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**Apr 27 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Beaufort County

Edgar W. Dickson, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

DALE EUGENE KING,

APPELLANT

---

PETITION TO RECALL REMITTITUR AND GRANT  
LEAVE TO FILE PETITION FOR REHEARING OUT OF TIME

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Pursuant to Rule 240, SCACR, the undersigned counsel would ask this Court to recall the remittitur and grant leave to file a petition for rehearing out of time in the above titled case. In support of this petition, the undersigned counsel in this case would submit the following facts below.

1.) On December 1, 2020, Appellate Defender Adam S. Ruffin filed with this Court a Brief of Appellant and Designation of Matter to be Included in the Record on Appeal on the above titled case. The Respondent's Brief was filed on March 18, 2021.

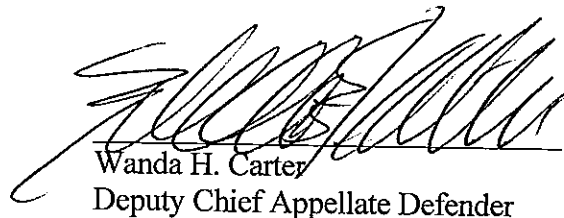
2.) Appellate Defender Ruffin left our Office on July 29, 2022. Thereafter, the above titled case was assigned to the undersigned counsel.

3.) On August 1, 2022, our Office notified this Court of the reassignment of the above tiled case to the undersigned counsel. Please see a copy of the attached Notice of Reassignment of Counsel letter sent to this Court on August 1, 2022.

4.) This Court's Opinion in the case was filed unbeknownst to the undersigned counsel on March 15, 2023. Apparently, this Opinion dated March 15, 2023 and subsequent remittitur dated March 31, 2023 were inadvertently omitted from delivery to the undersigned counsel.

5.) Therefore, in light of the recent discovery of the administrative inadvertence regarding missing communications from the Court to the undersigned counsel in this case, this is a request for the remittitur to be recalled and leave granted to file a petition for rehearing out of time.

WHEREFORE, the undersigned counsel would respectfully petition this Court to recall the remittitur and grant leave to file a petition for rehearing out of time in the above titled appeal.



Wanda H. Carter  
Deputy Chief Appellate Defender

ATTORNEY FOR APPELLANT

April 27, 2023



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
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Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

August 1, 2022

The Honorable Jenny Abbott Kitchings  
Clerk, S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: Adam S. Ruffin case reassignments

Dear Ms. Kitchings:

Appellate Defender Adam S. Ruffin has accepted another position and has left the office of Appellate Defense effective July 29, 2022. Below is a list of Adam's cases that have been reassigned as follows:

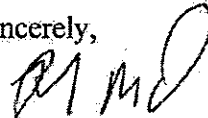
PCR Cases	Appellate Case No.	New Appellate Defender
Aiken, Carl	2020-000712	Wanda H. Carter
Banks, Anthony	2021-001327	Joanna K. Delany
Berry, Stephen	2019-001092	Lara M. Caudy
Boone, Andre	2019-000943	Sarah E. Shipe
Brock, Hollis	2020-000460	Susan B. Hackett
Bruce, Roger	2019-001494	Jessica M. Saxon
Cook, Roderquiz	2020-000972	Robert M. Dudek
Glenn, Demetriss	2020-001032	David A. Alexander
Jones, Harold	2019-000396	Robert M. Dudek
McFadden, Brandon	2021-000482	Joanna K. Delany
Mills, Joseph	2021-000627	Lara M. Caudy
Murphy, Doug	2021-000263	Jessica E. Saxon
Robinson, Kenneth	2019-001378	Katherine H. Hudgins
Smith, Victor	2019-000549	Robert M. Dudek
Williams, Gerald	2019-000159	Susan B. Hackett
Direct Appeal Cases	Appellate Case No.	New Appellate Defender
Brewton, Lance	2018-001572	Katherine H. Hudgins
Brown, Ricky	2022-001600	David A. Alexander
Brown, Tammy	2022-001025	David A. Alexander

