

# The Supreme Court of South Carolina

Edward Terrell Chandler, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2023-000410

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## ORDER

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By order dated April 13, 2023, this matter was dismissed for Petitioner's failure to provide proof of timely service of the notice of appeal on the State. Petitioner has filed a petition for rehearing of the order of dismissal and a request for a writ of mandamus to require the post-conviction relief (PCR) court to rule on his second Rule 59(e), SCRCP, motion to alter or amend the judgment.

Because Petitioner has not set forth any points overlooked or misapprehended by the Court, we deny the petition for rehearing. Rule 221(a), SCACR (providing a petition for rehearing must state with particularity the points supposed to have been overlooked or misapprehended by the court).

As to Petitioner's request for a writ of mandamus, Petitioner has not shown he is entitled to a writ of mandamus to require the PCR court to rule on his successive Rule 59(e) motion. *See Wilson v. Preston*, 378 S.C. 348, 354, 662 S.E.2d 580, 583 (2008) (to obtain a writ of mandamus requiring the performance of an act, the petitioner must show: (1) a duty of the respondent to perform the act; (2) the ministerial nature of the act; (3) the petitioner's specific legal right for which discharge of the duty is necessary; and (4) a lack of any other legal remedy); *see also Quality Trailer Prods. v. CSL Equip. Co.*, 349 S.C. 216, 219, 562 S.E.2d 615, 617 (2002) (holding that a party may not file a successive Rule 59(e) motion if the party did not challenge something that was altered from the original judgment as a result of the initial motion for reconsideration).

