

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Petition For Re-Hearing En Banc  
Appeal from Richland County  
J. Deham Cole, Circuit Court Judge

**RECEIVED**

SEP 01 2022

SC Court of Appeals

THE STATE,

RESPONDENTS,

v.

FAASIU TOESE,

PETITIONER,

Appellate Case No. 2019-001738

PETITION FOR RE-HEARING EN BANC  
wait of Cert. denied/Filed Aug. 16, 2022 received notice Aug. 23, 2022

#363340  
Faasiu Toese, Petitioner Prose  
Evans Corr. Inst. F-4-A-258  
610 Hwy 9 West  
Bennettsville, S.C. 29512

## Issue

1.) Did the Lower Court ERROR by failing to Grant Petitioner Relief Pursuant to S.C. Code Ann Title §17-1-50(B), by failing to give Petitioner an Interpreter where Court knew Petitioner did not speak English, where Petitioner did not understand Any of his Proceedings Clear Error of Law.

## DISCUSSION

See: S.C. Code Ann §17-1-50. Interpreters in Criminal Proceedings

(B)(1) Notwithstanding any other provision of Law, whenever a party, witness, or victim in a criminal legal proceeding does not sufficiently understand or speak the English language to comprehend the proceeding or to testify, the Court MUST APPOINT A CERTIFIED or otherwise qualified interpreter to interpret the proceedings to the party or victim or to interpret the testimony of the witness

## CONCLUSION

Petitioner Prays this Court Grant his Petition for Rehearing EN BANC and Grant Reversal of his Conviction & sentence and/or Order Appellate Counsel for Further Briefing.

Respectfully Submitted,  
15/ Faasiu Toese  
Faasiu Toese #363340

# The South Carolina Court of Appeals

Faasiu Toese, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2019-001738

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## ORDER

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This matter is before the court on a petition for a writ of certiorari following the denial of Petitioner's application for post-conviction relief. Based on the vote of the panel, the petition for a writ of certiorari is denied.

FOR THE COURT

BY Jay A. Kitching  
CLERK

Columbia, South Carolina

cc:

Sarah Elizabeth Shipe, Esquire  
D Russell Barlow, II, Esquire  
The Honorable J. Derham Cole

**FILED**  
**Aug 16 2022**

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STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Petition For Re-Hearing En Banc  
Appeal from Richland County

J. Durham Cole, Circuit Court Judge

Appellate Case No. 2019-001738

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SC Court of Appeals

THE STATE,

RESPONDENTS,

v.

FAASIU TOESE,

PETITIONER,

CERTIFICATE OF SERVICE

I do hereby certify that the below named parties to this matter was served a TRUE & CORRECT copy of (ii) Petitioner's Petition for Re-Hearing En-Banc, was placed in the U.S. postal mail postage Prepaid On This ~~24th~~ Day of August, 2022 Addressed Below.

- 1.) Sarah Elizabeth Shipe  
S.C. Appellate Counsel  
P.O. Box 1330 Lady St # 401  
Columbia, S.C. 29201
- 2.) D. Russell Barlow, II  
S.C. Attorney General  
P.O. Box 11549  
Columbia, S.C. 29211

Respectfully  
Submitted,

1/5/ Faasiu Toese  
Faasiu Toese #363347

Faasiu Toese, #363340  
Evans Corp. Inst. F-4-A-358  
610 Hwy 9 West  
Bennettsville, S.C. 29512

August 24, 2022

S.C. Court of Appeals  
Attn: Clerk's Office  
~~1320 Senate St.~~ 1320 Senate St.  
Columbia, S.C. 29201

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SEP 01 2022  
SC Court of Appeals

RE: Filing of Rehearing En-Banc Appellate case  
No. 2019-001738

Dear Honorable Clerk,

Please find (1) original and (6) six copies  
of Rehearing En-Banc. Please clock-stamp and  
file, and return to me a clocked copy for  
my files. Thank you and God Bless,

Respectfully Submitted,

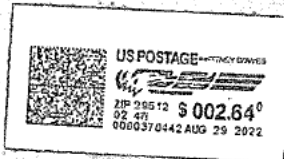
/s/ Faasiu Toese  
Faasiu Toese, #363340

Verbatim Copy / File  
Sarah Elizabeth Shipe, Esq.  
D. Russell Barlow II, Esq.

1. of 1.

Petitioner Pro-se

Faasi Toese #363340  
Evans Corr. Inst. F-4-A-258  
610 Hwy 9 West  
Bennettsville, S.C. 29512



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SEP 01 2022  
SC Court of Appeals

S.C. Court of Appeals  
Attn: Clerk's Office Mrs. Jenny Abbott Kitchings  
1220 Senate St.  
Columbia, S.C.  
29201

Legal Mail

