

State of South Carolina)
)
 County of Horry)
)
 CHARLES RODNEY SQUIRES)
 Plaintiff,)
)
 vs.)
)
 S.C. LAW ENFORCEMENT)
 DIVISION)
 (SLED))
 Defendant.)
 _____)

In the Court of Common Pleas
 of the 15th Judicial Circuit
 Case No. 09-CP-26- 5672

PETITION FOR CERTIORARI

RECEIVED
 JUL 22 2011

S.C. Supreme Court

This petition is brought on behalf of the Appellant, Charles R. Squires' Attorney, William B. von Herrmann. I hereby certify that a petition for rehearing this case be the South Carolina Court of Appeals and an Order denying the Rehearing Orders.

Questions for Review

1. Did the Court of Appeals error in determining that the Appellant must register on the sex offender list in spite of a pardon and the offers occurred prior to the passing of the registration
2. As to whether the court of Appeals errored in ruling that the registration requirement in the Appellant's unique position deprived him of fundamental fairness as required by due process
3. If the court of Appeals failed to apply the doctrine of laches in the Appellant's position as the State failed to require sex offender registration after 12 years of not requiring registration.

Statement of Case

This action was filed formally on or about June 9th, 2009 as a Motion for Declaratory Judgment pursuant to SCRPC 56 requesting South Carolina Law Enforcement Division remove Appellant's information, photographs and all other information from the Sexual Offender Registry. Furthermore, Appellant requested that he not be required to register in the future.

The matter was heard before the Honorable J. Michael Baxley on May 27, 2009 with Appellant raising several issues regarding his position and opposed by the South Carolina Attorney General's Office representing the South Carolina Law Enforcement Division.

On August 5, 2009 the Honorable J. Michael Baxley denied the relief requested by Appellant. On August 13, 2009, Appellant filed a Notice of Appeal.

On October 16, 1990, Appellant was represented by L. Morgan Martin, of the Horry County Bar, at trial for Criminal Sexual Conduct in the first degree. Prior to the jury rendering a verdict, Appellant plead guilty to Criminal Sexual Conduct in the third degree. Appellant was sentenced to probation. He successfully completed his probationary sentence without violation or revocation on October 15, 1996.

In July of 2001, the Appellant, again being represented by L. Morgan Martin, was granted a Pardon on the Criminal Sexual Conduct 3rd degree charge. This Pardon specifically states that by the action taken by the Board of Pardons and Parole, the Plaintiff was "absolved from all legal consequences of the stated crime and conviction...".

In 1994, the Sexual Offender Registry legislation was enacted. Most sex offenders were given notice of the necessity of registering; However, the State failed to give the Appellant notice until fourteen (14) years later in July of 2008.

Appellant has never been charged with any other crime. The State notified the Plaintiff in 2008 of the necessity for him to register as a sex offender in Horry County only after he approached the Sherriff's Department concerning the issue. (Please see time line identified as Exhibit A). Mr. Squires appeals to this Court for the reasons contained in this brief.

ARGUMENT

The controlling issue regarding the effect of a Pardon is found and decided in South Carolina Code § 24-21-940 (A). The General Assembly has determined the effect of a Pardon is to alleviate an individual:

"From all the legal consequences of his crime and his conviction, direct and collateral, including punishment, whether imprisonment, pecuniary penalty or **WHATEVER ELSE THE LAW HAS PROVIDED**" (emphasis added).

This statute is clear, unambiguous and is the current State of Law. As recognized by our Courts, a penal statute (or any other statute) passed should be strictly construed against the State and in favor of the Defendant. State v. Steven Cutler 274 S.C. 376, 264 S.E. 2d 420 (1980). In the present case, there are no ambiguities necessary for the Court to interpret nor is it possible to be more specific as to the ramifications of a Pardon.

The State attempts to rely on the Sexual Offender Registry found in South Carolina Code Ann § 24-21-940(A) as a conflicting statute. However, the State does not and cannot overcome the enacting

statute of the Sexual Offender Registry found in South Carolina Code §23-3-400, which specifically states:

“The provisions [of the statute] are not intended to violate the guaranteed Constitution Rights of those who have violated our Nations Laws.”

Clearly, the General Assembly contemplated limited exceptions to the mandatory Sexual Offender Registry, when due process or other Constitutional issues are at risk.

In short, there cannot be a more specific statute than the statute allowing for a Pardon to be granted. In fact, the Pardon comes with a certificate explaining the legal ramifications after the grant. [Please see Exhibit B contained herein]

Moreover, the Sexual Offender Registry statute cannot be analyzed separately without considering the enacting portion as well. If for no other reason contained in this brief, Appellant believes he is entitled to have the trial court’s decision overturned and he be relieved of his obligation to register as a Sex Offender.

