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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari from Richland County
Jocelyn J. Newman, Circuit Court Judge

Robin Gray Reese,

Petitioner,

vs.

State of South Carolina,

Respondent.

Appellate Case No. 2017-001110

**RESPONDENT'S MOTION FOR
REMAND FOR SPECIFIC FINDINGS OF
FACT AND CONCLUSIONS OF LAW
PURSUANT TO S.C. CODE
SECTION 17-27-80**

This matter is an applicant's appeal from the denial of a post-conviction relief application. A hearing was held before the Honorable Jocelyn J. Newman on August 30, 2016. At the conclusion of the hearing, Judge Newman requested proposed orders from both parties. Judge Newman denied relief by order dated November 14, 2016. The order was the proposed order submitted by Respondent. Petitioner filed a Rule 59(e), SCRCR motion requesting more detailed findings of fact and law pursuant to S.C. Code Section 17-27-80. Judge Newman denied the 59(e) motion by Form 4 order dated April 21, 2017.

Reese appealed the denial of the application and filed a petition for writ of certiorari.

Reese raised the following issue as Reese's first issue: "The PCR court erred where it failed to make specific findings of fact, and state expressly its conclusions of law, relating to each issue presented as required by S.C. Code Ann. § 17-27-80." Pet. p. 4. Reese requested as alternate relief that the matter be remanded to the PCR court for issuance of an order "with sufficient findings and conclusions as to each issue presented" Pet. p. 24.

This case has been reassigned to undersigned counsel who has reviewed the record and the PCR order. Respondent agrees that in the present case, remand is appropriate for detailed findings of fact and conclusions of law on the numerous issues raised. Therefore, Respondent moves that this case be remanded to enable the PCR court to issue an order in accordance with Section 17-27-80.

IV.

WHEREFORE, Respondent prays that this Court remand this matter to the PCR court so the PCR court may enter an amended order pursuant to Section 17-27-80.

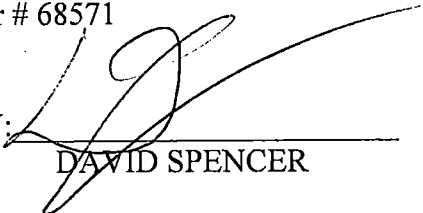
[SIGNATURE BLOCK APPEARS ON FOLLOWING PAGE]

Respectfully submitted,

ALAN WILSON
Attorney General

DAVID SPENCER
Senior Assistant Attorney General
Bar # 68571

BY:



DAVID SPENCER

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ATTORNEYS FOR RESPONDENT

April 20, 2018

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Richland County
Court of Common Pleas
The Honorable Jocelyn J. Newman, Circuit Court Judge

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S.C. SUPREME COURT

ROBIN GRAY REESE,

PETITIONER,

v.

THE STATE OF SOUTH CAROLINA,

RESPONDENT.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the **Respondent's Motion for Remand for Specific Findings of Fact and Conclusions of Law Pursuant to S.C. Code Section 17-27-80**, has been served upon opposing counsel by mailing two (2) copies in the United States mail, postage prepaid:

Laura Ruth Baer, Esquire
South Carolina Commission on Indigent Defense
Post Office Box 11589
Columbia, South Carolina 29211

This 20th day of April, 2018



CARMEN NORD
LEGAL ASSISTANT



ALAN WILSON
ATTORNEY GENERAL

April 20th, 2018

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S.C. SUPREME COURT

The Honorable Daniel E. Shearouse
Clerk of the South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

RE: Robin Gray Reese v. State of South Carolina
Appellate Case No. 2017-001110
Lower Court Case No. 2014-CP-40-05657

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of the **Respondent's Motion for Remand for Specific Findings of Fact and Conclusions of Law Pursuant to S.C. Code Section 17-27-80** in the above mentioned case.

Sincerely,

David Spencer
Senior Assistant Attorney General
SC Bar No. 68571

DS/can

cc: Laura R. Baer, Esquire