

The Supreme Court of South Carolina

Hector J. Cases Vazquez, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2018-001912

Lower Court Case No. 2015CP2607980

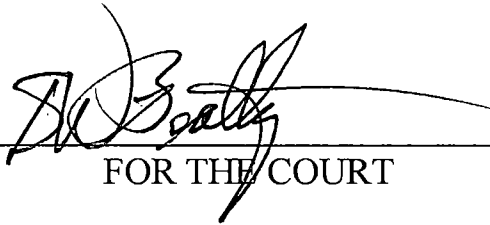
ORDER

In this post-conviction relief case, the order on appeal is signed by the Honorable Brooks P. Goldsmith. The transcript contained in the appendix filed by petitioner indicates that the hearing in the case was conducted by the Honorable John C. Hayes. In the petition for a writ of certiorari, petitioner alleges that Judge Goldsmith was a successor judge and should not have made credibility findings since he did not observe the witnesses.

The State has now filed a motion seeking a fourth extension to file a return to the petition for a writ of certiorari. It alleges that the evidentiary hearing was actually conducted by Judge Goldsmith and the court reporter made a clerical error in the transcript. It also moves "to remand and reconstruct the evidentiary hearing to determine whether Judge Brooks Goldsmith presided as consistent with the written order."

This matter is remanded to Judge Goldsmith to advise this Court, within fifteen (15) days of the date of this order, if he conducted the evidentiary hearing in this case. If not, he shall advise this Court of the name of the judge who did conduct the evidentiary hearing, along with an explanation as to why the order was not signed by the judge who conducted the evidentiary hearing. If a clerical error exists in the transcript, Judge Goldsmith shall issue an order correcting this error. Pending the response from Judge Goldsmith, this appellate case, along with

the request for an extension, are held in abeyance.



FOR THE COURT C.J.

Columbia, South Carolina
September 23, 2019

cc: Victor R Seeger, Esquire
Jacob Andrew Isenberg, Esquire
The Honorable Brooks P. Goldsmith