The trial court erred in finding the State waived all rights and should be prohibited from requiring Appellant to register as a Sexual Offender.

The most relevant case on point was decided in January of 2009, in Charles R. Hipp v. South Carolina Department No. 26588. In that case, the State attempted to suspend the driver’s license of an individual twelve (12) years after a violation. The Appellate Court found this to be a violation of fundamental fairness which denied the individual the right to due process.

In the case at Bar, the State failed to notify the Appellant for almost fourteen (14) years as to any potential requirement to register as a Sexual Offender. Moreover, Appellant has received a Pardon absolving him of all legal consequences resulting from his conviction. The State cannot produce any relevant case law to the contrary.

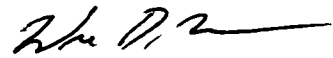
Therefore, Appellant requests this Court to reverse the trial court’s decision and require a permanent declaratory judgment issued alleviating the requirement of registry as a Sex Offender.

The Trial court erred in ruling the State’s action should not be banned for failure to provide fundamental fairness, a clear violation of due process. Appellant advances the proposition that the requirement to register should be banned under the Doctrine of Laches and other equitable relief available in the Court of Common Pleas. Moreover, he asserts under all issues of this case that he has suffered severe prejudice as a result of the State’s action.

The basic fiber for which the law of this State is woven lies in the United States Constitution and by and through the 14th Amendment to the South Carolina Constitution. Both of these living documents rise to the testament of the absolute necessary for fundamental fairness that, of course, is the basis for due process.

The Doctrine of Laches applies if a party, in this case the State, knows his/her rights but fails to assert them, and by unreasonable delay causes the other party to enter into an obligation or detrimentally change his position. Equity will ordinarily refuse to enforce those rights which the State seeks to enforce. See Chambers of S.C. Inc. v. County Council for Lee County, 315 S.C. 418 SE 2d 279, 280 (1993). To establish Laches Appellant must show (1) delay (2) unreasonableness of the delay and (3) prejudice. Hallums v. Hallums 296 S.C. 195, 371 SE 2d 525 (1988). In the case at bar, it is without a doubt that the State delayed in requiring registration. There was an unreasonable delay, in that Appellant's record of conviction was maintained by the State and continued to be maintained for 14 years and yet he was not notified to register as a Sex Offender. The issue of prejudice is equally as obvious. Appellant maintained good behavior, having never reoffended in any way. Not requiring Appellant to register has also allowed Appellant to avoid undue embarrassment from friends and family.

Moreover, Appellant has been able to obtain employment and favorable standing in the community and church. By requiring Appellant to register as a Sex Offender, he began to lose his hard-earned standing in the community. As the Court can imagine, the prejudices caused by the State's actions are too numerous to mention. Appellant believes he is entitled to the relief requested based on the above arguments; and respectfully requests the same.



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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Case No. 2009-CP-26-5672

RECEIVED

JUL 22 2011

S.C. SUPREME COURT

South Carolina Law Enforcement Division (SLED),Respondent

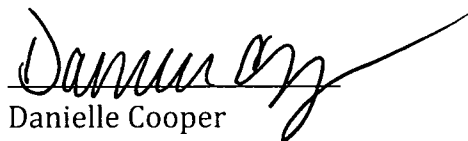
v.

Charles Rodney Squires,Appellant.

PROOF OF SERVICE

I certify that I have mailed the Petition, for Certiorari and the Appendix to the South Carolina Supreme Court by mailing a copy of it FedEx, on July 21, 2011, addressed to the Clerk of Court, 1231 Gervais Street, Columbia, South Carolina 29201.

July 21, 2011



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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Case No. 2009-CP-26-5672

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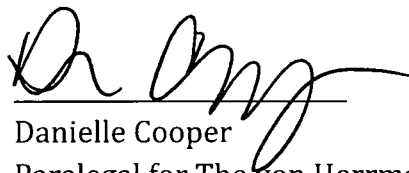
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July 21, 2011



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STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

On Writ of Certiorari
To the Court of Appeals

Appeal From Horry County
Court of Common Pleas
J. Michael Baxley, Circuit Court Judge

Case No. 2009-CP-26-05672

CHARLES RODNEY SQUIRES,

Petitioner,

vs.

SOUTH CAROLINA LAW ENFORCEMENT DIVISION,

Respondent.

RETURN TO PETITION FOR WRIT OF CERTIORARI

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S.C. SUPREME COURT

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QUESTIONS ON APPEAL

I.

The trial court did not err in determining that the Petitioner must continue to register as a sex offender despite receiving a pardon.

II.

The trial court did not err in ruling that requiring the Petitioner to register as a sex offender did not deprive the Petitioner of fundamental fairness.

III.

The trial court did not err in ruling that laches or other equitable relief did not apply to the Petitioner's requirement to register as a sex offender.

