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Jun 17 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

THE STATE

RESPONDENT

V.

TERRELL MCCOY

PETITIONER

PCR APPEAL (SCACR 243)

Deandra Jefferson, Circuit Judge

Order No. 2019-00-1193

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S.C. SUPREME COURT

PETITION FOR REHEARING
ATTACHMENTS

(1) PETITIONER declares under Penalty of Perjury that I placed 2 copies of this attachment concerning SCACR Rule 242(1). Nowhere in PCR Judge's order did she rule Petitioner waive his right to appeal.

(2) THE Petitioner did not waive his right to appeal. See White v. State 263, S.C. 110, 208 S.C. 2d 35 (1974).

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(3) THIS COURT HAS GRANTED, VACATED, & REMANDED THIS CASE BECAUSE PCR JUDGE ORDER FAILED TO MAKE SPECIFIC FINDING OF FACT AND STATE EACH CONCLUSION OF LAW. SEE SCACR RULE 242 (B) (1) (4) (5)

(4) THERE ARE NOVEL QUESTIONS OF LAW. WAIVER TRIAL COUNSEL CAN GIVE A CRIMINAL DEFENDANT LEGAL ADVICE TO WAIVE HIS 6TH AMENDMENT RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL GUARANTEED BY Gideon v. Wainwright / Strickland v. Washington.

(5) WHERE SUBSTANTIAL CONSTITUTIONAL ISSUES ARE DIRECTLY INVOLVED.

(6) WHERE A FEDERAL QUESTION IS INCLUDED AND THE DECISION OF THE COURT OF APPEALS CONFLICTS WITH A DECISION OF THE UNITED STATES SUPREME COURT. ALSO SEE Brady v. Maryland, IN THIS PETITION FOR REHEARING MARKED ON 5-31-22 TO THIS COURT, PETITION CONFIRMS THE EXISTENCE OF MATERIAL EVIDENCE, PETITIONER REQUESTED BEFORE TRIAL AND WAS SUPPRESSED BY THE STATE WHILE IN THEIR POSSESSION. THE EVIDENCE CONTRADICTS THE STATE PROSECUTION EVIDENCE AND EXONERATES PETITIONER. PETITIONER HAS ALSO SENT A COPY OF THE AFFIDAVIT TO THE SOLICITORS OFFICE PURSUANT TO SCACR 407

SEE PETITIONER'S PETITION FOR REHEARING FOR REVIEW PURSUANT TO SCACR RULE

242 (d) THE APPENDIX HAS BEEN FILED IN THIS COURT UPON TRANSFERRED TO THE COURT OF APPEALS UNDER 243(L)

6-2-22

J. Mull

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S.C. SUPREME COURT

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