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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Roger A. Williams, # 303509, Petitioner

v.

The State, Respondent

Appellate Case № 2019-000119

Appeal From Berkeley County

Denial of Petition for Writ of Certiorari

Reply to Return

The State takes the position that Roger Williams is not entitled to a Petition for Rehearing. The State reliance upon Rule 221 is not proper. Rule 221 applies to a denial of a Petition for Writ of Certiorari to the South Carolina Supreme Court after a case has been heard by the Court of Appeals. Thus, a petitioner has had a full opportunity to have their case heard by the appellate court. A denial of a Petition for Writ of Certiorari from a denial of post conviction relief petition is different. In this case, there has been not prior appellate review of the petitioner's case.

The South Carolina Supreme Court has on several occasions denied a petition for rehearing after denying a Petition for Writ of Certiorari from a denial of Post Conviction Relief. *See*, *Dickerson v. State,* Appellate Case № 2018-0001299 (October 13, 2021)(Justices Beaty and

James ,dissenting); *Bryant v. State,* Appellate Case № 2019-000610 (June 15, 2021); *Stanko v. State*, Appellate Case № 2017-002281 (October 31, 2019); *Bryant v. State*, Appellate Case № 2013-000518 (May 6, 2015); *Moore v. State*, Appellate Case № 2011-198472 (October 24, 2014); *Aleksey v. State*, Appellate Case № 2010-173586 (June 25, 2014).

Of particular importance is *Dickerson.* Two justices dissented which recognizes the right of the Petitioner in that case to file a petition for rehearing. If Mr. Dickerson had no such right, the justices could not have dissented from the denial of the rehearing.

The Petition filed by Mr. Williams is properly filed. This Court should take the opportunity to review the case, grant the Petition for Writ of Certiorari and address the important issues raised in the Petition.

July 1, 2022

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CERTIORARI - PCR
Appeal from Berkeley County
Robert M. Young, Sr., Circuit Court Judge

Appellate Case No. 2019-000119

Roger A. Williams ..... Petitioner,

vs

State of South Carolina, ... Respondent.

CERTIFICATE OF SERVICE

I, Sandy Traynham, hereby Certify that I am the Secretary for Attorney for the Petitioner in the above entitled case. That on July 1, 2022, I did send via US Mail and e-mail, a copy of the Reply to Return to Megan Harrigan Jameson, S.C. Attorney General's Office, PO Box 11549, Columbia, SC 29211 and email: mjameson@scag.gov.

July 1, 2022

Sandy Traynham
Sandy Traynham
Secretary

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e-mail
Jenny Abbott Kitchings, Clerk
SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Roger Williams vs. The State, Appellate Case No. 2019-000119

Dear Ms. Kitchings:

I am enclosing herewith for filing the Reply to Return together with the Certificate of Service regarding the above matter. Your help is greatly appreciated

With kindest regards, I am

Very truly yours,

C. Rauch Wise

CRW/slt

Enclosure

cc Megan Harrigan Jameson