STATEMENT OF THE CASE

On October 16, 1990, the Petitioner pled guilty to criminal sexual misconduct in the third degree. R. p. 1. On July 16, 2001, the Petitioner received a pardon for that crime. R. p. 1-2. The pardon stated that the Petitioner has lived as a law abiding citizen since completing probation, that pardoning him is not incompatible with the welfare of society, and that the South Carolina Board of Probation, Parole, and Pardon Services is satisfied that he will abide by the laws of the State. R. p. 2. The pardon did not state that the pardon was being granted based on a finding of not guilty. R. p. 2.

In July 2008, the Petitioner spoke with the Horry County Sheriff's Department about having his conviction expunged. R. p. 1. At that time, the Petitioner was notified of his obligation to register as a sex offender. R. p. 1. The Honorable J. Michael Baxley heard the case on May 27, 2009 following a letter request by the Petitioner's attorney. Judge Baxley took the matter under advisement and directed the Petitioner to file a complaint, which the Petitioner filed on June 9, 2009. On August 5, 2009, Judge Baxley ruled in favor of the Respondent.

The Petitioner appealed and the Court of Appeals affirmed Judge Baxley's ruling. Squires v. South Carolina Law Enforcement Division, Op. No. 2011-UP-218 (S.C. Ct. App., filed May 17, 2011). The Petitioner filed a Motion for Rehearing on May 25, 2011, which was denied by the Court of Appeals on June 23, 2011. The Petitioner now files Petition for Writ of Certiorari to this Court. This Return to the Petition follows.

ARGUMENT

I.

The trial court did not err in determining that the Petitioner must continue to register as a sex offender despite receiving a pardon.

Because the Petitioner pled guilty to committing criminal sexual conduct in the third degree in violation of S.C. Code § 16-3-654, the Petitioner was required to register as a sex offender. S.C. Code Ann. § 23-3-430(C)(3) (Supp. 2010). A little more than a decade later, the Petitioner received a pardon for this offense. The Petitioner argues that, under S.C. Code § 24-21-940(A), the pardon granted to the Petitioner removes any requirement that the Petitioner continue to register as a sex offender.

S.C. Code § 23-3-430(F) states that “[i]f an offender receives a pardon for which he was required to register, the offender must reregister as provided by Section 23-3-460 and may not be removed from the registry except: (1) as provided by the provisions of subsection (E); or (2) if the pardon is based on a finding of not guilty specifically stated in the pardon.” S.C. Code Ann. § 23-3-430(F) (Supp. 2010). Subsection (E) relates to when a conviction is reversed, overturned, or vacated on appeal and does not apply in the Petitioner’s case. The pardon did not state that the pardon was being granted based on a finding of not guilty. R. p. 2. Because the pardon is not based on a finding of not guilty specifically stated in the pardon, the Petitioner does not meet the plain requirements of S.C. Code § 23-3-430(F) to be removed from the registry.

The Petitioner advances three principal arguments on this point. First, that S.C. Code § 24-21-940(A) is clear, unambiguous, and specific as to the effects of a pardon.

Thus, the Petitioner asserts, there cannot be a more specific statute dealing with this issue. The plain language of these code sections subverts this argument. S.C. Code § 24-21-940(A) states that a “[p]ardon’ means that an individual is fully pardoned from all the legal consequences of his crime and his conviction, direct and collateral, including the punishment, whether of imprisonment, pecuniary penalty or whatever else the law has provided.” S.C. Code Ann. § 24-21-940(A) (Supp. 2010). This definition relates to all pardons, not just those received by individuals on the sex offender registry. It also discusses legal consequences in general terms and does not specifically mention the sex offender registry as a legal consequence from which the individual is pardoned. In contrast, S.C. Code § 23-3-430(F) is specifically limited to sex offenders who receive a pardon for the offense for which they were required to register and describes the circumstances under which those individuals can be removed from the sex offender registry.

When statutes conflict and one statute addresses the issue in more general terms, the more specific statute is considered an exception to the more general statute. Spectre, LLC v. South Carolina Dep’t of Health and Env’tl. Control, 386 S.C. 357, 372, 688 S.E.2d 844, 852 (2010); see also Capco of Sumemrville, Inc. v. J.H. Gayle Construction Co., Inc., 368 S.C. 137, 142, 628 S.E.2d 38, 41 (2006) (where is there is one statute addressing an issue in general terms and another statute dealing with the issue in a more specific manner, the more specific statute is given effect).

In this case, S.C. Code § 24-21-940(A) is the general statute and discusses the general effects of any pardon on an individual, S.C. Code § 23-3-430(F) specifically

limits the effect of a pardon on the duty to register as a sex offender. Because the Petitioner does not have a pardon based on a finding of not guilty, the Petitioner cannot meet the requirements of S.C. Code § 23-3-430(F). Accordingly, the trial court and the Court of Appeals correctly found the more specific language of S.C. Code § 23-3-430(F) prevails and that the Petitioner has a continuing duty to register.

