

STATE OF SOUTH CAROLINA
In the Supreme Court

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S.C. SUPREME COURT

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Appeal from Sumter County
Court of Common Pleas

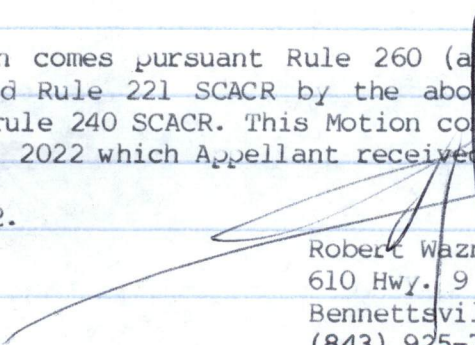
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App. Case No. 2022-001443

—
State of South Carolina, Respondent,
v.
ROBERT WILLIAM WAZNEY, Appellant.

—
MOTION TO REINSTATE and
PETITION FOR REHEARING

—
This Motion comes pursuant Rule 260 (a) South Carolina Appellate Court Rules (SCACR) and Rule 221 SCACR by the above named Appellant, and is in accordance with rule 240 SCACR. This Motion comes concerning this Courts ORDER dated October 18, 2022 which Appellant received on October 26, 2022.

October 28, 2022.


Robert Wazney
610 Hwy. 9 West
Bennettsville, SC 29512
(843) 925-7486
Appellant

Other Counsel:

Al Wilson
PO Box 11549
Columbia, SC 29211-1549

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Affidavit or Declaration

COMES NOW, Robert Wazney, Appellant, in the above numbered and titled action with his MOTION TO REINSTATE AND PETITION FOR REHEARING for this case 2022-001443:

I, Robert Wazney, Appellant, am in receipt of S.C. Supreme Court ORDER dated October 18, 2022, which Appellant received on October 26, 2022, or two-days before its deadline to file a petition for rehearing pursuant SCACR. The Courts ORDER states that 'nothing by statute or court rule allows an appeal from any decision of a clerk of court', and that 'only a final decision or judgment in a post-conviction relief case is subject to appellate review', and 'accordingly, the notice of appeal is dismissed'.

I. MOTION TO REINSTATE

By the time this Court receives this paper, ten days will have passed since the Courts ORDER and Remittitur will have been sent. Considering Appellant did not receive notice of ORDER until almost the deadline, by no fault of his own, with good cause shown, Appellant should be excused from a late submission and granted a hearing of the following petition for rehearing.

II. PETITION FOR REHEARING

This Courts order reads 'nothing by statute or court rule allows an appeal from any decision of a clerk of court' 'only a final decision or judgment in a post-conviction relief case is subject to appellate review'. The points overlooked or misapprehended by the S.C. Supreme Court are as follows:

On several occasions over the course of greater than four (4) years, Appellant has applied to a local court of common pleas, in the form of an Application For Post-Conviction Relief (PCR). Town-clerk has replied to Applicant's PCR by returning it to him repeatedly, demonstrating it has no intent to docket Appellant's PCR, in violation of PCR Act.

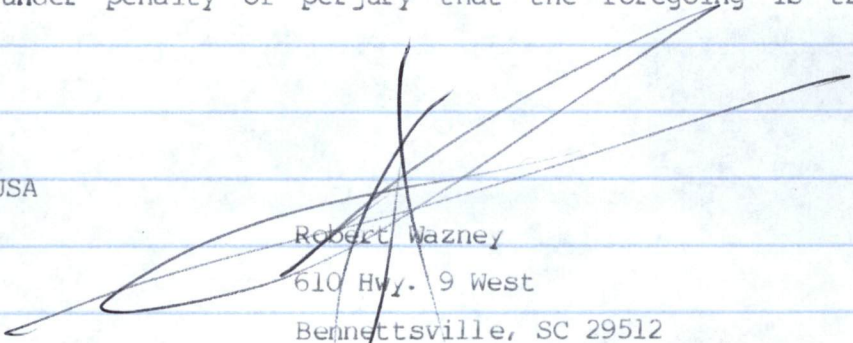
Under the circumstances, South Carolina Supreme Court has an obligation to hear Appellant's PCR claims.

Appellant requests South Carolina Supreme Court to fulfill its obligations.

I declare under penalty of perjury that the foregoing is true and correct.

October 28, 2022.

Marlboro County, USA



Robert Wazney

610 Hwy. 9 West

Bennettsville, SC 29512

(843) 925-7486

Appellant, Pro-se, Captive