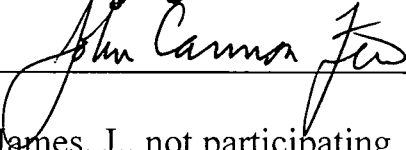
## ORDER

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This case is pending before the Court pursuant to a notice of appeal from an order of the circuit court denying petitioner's application for post-conviction relief (PCR). Counsel for petitioner move for the case to be remanded to the circuit court for a determination whether the attorneys appointed to represent petitioner before the circuit court met the requirements for appointment set forth in S.C. Code Ann. § 17-27-160 (2014). *See Robertson v. State*, 418 S.C. 505, 795 S.E.2d 29 (2016). The State opposes the motion.

The motion to remand is granted. The appeal shall be held in abeyance pending completion of the proceedings on remand.

The Honorable Craig Brown is hereby assigned to the action on remand. Judge Brown shall, within thirty days of the date of this order, conduct a hearing on whether the attorneys appointed to represent petitioner before the circuit court in this matter met the requirements of section 17-27-160. An order shall be issued within five days of the conclusion of the hearing stating whether the appointed attorneys were qualified. If it is determined the attorneys did not meet the statutory requirements, Judge Brown shall conduct an additional hearing to determine if petitioner was prejudiced by the attorneys' lack of qualifications. That hearing shall be conducted within sixty days of the order finding the appointed attorneys were not qualified. Following the conclusion of the hearing, Judge Brown shall, within thirty days, issue an order on the issue of prejudice. Any notice of appeal filed following the ruling on remand will be consolidated with the notice of appeal currently pending.

  
C.J.  
  
J.  
  
J.  
  
J.  
James, J., not participating

Columbia, South Carolina

December 14, 2017

cc:

J. Anthony Mabry, Esquire  
Lindsey Sterling Vann, Esquire  
Caroline M. Scrantom, Esquire  
Donald J. Zelenka, Esquire  
**The Honorable D. Craig Brown**  
**Office of Court Administration**