The Petitioner's next argument is that these statutes are penal in nature and should therefore be strictly construed against the State and in favor of the Petitioner. The sex offender registry statute is not a penal statute. In State v. Walls, 348 S.C. 26, 558 S.E.2d 524 (2002), this Court looked at whether the sex offender registry statute violated the *ex post facto* clause of the Constitution. This Court said that this hinged on two factors: 1) whether the law applied retroactively, and 2) whether the law was criminal or penal in purpose and nature. This Court held that, while the law did apply retroactively, based on the General Assembly's intent as stated in § 23-3-400, the law was not penal in nature because it did not punish sex offenders. Likewise, in Williams v. State, 378 S.C. 511, 662 S.E.2d 615 (Ct. App. 2008), the Court of Appeals stated that the consequence of registering as a sex offender was not a criminal penalty, but was regulatory in nature. Given this precedent, the sex offender registry statute is not penal and need not be strictly construed.

Finally, the Petitioner argues the purpose of the sex offender registry, as articulated in S.C. Code § 23-3-400, demonstrates the legislature's intent to create an exception to the registration requirement when due process or other constitutional issues are at risk. That section states that, notwithstanding the State's legitimate purpose in

providing for the public health, welfare, and safety of its citizens, “these provisions are not intended to violate the guaranteed constitutional rights of those who have violated our nation’s laws.” The Petitioner does not assert that he has a guaranteed constitutional right to a pardon or to have it remove him from the sex offender registry. Furthermore, this provision articulates a general purpose and does not overcome or supersede the specific language in S.C. Code § 23-3-430(F). Therefore, this section does not impact the above analysis.

Because the trial court and the Court of Appeals correctly determined that the more specific S.C. Code § 23-3-430(F) controlled and the Petitioner was required to continue to register as a sex offender, these holdings should be affirmed.

II.

The trial court did not err in ruling that requiring the Petitioner to register as a sex offender did not deprive the Petitioner of fundamental fairness.

The Petitioner asserts that requiring him to register as a sex offender deprived him of the fundamental fairness to which he was entitled under due process. The sex offender registry has faced numerous constitutional challenges and has overcome each. In *State v. Walls*, 348 S.C. 26, 558 S.E.2d 524 (2002), this Court held that the sex offender registry statute did not violate the *ex post facto* clause. In *Hendrix v. Taylor*, 353 S.C. 542, 579 S.E.2d 320 (2003), this Court held that classifying an individual as a sex offender based on an offense committed in another state did not violate equal protection and that the length of time one must be listed on the sex offender registry is non-punitive, cannot constitute a deprivation of a constitutionally protected liberty

interest, and therefore is not a due process violation. In In re Ronnie A., 355 S.C. 407, 585 S.E.2d 311 (2003), this Court reaffirmed that sex offender registration did not implicate any liberty interest and therefore did not violate due process. Similarly in this case, the Petitioner has not shown that any liberty interest is implicated and thus there is no due process violation.

The Petitioner relies on the case of Hipp v. South Carolina Dep't of Motor Vehicles, 381 S.C. 323, 673 S.E.2d 416 (2009). In that case, Hipp pled guilty to DUI in Georgia in 1993. In 2005, Hipp received notice from the SCDMV that his South Carolina driver's license was being suspended as a consequence of this DUI conviction. The Court held that attempting to suspend his license after 12 years constituted a denial of fundamental fairness. This case is easily distinguishable from the case at bar. In Hipp, the Court stated that "[a] person's interest in his driver's license is property that a state may not take away without satisfying the requirements of due process." Id. at 325, 673 S.E.2d at 417 (citing Bell v. Burson, 402 U.S. 535 (1971)). However, "sex offender registration, regardless of the length of time, is non-punitive and therefore no liberty interest is implicated." In re Ronnie A., 355 S.C. at 409, 585 S.E.2d at 312 (citing Hendrix v. Taylor, 353 S.C. 542, 579 S.E.2d 320 (2003)). Unlike Hipp, the Petitioner has no property or liberty interest of which he has been deprived, and therefore the Petitioner has not been denied due process or fundamental fairness.

Thus, the trial court and the Court of Appeals correctly determined that the Petitioner was not deprived of any constitutionally protected property or liberty interest and that requiring the Petitioner to register as a sex offender did not deny the Petitioner

due process or fundamental fairness.

III.

The trial court did not err in ruling that laches or other equitable relief did not apply to the Petitioner's requirement to register as a sex offender.

