

The Supreme Court of South Carolina

Louis Michael Winkler, Jr., Respondent/Petitioner,

v.

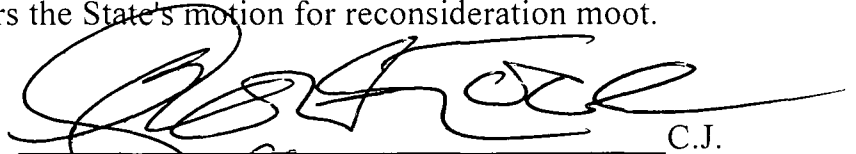
State of South Carolina, Petitioner/Respondent.

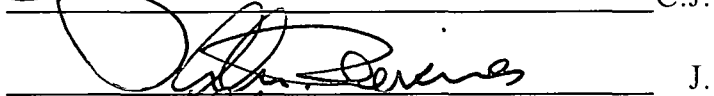
Appellate Case No. 2012-212932

ORDER

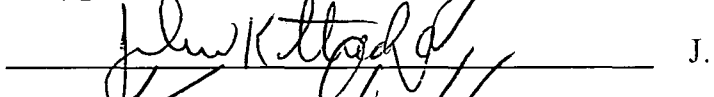
This death penalty case is before the Court by way of notices of appeal from an order denying post-conviction relief (PCR) as to respondent/petitioner's conviction, but granting PCR as to his death sentence. The State now moves this Court to remand the case to the circuit court for a ruling on the State's motion for reconsideration and Rule 59(e), SCRCP, motion. Respondent/petitioner has filed a return in opposition to the State's motion.

We vacate the order of the circuit court dismissing the State's Rule 59(e) motion, remand the case to the Honorable Benjamin H. Culbertson for a ruling on that motion, and dismiss the notices of appeal filed in this case without prejudice to the rights of the parties to file new notices of appeal following a ruling on the Rule 59(e) motion. This ruling renders the State's motion for reconsideration moot.


C.J.


J.


J.


J.


J.

Columbia, South Carolina

January 9, 2013

cc:

Donald J. Zelenka

Alphonso Simon, Jr.

Emily C. Paavola

Benjamin H. Culbertson