

ALAN WILSON
ATTORNEY GENERAL

February 5, 2019

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S.C. SUPREME COURT

The Honorable Lisa M. Comer
Clerk of Court, Lexington County
205 East Main Street, Suite 128
Lexington, South Carolina 29072

Re: Quincy McCants v. State of South Carolina
Appellate Case No.: 2015-002142
Circuit Court Case No.: 2009-CP-32-04236

Dear Ms. Comer:

By order dated December 1, 2016, the Supreme Court remanded the above-referenced post-conviction relief matter to the Honorable Edgar W. Dickson in order to reconstruct the record. A hearing into the matter was subsequently convened; and on December 14, 2018, Judge Dickson issued an order finding the record was unable to be reconstructed. Mr. McCants then moved to vacate Judge Dickson's previous order of dismissal and remand for a new post-conviction relief hearing on December 20, 2018. The Supreme Court granted Mr. McCants's motion by written order dated February 1, 2019, and remanded this matter to the circuit court for a new post-conviction relief hearing within sixty days. A copy of this order is enclosed.

Therefore, please re-open Mr. McCants's post-conviction relief case (2009-CP-32-04236) in accordance with the Supreme Court's opinion. Additionally, please immediately appoint counsel to represent Mr. McCants on this action and provide me with the name of this attorney once counsel has been appointed so that I may coordinate the scheduling of a hearing during the next post-conviction relief term of court for the Eleventh Judicial Circuit, scheduled to be held the week of April 1, 2019, to ensure the timeline established by the Supreme Court is met.

Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

Kelly Oppenheimer
Assistant Attorney General

KO
Enclosure

cc: The Honorable Daniel E. Shearouse
The Honorable S.R. Hubbard, III, Solicitor for the Eleventh Judicial Circuit
Taylor D. Gilliam, Appellate Counsel for Mr. McCants
Victim Advocacy Division

The Supreme Court of South Carolina

Quincy McCants, Petitioner,

v.

State of South Carolina, Respondent.

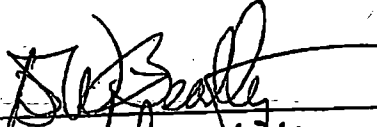
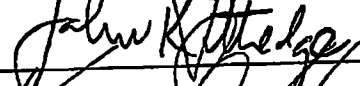


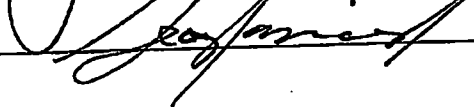
Appellate Case No. 2015-002142

Lower Court Case No. 2009-CP-32-04236

ORDER

By order dated December 1, 2016, we remanded this matter to the Honorable Edgar W. Dickson to reconstruct the record. Judge Dickson has now advised this Court that he has been unable to reconstruct the record. Petitioner now asks the Court to vacate Judge Dickson's order denying and dismissing petitioner's application for post-conviction relief (PCR) and remand the matter for a new PCR hearing. The State has consented to the motion.

We grant the motion to vacate Judge Dickson's order dismissing petitioner's PCR application and remand this matter to the circuit court to be heard by any available judge within sixty (60) days of the date of this order.

	C.J.
	J.
	J.
	J.
	J.

Columbia, South Carolina

February 01, 2019

cc:

Taylor Davis Gilliam, Esquire
Kelly Oppenheimer, Esquire
The Honorable Lisa M. Comer
The Honorable Edgar W. Dickson



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