Finally, the Petitioner argues that he should not have to register due to the doctrine of laches or other equitable relief. Equitable relief is not available in the context of the sex offender registry. One of the equitable maxims states that “equity will not suffer a wrong to be without a remedy.” The logical corollary is that, for there to be equitable relief, there must first be a “wrong.” Thus, a Court may grant equitable relief only where there is a recognized wrong for which there must be a remedy. As discussed above, this Court has held that inclusion on the sex offender registry is a non-punitive act and that it does not constitute a criminal penalty, and that even lifetime registration cannot constitute a deprivation of an individual's liberty interest. See State v. Walls, 348 S.C. 26, 558 S.E.2d 524 (2002); Hendrix v. Taylor, 353 S.C. 542, 579 S.E.2d 320 (2003). The Petitioner has not shown the existence of a wrong to be remedied; therefore equitable relief is inappropriate.

Another important equitable maxim is that “equity follows the law.” Or, as this Court has articulated, “[e]quitable relief is generally available only where there is no adequate remedy at law.” Santee Cooper Resort, Inc. v. South Carolina Public Service Comm'n, 298 S.C. 179, 185, 379 S.E.2d 119, 123 (1989). Indeed, “the court's equitable powers must yield in the face of an unambiguously worded statute.” *Id.* Here, an unambiguously worded statute sets forth the legal remedies available to an individual on

the sex offender registry. *See* S.C. Code Ann. § 23-3-430(F) (Supp. 2010). These remedies are more than adequate considering that inclusion on the sex offender registry does not constitute a criminal penalty and therefore does not “punish” sex offenders. See State v. Walls, 348 S.C. 26, 31, 558 S.E.2d 524, 526 (2002). The purpose of the sex offender registry is to “promote the state’s fundamental right to provide for the public health, welfare, and safety of its citizens.” S.C. Code Ann. § 23-3-400 (Supp. 2010). The Court is therefore without the power to remove someone from the sex offender registry by equitable means.

As to the issue of laches, the trial court correctly held that laches does not apply to the time period where the Petitioner did not register as a sex offender. S.C. Code § 23-3-470(A) makes clear that the offender has the duty to contact the sheriff in order to register. S.C. Code Ann. §23-3-470(A) (Supp. 2010). The law imposed the duty to register as a sex offender on the Petitioner during the time period in question. The Petitioner’s duty to register arose as soon as the sex offender statute was enacted, not when law enforcement informed him of his duty to register. Thus, any delay in this case was the Petitioner’s delay in following the law and affirmatively registering as a sex offender. Therefore, there was no delay on the part of the Respondent in asserting any right.

Furthermore, even were this Court to find a delay occurred, “[d]elay alone in the assertion of a right does not constitute laches. It must be shown in addition that such delay has resulted in material prejudice to the [Petitioner].” Grossman v. Grossman, 242 S.C. 298, 309, 130 S.E.2d 850, 855 (1963). The Petitioner has not asserted any prejudice

as a result of the delay from his conviction to his registration as a sex offender. To the contrary, the Petitioner argues that the prejudice occurred only after he was required to register.

The trial court therefore correctly held that laches or any other equitable relief was not appropriate in this case. The Court of Appeals correctly held that there were no facts on this point contained in the Record on Appeal and that laches is not available as a defense since the Petitioner failed to establish that he was prejudiced as a result of the delay itself.

CONCLUSION

For all of the foregoing reasons, the Petition for Writ of Certiorari should be denied.

Respectfully submitted,

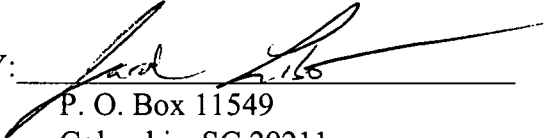
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ATTORNEYS FOR RESPONDENT

September 30, 2011

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

On Writ of Certiorari
To the Court of Appeals

Appeal From Horry County
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CHARLES RODNEY SQUIRES,

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Respondent.

PROOF OF SERVICE

I certify that I have served the Return to Petition for Writ of Certiorari on the Petitioner by depositing a copy of the same in the United States Mail, postage prepaid, addressed to his attorney of record as follows. I further certify that all parties required by Rule to be served have been served.

William B. von Herrmann
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September 30, 2011



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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

CHARLES RODNEY SQUIRES,

Plaintiff.

VS.

SOUTH CAROLINA LAW,
ENFORCEMENT DIVISION,
Defendant.

IN THE SUPREME COURT

CASE TRACKING NO.: 2011-195727

RECEIVED

MAR 20 2012

S.C. Supreme Court

MOTION FOR EMERGENCY GRANT OF
A WRIT OF CERTIORARI

RECEIVED

MAR 20 2012

S.C. SUPREME COURT

This Motion comes before the Court by and through William B. von Herrmann on behalf of the Appellant for emergency granting of a Writ of Certiorari based on the Court's Order in a fact related case and the prejudice caused to the Appellant in this case.