The Honorable Jenny Abbott Kitchings  
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August 1, 2022

<b>Direct Appeal Cases</b>	<b>Appellate Case No.</b>	<b>New Appellate Defender</b>
Coburn, Jamal	2020-001528	Taylor D. Gilliam
Davis, Frankie	2019-000416	Wanda H. Carter
Dayvault, Allysa	2020-001515	Joanna K. Delany
Dixon, Sha'Kel	2021-000948	Lara M. Caudy
Dyer, Michael	2021-000680	Sarah E. Shipe
Gibson, Otis	2019-002069	Katherine H. Hudgins
Gilliam, Jamey	2020-000877	Susan B. Hackett
Green, Elijah	2021-000888	Jessica M. Saxon
Green, Robert	2021-000391	Taylor D. Gilliam
King, Dale	2019-002078	Wanda H. Carter
Nelson, Jermasha	2019-000641	Katherine H. Hudgins
Palacios, Walter	2021-000620	Susan B. Hackett
Peterson, Eric	2019-002097	David A. Alexander
Richardson, Therron	2021-001224	Taylor D. Gilliam
Richburg, Donald	2022-000849	Jessica M. Saxon
Ritter, Damien	2021-000710	Robert M. Dudek
Sanchez, Victor	2022-000250	Wanda H. Carter
Steadman, David	2020-000336	Lara M. Caudy
Williams, Michael L.	2019-001759	Susan B. Hackett

If the Court grants certiorari on a PCR case above, we will affix a label containing the name of the new Appellate Defender on the Appendix. If oral argument is scheduled in a direct appeal case we will likewise affix a label containing the name of the new Appellate Defender on the Record on Appeal and the Final Briefs. If anything, additional is required at this time, please contact me. Thank you for your assistance with these reassigned cases.

Sincerely,



Robert M. Dudek  
Chief Appellate Defender

RMD/daw

cc: Attorney General's Office  
David A. Alexander, Esquire  
Kathrine H. Hudgins, Esquire

The Honorable Jenny Abbott Kitchings  
Page 3  
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cc: Sarah E. Shipe, Esquire  
Lara M. Caudy, Esquire  
Jessica M. Saxon, Esquire  
Susan B. Hackett, Esquire  
Taylor D. Gilliam, Esquire  
Wanda H. Carter, Esquire  
Joanna K. Delany, Esquire

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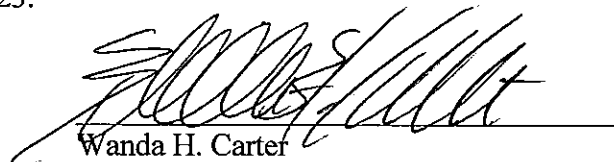
APPELLANT

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CERTIFICATE OF SERVICE

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Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Petition to Recall the Remittitur and Grant Leave to File Petition for Rehearing Out of Time in the above referenced case has been served upon Melody J. Brown, Esquire, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 27<sup>th</sup> day of April, 2023.



Wanda H. Carter  
Deputy Chief Appellate Defender

ATTORNEY FOR APPELLANT

**From:** [Leverett, Scott](#)  
**To:** [SC - BROWN MELODY](#)  
**Cc:** [SC - BROWN ANGELA](#); [Carter, Wanda](#)  
**Subject:** Dale Eugene King - Petition to Recall Remittitur - Appellate Case No. 2019-002078  
**Date:** Thursday, April 27, 2023 4:47:00 PM  
**Attachments:** [Dale Eugene King - Petition to Recall Remittitur - Appellate Case No. 2019-002078.pdf](#)

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Dear Ms. Brown,

Attached please find a copy of the petition to Recall the Remittitur and grant leave to file petition for rehearing out of time in the above referenced case that is being filed today, April 27, 2023, with the Court of Appeals.

-Scott Leverett  
Admin. Asst. for Wanda Carter  
Appellate Defense