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Oct 12 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenwood County
Frank R. Addy, Circuit Court Judge

THE STATE,

APPELLANT,

V.

JOEY CORVELL REID,

RESPONDENT.

APPELLATE CASE NO. 2021-001465

RETURN TO PETITION FOR REHEARING

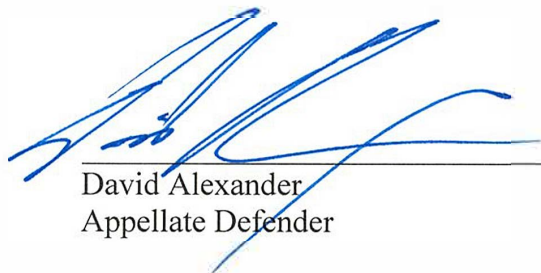
The State's argument in its petition for rehearing exaggerates the scope of this Court's ruling. Judges hearing probation revocations have zero appetite to undo the sentences of the defendants before them. Judge Addy grappled and struggled with a singular legal dilemma—whether he could undo the illegal sentence of another trial judge or whether he should enforce the terms of an illegal sentence. The trial judge's actions were far from a case of judicial activism. The judge was placed in a difficult position, recognized it as such, reacted thoughtfully, and reached the right result.

This Court's dismissal of the appeal, like Judge Addy's decision that a "do-over" was required, also reaches the correct result. Furthermore, this Court's wise decision to render an

unpublished decision that cannot be cited as authority eliminates the dangers predicted by the State in its petition. The sky is not going to fall.

The unusual facts of this case are unlikely to occur again and are largely of the State's own making. The State agreed to an illegal sentence. It was in the best position to protect itself at the time this plea was negotiated. It failed to do so.

What is not unusual is the result of this Court's decision about which the State so loudly complains—having to bring a ten-year old case to trial. A criminal defendant who exhausts a direct appeal and then prevails in PCR (either at the PCR court or on appeal) will likely be nearing or past the ten-year mark when his new trial occurs. A criminal defendant who prevails on a motion for a new trial based on after-discovered evidence could be retried after decades have passed. Criminal defendants in “cold cases” may find themselves attempting to defend against twenty-year-old allegations. The State's complaints ring hollow and the petition for rehearing should be denied.



David Alexander
Appellate Defender

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Division of Appellate Defense
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October 12, 2023

ATTORNEY FOR RESPONDENT

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Appeal from Greenwood County

Honorable Frank R. Addy, Circuit Court Judge

THE STATE,

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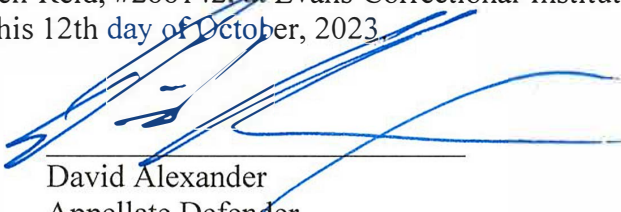
JOEY CORVELL REID,

RESPONDENT.

APPELLATE CASE NO. 2021-001465

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Return to Petition for Rehearing in the above-referenced case has been served upon Matthew C. Buchanan, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Joey Corvell Reid, #288142, at Evans Correctional Institution, 610 Hwy. 9 West, Bennettsville, SC 29512, this 12th day of October, 2023.



David Alexander
Appellate Defender

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ATTORNEY FOR RESPONDENT

From: [Pollard, Shelby](#)
To: matthew.buchanan@ppp.sc.gov; Dawn.Nichols@ppp.sc.gov
Cc: [Alexander, David](#)
Subject: 2021-001465 The State v. Joey Corvell Reid - Return to Petition for Rehearing
Date: Thursday, October 12, 2023 3:10:00 PM
Attachments: [2021-001465 The State v. Joey Corvell Reid - Return to Petition for Rehearing.pdf](#)

Good Afternoon,

Please find attached for service in the above-referenced case the Return to Petition for Rehearing. This will be filed today, October 12, 2023, with the Court of Appeals via email filing.

Thank you,
Shelby

Shelby Pollard

Administrative Assistant
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