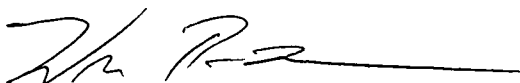
The case at bar involves the impact a pardon granted prior to the charge in Section 23-3-430 [known as the sex offender registry] has on the registration requirements.

The Court has held in the case In the matter of care and treatment of Jeremy Lane Edwards v. State Law Enforcement Division, opinion No. 27082, the registration for sex offenders is not required for individuals who received a pardon prior to the General Assembly's enactment of charges in the law beginning in 2005. This decision directly impacts the case at bar in that the Appellant received a pardon on July 16, 2001 and is currently being required to register as a sex offender as of the date of this Motion.'

The Appellant is currently subjected to the public registration and notification as required by law as the Court of Appeals ruled in favor of the Respondent.

It is for the foregoing reasons the Appellant respectfully request a Writ of Certiorari at the Court's earliest convenience as to address the issues raised on appeal.

This Motion is respectfully submitted,



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March 19, 2012

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THE STATE OF SOUTH CAROLINA
In The Supreme Court

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Case Tracking No. 2011-195727

S.C. Supreme Court

South Carolina Law Enforcement Division (SLED),Respondent
v.
Charles Rodney Squires,Appellant.

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THE STATE OF SOUTH CAROLINA
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(843) 488-1030 - Ph

March 19, 2012
Conway, South Carolina

VON HERRMANN LAW FIRM

Bert von Herrmann, Esquire
The Kimber Building
216 Elm Street
Conway, South Carolina 29526

March 21, 2012

South Carolina Supreme Court
Attn: Linda Allen
P.O. Box 11330
Columbia, SC 29211

RECEIVED

MAR 9 2012

S.C. SUPREME COURT

Re: Charles Squires v. SLED

Dear Ms. Allen:

Enclosed please find a check in the amount of \$25.00 for the filing fee in the above referenced case. Thank you again for your cooperation.

Should there be anything else you may need, please do not hesitate to contact our office at 843-488-1030.

Sincerely,


Danielle Cooper

Paralegal

check # 2357
\$25.00

VON HERRMANN LAW FIRM

Bert von Herrmann, Esquire
The Kimber Building
216 Elm Street
Conway, South Carolina 29526

March 19, 2012

South Carolina Supreme Court
Attn: Clerk of Court
P.O. Box 11330
Columbia, SC 29211

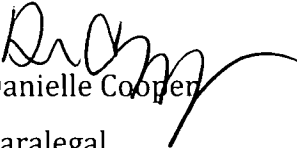
Re: Charles Squires v. SLED

Dear Sir/Madam:

Enclosed please find one copy and one original of a Motion for Emergency Grant of a Writ of Certiorari, as well as a Proof of Service. At your earliest convenience, please mail a clocked copy to our office in the SASE.

Should you have any questions, please do not hesitate to contact our office at 843-488-1030.

Sincerely,


Danielle Cooper
Paralegal

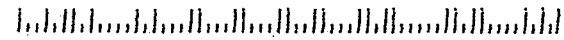
RECEIVED
MAR 20 2012
S.C. SUPREME COURT

THE VON HERRMANN LAW FIRM
ATTORNEY AT LAW
The Kimber Building
216 Elm Street
Conway, South Carolina 29526



South Carolina Supreme Court
Attn: Clerk of Court
P.O. Box 11330
Columbia, SC 29211

29211\$1330 BC99





ALAN WILSON
ATTORNEY GENERAL

September 30, 2011

RECEIVED
SEP 30 2011
S.C. SUPREME COURT

VIA HAND DELIVERY

The Honorable Daniel E. Shearouse
Clerk of Court, South Carolina Supreme Court
1231 Gervais Street
Columbia, South Carolina 29201

Re: Charles Rodney Squires v. South Carolina Law Enforcement Division
Case No. 2011-195727

Dear Mr. Shearouse:

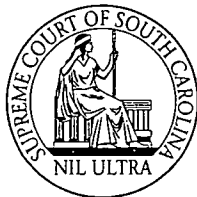
Please find enclosed the original and 7 copies of the Respondent South Carolina Law Enforcement Division's Return to the Petition for Writ of Certiorari. I would appreciate it if you would return a clocked-in copy to me. Also enclosed is proof of service of this Return on the Petitioner.

Sincerely yours,

Jared Q. Libet
Assistant Attorney General

JQL/
Enclosures

cc: William B. von Herrmann, Esquire
216 Elm Street
Conway, South Carolina 29526



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

September 1, 2011

Attorney General Alan Wilson
Chief Deputy Attorney General John W. McIntosh
Assistant Attorney General David A. Spencer
Assistant Attorney General Geoffrey Chambers
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

Re: Squires, Charles v. SLED

Dear Counsel:

The following Order has been endorsed on your Petition to Relax Rule 242(F), SCACR and Request for Extension in the above entitled case on appeal.

