

IN AND FOR SOUTH CAROLINA SUPREME COURT

Randy Drummond
PETITIONER,
V.

Appellate Case No.

RECEIVED

State of South Carolina
Respondent,

2013-000556

JUL 03 2013

Lower Court Case No. 2011-CP-23-008002

S.C. SUPREME COURT

NOTION FOR REHEARING EN BANC

Comes now the Petitioner who hereby seeks rehearing en banc where in support of such request Petitioner states and asserts the following:

Petitioner stands on the authority of Hamax V. State cited at 379, S.C. 93, 665 S.E. 2d 164 (2008).

A) Petitioner state that Counsel was deficient in support of Petitioner plead guilty to more time than what was allowed by Law - see indictment 2003-GS-23-007486 Petitioner plead guilty to eight (8) years the Law says Petitioner could only get (5) five years.

B) Petitioner stand on the authority of SC Code ANN 17-23-20 thus in re. to indictment 2003-GS-23-009072 in support of Petitioner states the following. Trial Court was barred from convicting Petitioner on id 009072 Under the double jeopardy Clause see Meena V New York 423 U.S. 61, (1975) Thus Petitioner did not waive double jeopardy rights. Petitioner states that the conviction of Citition No A255371 bars the conviction of indictment No. 2003-GS-23-009072.


Petitioner states that trial counsel was ineffective see Alexander, 303 S.C. at 542. Petitioner stat that had he known trial court was barred from convicting Petitioner under double jeopardy clause he would not have plead guilty to indictment 2003-GS-23-009672

Petitioner further states that he did not know about conviction of citation No. A2SS371 until after he had filed first (PCR). Thus Petitioner did not, and could not comply with SC Code 17-27-10.

CONCLUSION

This Honorable Court has dismiss Petitioner request for relief upon the basis of successive petitions. However Petitioner would respectfully ask the court How can trial court give me (8) eight year on guilty plea when SC Law says I can only get five. I dont want this plea and I refuse to accept this plea. See State v. McKinney.

WHEREFORE Petitioner respectfully request relief.


Randy Drummond
Date 5/30/2003,

Randy Drummond
Petitioner

v.

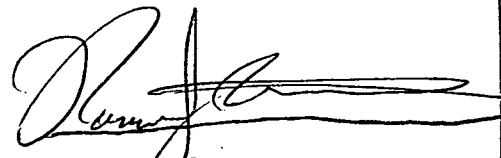
Case No. 2013-000556

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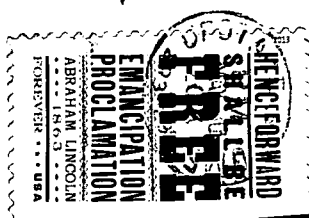
CERTIFICATE OF SERVICE

I the petitioner hereby certify that I have on this day served Respondent's a true, and correct copy of the above and foregoing motion for re-hearing on habeas ~~via~~ United States mail as follows.

Karen C. Ratigan Esquire
Rambert Dennis Building
1000 Assembly St Room 519
Columbia SC 29201.


dated 5/30/13

Dandy Drummond
116 Elliott St
Spartanburg S.C. 29308



Clerk of Court
The Supreme Court of South Carolina
Post office Box No. 11330
Columbia SC 29211

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