

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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SC Court of Appeals

THE STATE,

RESPONDENT, -

V.

GREGORY WRIGHT,

APPELLANT

APPELLATE CASE NO. 2009-113766

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Appeal from Sumter County

Michael G. Nettles, Circuit Court Judge

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Opinion No. 2013-UP-326

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PETITION FOR REHEARING

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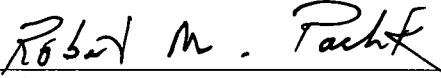
Pursuant to Rule 221(a), SCACR, petitioner submits this petition for rehearing on the following points this Court may have overlooked or misapprehended. Frank Wilson rented and lived in the shed on part of petitioner's property. All of the drugs were found in the shed, on Frank Wilson's person, or near him on the ground. Petitioner, as a landlord, was not responsible for the drugs Frank Wilson had. Frank Wilson also admitted the drugs were his and that petitioner had no knowledge of them. The Court cites State v. Hudson, 277 S. C. 200, 203, 284 S.E.2d 773 (1981) for the proposition that "where contraband materials are found on premises under the control of the

accused, this fact in and of itself gives rise to an inference of knowledge and possession which may be sufficient to carry the case to the jury.” As noted previously, the contraband was found under the renter’s (Frank Wilson’s) dominion and control, not petitioner’s. In Hudson, that case dealt with a husband and wife who lived in the same house. That is not the situation in this case. The “evidence does not constitute substantial circumstantial evidence of knowledge.” State v. Hernandez, 382 S.C. 620, 625, 677 S.E.2d 603, 605 (2009). There was no dominion and control and no knowledge shown by petitioner.

CONCLUSION

The petition for rehearing should be granted.

Respectfully submitted,

  
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Robert M. Pachak  
Appellate Defender

This 1st day of August, 2013.

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CERTIFICATE OF SERVICE

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The undersigned attorney hereby certifies that a true copy of the Petition for Rehearing in the above-entitled case has been served upon William M. Blich, Jr., Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 1st day of August, 2013.

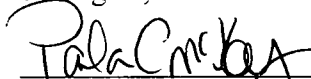


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Robert M. Pachak  
Appellate Defender

ATTORNEY FOR APPELLANT

SWORN TO BEFORE ME this 1st day  
of August, 2013.



(L.S.)

Notary Public for South Carolina  
My Commission Expires: July 24, 2022.