“Granted.

Jean H. Toal C.J.
For the Court

By s/ Daniel E. Shearouse
Clerk

September 1, 2011.”

Please be advised the Return to the Petition for Writ of Certiorari shall be served and filed within thirty (30) days from the date of this letter.

Very truly yours,

CLERK

Squires, Charles v. SLED
Page Two
September 1, 2011

DES/lda

cc: William Bertram Von Herrmann, Esquire

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

AUG 25 2011

S.C. Supreme Court

Appeal From Horry County
J. Michael Baxley, Circuit Court Judge

Case No. 2009-CP-26-5672

THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION,

Respondent,

vs.

CHARLES RODNEY SQUIRES,

Appellant.

**PETITION TO RELAX RULE 242(F), SCACR
AND REQUEST FOR EXTENSION**

Above named Respondent, by and through undersigned counsel, making its Petition to Relax Rule 242(f), SCACR, and Request for Extension, would show unto this Court:

I.

The Return to the Petition for Certiorari in the above captioned matter was due to be filed and served on August 22, 2011. However, due to an error in reviewing the Petition, which referenced the Court of Appeals and the Court of Common Pleas rather than the Supreme Court, the matter was not properly calendared for response.

II.

In view of the foregoing, it is respectfully requested that this Court relax Rule 242(f), SCACR, and allow the Respondent an extension up to and including thirty days, to file and serve its Return to the Petition for Certiorari.

WHEREFORE, it is respectfully requested that this Petition be granted.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

GEOFFREY K. CHAMBERS
Assistant Attorney General

By: _____



GEOFFREY K. CHAMBERS

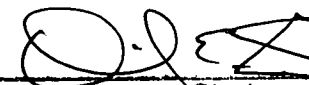
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3679

ATTORNEYS FOR RESPONDENT

August 25, 2011

GRANTED.

Jean H. Toal C.J.
For the Court
By: _____
Clerk



September 1, 2011

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal From Horry County
J. Michael Baxley, Circuit Court Judge

Case No. 2009-CP-26-5672

THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION,

Respondent,

vs.

CHARLES RODNEY SQUIRES,

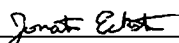
Appellant.

PROOF OF SERVICE

I, Jonathan Eckstrom, certify that I have served the within Petition to Relax Rule 242(f), SCACR and Request for Extension on Appellant by depositing a copy of the same in the United States mail, postage prepaid, addressed to William B. Von Herrman, The Von Herrmann Law Firm, 200 Elm Street, Conway, SC 29526-5118.

I further certify that all parties required by Rule to be served have been served.

This 25th day of August, 2011.



Jonathan Eckstrom
Administrative Assistant

Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-9934

VON HERRMANN LAW FIRM

Bert von Herrmann, Esquire
The Kimber Building
216 Elm Street
Conway, South Carolina 29526

RECEIVED

AUG 31 2011

S.C. SUPREME COURT

August 31, 2011

South Carolina Supreme Court
Attn: Linda Allen
P.O. Box 11330
Columbia, SC 29211

Re: Charles Squires v. SLED

Dear Ms. Allen:

This letter is to inform you that we have no objection to the State's Petition to Relay Rule, SCREP 242 or Request for Extension.

Should there be anything else you may need, please do not hesitate to contact our office at 843-488-1030.

Sincerely,



Danielle Cooper

Paralegal

RECEIVED

AUG 31 2011

S.C. Supreme Court

WILLIAM B. VON HERRMANN

ATTORNEY AT LAW

216 Elm Street

Conway, South Carolina 29526

PH 843-488-1030

FAX 843-488-1035

Email: bvhlaw@aol.com

RECEIVED

AUG 31 2011

S.C. Supreme Court

FACSIMILE TRANSMITTAL COVER SHEET

DATE: 8/31/11 TIME: _____

TO: Linda Allen

FAX NUMBER: 803-734-1499

RE: Charles Squires v. SLED

FROM: Danielle

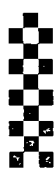
TELEPHONE NUMBER: 843-488-1030 FAX NUMBER: 843-488-1035

COMMENTS: _____

TOTAL NUMBER OF PAGES (Including cover sheet): 2

CONFIDENTIALITY NOTICE

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ALAN WILSON
ATTORNEY GENERAL

RECEIVED

AUG 25 2011

S.C. Supreme Court

August 25, 2011

Via Hand-Delivery

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
1231 Gervais Street
Columbia, S.C. 29201

Re: SLED v. Charles Rodney Squires

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of the Petition to Relax Rule 242(f), SCACR, and Request for Extension for filing in your office.

