

in this habeas proceeding is whether there has been a constitutional violation that amounted to a denial of fundamental fairness shocking to the universal sense of justice. We find no denial of fundamental fairness. Petitioner's constitutional right to a fair trial by an unbiased jury was in no way compromised. We find petitioner's argument on this issue without merit.

Effect of Short on the Green analysis

In State v. Short, we held no showing of actual prejudice is required to establish reversible error from the denial of a peremptory challenge. Petitioner relies on Short to argue that under the present state of the law, we would no longer apply the three-step analysis used in his direct appeal.

We recently reiterated this three-step analysis in a decision issued after the decision in Short. See State v. Council, 335 S.C. 1, 515 S.E.2d 508 (1999).³ In Council, we found no error in the juror's qualification and never reached the prejudice analysis. In citing Green, however, we implicitly acknowledged the continued viability of the three-step analysis. We now confirm that our Green analysis remains valid.

We begin by noting that other states with precedent similar to Short have reached the opposite result suggested by petitioner on the question whether a defendant need only show he used all his peremptory strikes to obtain reversal for the erroneous qualification of a juror who did not sit. These decisions follow the United States Supreme Court's recent opinion in United States v. Martinez-Salazar, 528 U.S. 304 (2000), which distinguishes the forced use of a peremptory strike from the denial of one.

The Martinez-Salazar case arose in the Ninth Circuit. That circuit has a well-settled rule that a party need not show prejudice from the denial of a

³Short was issued in January 1999; Council in April 1999.

The Supreme Court of South Carolina

In the Matter of William
Jefferson McMillian, III, Respondent.

ORDER

The Office of Disciplinary Counsel has filed a petition asking this Court to place respondent on interim suspension pursuant to Rule 17(b), RLDE, Rule 413, SCACR, and seeking the appointment of an attorney to protect clients' interests pursuant to Rule 31, RLDE, Rule 413, SCACR. Respondent consents to the relief sought by Disciplinary Counsel.

IT IS ORDERED that respondent's license to practice law in this state is suspended until further order of the Court.

IT IS FURTHER ORDERED that Robert E. Stepp, Esquire, is hereby appointed to assume responsibility for respondent's client files, trust account(s), escrow account(s), operating account(s), and any other law office account(s) respondent may maintain. Mr. Stepp shall take action as required by Rule 31, RLDE, Rule 413, SCACR, to protect the interests of respondent's clients. Mr. Stepp may

