

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
PETITION FROM KERSHAW COUNTY
COURT OF COMMON PLEAS
ALISON RENEE LEE, PRESIDING

CASE NO: 2023-000762

STATE OF SOUTH CAROLINA.....RESPONDENT

"VS"

ROBERT L. CANNON.....PETITIONER

PETITION TO RECALL REMITTITUR AND LEAVE TO FILE A REHEARING

Comes Now, Mr. Robert L. Cannon, and I would show unto this court respectfully the following:

[STATEMENT OF THE FACT'S]

On June 6th, 2023 this court issued the order of dismissal in this case. The order arrived at the kershaw C.I. on June 9th, 2023. Petitioner signed for this legal mail on June 12th, 2023 which is edged in stone in the Kershaw C.I. mail-room records. It is of vital importance for this court to develop a clear acute awareness that Petitioner [l]ost 6 day's which should have been tolled to prepare his petition for a rehearing, which was impermissible, and prejudiced this litigation.

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[PETITIONER WAS ENTITLED TO HAVE 15 DAY'S TO FILE THE REHEARING]

Rule 221 SCACR allows Petitioner (15) day's to prepare a petition for a rehearing.

Inasmuch, it is pellucid that Petitioner was [n]ot given the 15 day's to file the petition for a rehearing secundum regulam.

Reality is this, Petitioner is a state prisoner, he does [n]ot acquire his legal mail from the U.S. postal service the next day as lawyers do or inmates who are sent regular mail.

Legal mail is only obtained by OTR, and this mail is only given out at the time to be announced by the institution.

[OTHER FACTORS TO BE CONSIDERED]

During the 12th - 20th the Kershaw C.I. was facing staffing issues limiting the time availability to utilize legal law library time, and typewriter services.

It is imperative to remember that SCDC does not copy hand written documents, they must be typed.

There are no mail-boxes in the prison units. The mail-box is in front of cafeteria. when mail is placed in the mail-box it is up to the staff to acquire the mail and get it to the post office, but being short of staff retards the regular procedure.

Because I didn't obtain the order until the 12th, I was under the impression reading applicable case law, that deadline started on the 12th not the 6th making my deadline day the 27th, not the 21st.

to crystalize this argument, Rule 262 SCACR states once a document is signed addressed and certified, it is considered [f]iled once it is placed in the mail box. It did not specify that it was only limited to PCR actions and writ of certiorari.

It is not even arguable that Petitioner was not given the required time to file for a rehearing as proscribed by law.

When you add the reality of real prison life to the equation, it is reality that Petitioners equal protection of the law's, fundamental fairness, and due process of the law right's were encroached upon in this case sub judice. Critically serious, these right's stated, are protected by the 14th Amendment to the U.S. Constitution, and Article I § 3 of the S.C. Constitution.

Petitioner only request that he be allowed to file a rehearing in this matter, and the petitioner is already prepared, so there would not be no delay. Likewise for the reasons stated, I would petition this court for leave to file a rehearing.

I SO MOVE

7/10/23
DATE

Robert Cannon

ROBERT CANNON, #328347
KERSHAW C.I. RM. PB-35
4848 GOLDMINE HWY.
KERSHAW S.C. 29067

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