Sincerely,

Geoffrey K. Chambers
Assistant Attorney General

Enclosures

cc: William B. Von Herrmann, Esquire

VON HERRMANN LAW FIRM

Bert von Herrmann, Esquire
The Kimber Building
216 Elm Street
Conway, South Carolina 29526

July 27, 2011

South Carolina Supreme Court
Attn: Linda Allen
P.O. Box 11330
Columbia, SC 29211

RECEIVED
JUL 28 2011
S.C. Supreme Court

Re: Charles Squires v. SLED

Dear Ms. Allen:

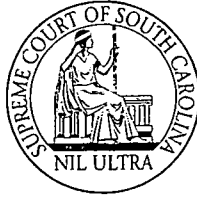
Pursuant to our conversation this morning, please find enclosed two original Proof of service for the South Carolina Court of Appeals, and the South Carolina Attorney General's Office. Thank you again for your cooperation in this matter.

Should there be anything else you may need, please do not hesitate to contact our office at 843-488-1030.

Sincerely,


Danielle Cooper

Paralegal



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

July 25, 2011

William Bertram von Herrmann, Esquire
216 Elm Street
Conway, SC 29526-5118

Re: Squires, Charles v. SLED
Case Tracking No. 2011-195727

Dear Counsel:

This office has received your Petition for a Writ of Certiorari in the above matter. It has been assigned the Case Tracking Number that appears above. Please use this number on all future correspondence relating to this matter.

I do wish to call the attention of the parties to the attached order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

Very truly yours,

CLERK

DES/dmh

Enclosure

Squires, Charles v. SLED

Page Two

July 25, 2011

cc: Assistant Attorney General Dean Griggs
Assistant Attorney General Geoffrey K. Chambers
The Honorable Tanya Gee

VON HERRMANN LAW FIRM

Bert von Herrmann, Esquire
The Kimber Building
216 Elm Street
Conway, South Carolina 29526

RECEIVED

JUL 25 2011

S.C. SUPREME COURT

July 21, 2011

South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

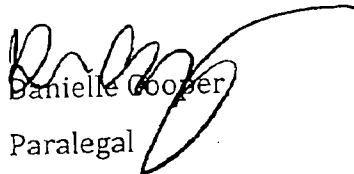
Re: Charles Squires v. SLED

Dear Sir/Madam:

Enclosed please find one copy of a Petition for Certiorari, and one original and one copy of a Proof of Service. Please file the original, and mail a clocked copy back to our office in the SASE at your earliest convenience.

Should you have any questions, please do not hesitate to contact our office at 843-488-1030.

Sincerely,


Danielle Cooper
Paralegal

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

JUL 25 2011

APPEAL FROM HORRY COUNTY
Court of Common Pleas

S.C. SUPREME COURT

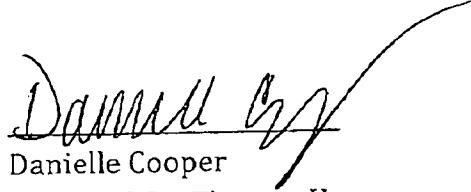
Case No. 2009-CP-26-5672

South Carolina Law Enforcement Division (SLED), Respondent
v.
Charles Rodney Squires, Appellant.

PROOF OF SERVICE

I certify that I have mailed the Petition for Certiorari and the Appendix to the South Carolina Court of Appeals by mailing a copy of it FedEx, on July 21, 2011, addressed to the Clerk of Court, Post Office Box 11629, Columbia, South Carolina 29211.

July 21, 2011


Danielle Cooper
Paralegal for The von Herrmann
Law Firm
216 Elm Street
Conway, SC 29526
(843) 488-1030

VON HERRMANN LAW FIRM

Bert von Herrmann, Esquire
The Kimber Building
216 Elm Street
Conway, South Carolina 29526

July 21, 2011

South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29201

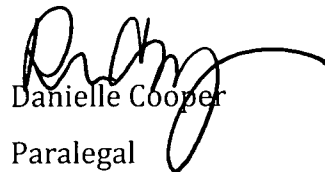
Re: Charles Squires v. SLED

Dear Sir/Madam:

Enclosed please find 6 copies of the Final Brief of Appellant, 6 copies of the Final Brief of Respondent, 6 copies of the Record on Appeal, one unbound copy of each, the original Petition for Certiorari, Motion for Rehearing, the Order denying the rehearing, and 6 copies of each. I am also enclosing the original Proof of Service, and one copy. Please clock and mail a copy of the Proof of Service back to our office in the SASE at your earliest convenience. Also enclosed please find a check in the amount of \$100.00 for the filing fee.

Should there be anything else you may need, please do not hesitate to contact our office at 843-488-1030.

Sincerely,


Danielle Cooper
Paralegal

RECEIVED
JUL 22 2011
S.C. SUPREME COURT