

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM ADMINISTRATIVE LAW COURT

Ralph King Anderson, III Administrative Law Judge

Appellate Case No. 2012-210767
Unpublished Opinion No. 2013-UP-189

Thomas J. TorrenceAppellant

V.

South Carolina Department of CorrectionsRespondent

RECEIVED

MAY 28 2013

SC Court of Appeals

PETITION FOR REHEARING
and
REHEARING *EN BANC*

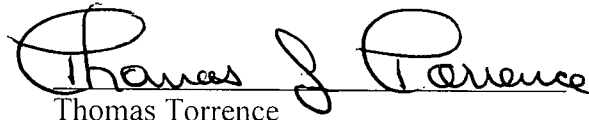
Comes now, the pro-se Appellant / Petitioner, who respectfully requests and suggests a rehearing *en banc*, pursuant to Rules 219(b), 221(a), and 240(a), SCACR, of the May 8, 2013 unpublished decision in this matter for the following reasons:

1. Petitioner was arrested for the current offense on April 6, 1987, but was not tried until May 18-25, 1992.
2. Petitioner was never released from custody.
3. The current offense is the primary offense in question.
4. Both *Allen v. State*, 339 SC 393,395, 529 S.E.2d541, 542 (2000) and *Blakeney v. State*, 339 S.C. 86, 88, 529 S.E.2d 9, 10-11 (2000) support Petitioner is entitled to time for pre-trial confinement and charged with the offense for which he is serving.

5. That, notwithstanding any application of S.C. Code Ann. § 24-13-40 (2007), the clearly established law of the land constitutionally mandates credit for pre-sentence confinement when it is related to the offense for which he is sentenced. *See, Ohio v. Johnson*, 476 U.S. 493, 499 (1984); and *Tate v. Short*, 401 U.S. 392 (1971).

CONCLUSION

WHEREFORE, Appellate / Petitioner respectfully requests / suggests a rehearing *en banc*.

A handwritten signature in black ink that reads "Thomas J. Torrence". The signature is written in a cursive style with a large initial "T" and "J".

Thomas Torrence

May 21, 2013

#94651

Lieber Corr. Inst. SA-43

P.O. Box 205

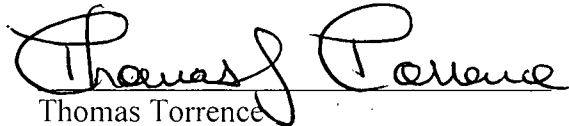
Ridgeville, SC 29472-0205

APPELLANT / PETITIONER, pro se

CERTIFICATE OF SERVICE

The undersigned *pro se* Petitioner, Thomas Torrence, hereby certifies that he has served a true and correct copy of the Petition for Rehearing and Rehearing *En Banc* on counsel for Respondents, Christopher Florian, Esq., by placing a copy of same in the U.S. Mail, first-class postage affixed thereto, this 22nd day of May, 2013, addressed as follows:

Christopher Florian
Office of General Counsel
S.C. Department of Corrections
P.O. Box 21787
Columbia, SC 29221-1787



Thomas Torrence
#94651
Lieber Corr. Inst. SA-43
P.O. Box 205
Ridgeville, SC 29472-0205

PETITIONER, pro se

RECEIVED

MAY 28 2013

SC Court of Appeals

Thomas Torrence
#94651
Lieber Corr. Inst. SA-43
P.O. Box 205
Ridgeville, SC 29472-0205.

May 22, 2013

The Honorable V. Clarie Allen
Deputy Clerk
South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

Re: *Thomas J. Torrence v. S.C. Dept. of Corrections*
C/A No. 2013-UP-189

Dear Ms. Allen:

Please find for filing in the above-referenced matter the Petition for Rehearing & Rehearing *En Banc*. Also enclosed is a proof of Service.

As usual, your assistance in this matter is sincerely appreciated.

With kindest regards, I am,

Sincerely,



Thomas Torrence

APPELLANT / PETITIONER, pro se

Cc: Christopher Florian, Esq.

RECEIVED

MAY 28 2013

SC Court of Appeals