

PETITION FOR REHEARING BASED ON APPEAL DENIAL ERROR REGARDING SENTENCE IMPOSED BY THE COURT OF GENERAL SESSIONS

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

RECEIVED

JUN 12 2024

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

Case No. 2023-GS-40-08168
Appellate Case No. 2024-000796

RICHLAND COUNTY
FILED
2024 JUN 12 PM 1:37
JEANETTE W. MORRIS
C.C.P., G.S., & F.C.

The State &/or Mary Wilcox

Respondent(s),

v.

Rachel Wilcox,

Appellant.

NOTICE: PETITION FOR REHEARING
APPEAL DENIAL BASED ON TIMELINE ERROR

- **May 6th 2024:** The Court of General Sessions entered in appellate’s guilty plea/imposed sentence while appellant was in custody & under duress. Rachel Wilcox was notified of her **right to appeal the guilty verdict within 10 days.**
- **May 15th 2024 (9 days later):** “The State” (Richland County/SC Court of Appeals) & “Mary Wilcox” (alleged “victim” in case) had **received Notice of Appeal within the required 10 day timeline.**
- **May 17th 2024:** The South Carolina Court of Appeals generated response citing a “Form 7: Proof of Service deficiency” along with notice of a **separate timeline to serve/file the required “Form 7: Proof of Service” within 10 days from the date on that letter, Dated: May 17th 2024, in order to correct deficiency/avoid appeal dismissal.**
- **May 23rd 2024 (6 days later):** Appellant’s “Form 7: Proof of Service of Notice of Appeal” was submitted & stamped “Received” by SC Court of Appeals **verifying that both the original 10 day timeline to serve Notice of Appeal to respondent(s) and the secondary 10 day timeline to submit “Form 7: Proof of (such) Notice(s)” had been satisfied in their respective timely manners in order to proceed with appellate’s appeal process.**
- **June 4th 2024:** SC Court of Appeals **FILED AN ERRONEOUS DENIAL of Appellant’s Right to Appeal INACCURACY** citing that appellant’s “Proof of Service” showed an **UNTIMELY SUBMISSION DATE of May 25th 2024 for the “Notice(s) of Appeal” when, IN FACT, appellant’s “Notice(s) of Appeal” is/are stamped with the TIMELY DATE of May 15th 2024, (not May 25th 2024.)**
- **June 10th 2024:** Appellant called the SC Court of Appeals to dispute appeal denial on basis of untimely filing. Although representative was quickly able to confirm accuracy of appellate’s claim upon brief case research, the SC Court of Appeals Representative advised appellant, Rachel Wilcox, that the issue could now only be resolved by filing a “Petition for Rehearing” in similar format to previously filed documents by **June 19th 2024,** although no specific form number was able to be provided for reference.

Furthermore, it is worth noting that during the General Sessions Hearing, officers verbally acknowledged/indicated that the alleged "victim" in this case, "Mary Wilcox" had not entirely, if at all, summoned police to her private property/residence resulting in this (or any) Criminal Case being brought against her daughter (Appellant: Rachel Wilcox) of her own free will, but was compelled to based upon other ongoing legally disputable court orders put into effect by DSS &/or Family Court surrounding Child-Dependent Custody-Placement/Harmful State-Agency Overreach-Intrusion/Parental Rights Violations/etc. & to the extent that such egregious legal conflicts contained within Family Court Docket #: 2023-DR-40-510 escalated to Criminal Case No. 2023-GS-40-08168 being brought against General Sessions Appellant/Family Court Defendant-Mother: Rachel Wilcox in this matter as a direct result. Alleged victim Mary Wilcox, has verbally asserted her desire to drop any/all criminal charges brought against her daughter/appellant, Rachel Wilcox, by "The State" related to instances that took place on her private property; however was previously unable, prevented from, and/or persuaded against attempting to follow through with her wishes to take the appropriate due process measures necessary to have Case No. 2023-GS-40-08168 brought about by "The State" on behalf of herself/private property dismissed, meaning therefore it would likely be most appropriate for the SC Court of Appeals to, (upon receiving direct verifiable confirmation of said position from the alleged victim/property owner, Mary Wilcox, regarding this matter) remove "The State" as a respondent from Case No. 2023-GS-40-08168 & Appellate Case No. 2024-000796 to then only reflect "Mary Wilcox, Respondent vs. Rachel Wilcox, Appellate" as again, this matter is most accurately classifiable as a private family matter, as opposed to being one of primary public/state concern, by the unobstructed free will of the most applicable private parties involved/affected by the implications resulting from this case.

June 12th 2024

s/ Rachel Wilcox
Rachel Wilcox
7909B Spring Flower Rd.
Columbia, SC 29223
(864) 494-1500
Appellant

FORM 4
NOTICE OF APPEAL FROM A SENTENCE IMPOSED BY THE COURT
OF GENERAL SESSIONS

RICHLAND COUNTY
FILED
2024 MAY 15 PM 1:01
COURT CLERK
COURT HOUSE
COLUMBIA, S.C.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

RECEIVED

MAY 15 2024

SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of General Sessions
Robert E. Hood, Circuit Court Judge

Case No. 2023-GS-40-08168

The State,

Rachel Wilcox,

v.

Respondent,

Appellant.

NOTICE OF APPEAL

Rachel Wilcox appeals her conviction and sentence in this case. The sentence was imposed by the Honorable Robert E. Hood on May 6th 2024. [This appeal is taken from the order of the Honorable Robert E. Hood, dated May 6th 2024, which entered in appellant's guilty plea while appellant was under duress. Ms. Wilcox was being detained at the Alvin S. Glenn Detention Center where multiple instances of health & safety related issues arose during her time at the facility not excluding those which put her life in imminent danger. Ms. Wilcox was advised by legal counsel & urged by family & friends to accept the plea offered as to expedite her release from correctional facilities/detention centers where she would have otherwise been awaiting trial for a prolonged & unspecified amount of time. Appellant is seeking an appropriate review of this case by the most applicable court of law. Appellant received notice of her right to appeal the guilty plea/verdict in this case on May 6th 2024.]

May 12th 2024

Other Counsel of Record
John Gardner
Assistant Solicitor
1701 Main St.
Columbia, SC 29202
(803) 576-1888
Attorney for Respondent

s/ Rachel Wilcox
Rachel Wilcox
7909B Spring Flower Rd.
Columbia, SC 29223
(864) 494-1500
Appellant

FORM 7
PROOF OF SERVICE OF A NOTICE OF PETITION FOR REHEARING BASED ON APPEAL DENIAL ERROR
THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

Case No. 2023-GS-40-08168
Appellate Case No. 2024-000796

The State &/or Mary Wilcox

v.

Rachel Wilcox,

Respondent(s),

Appellant.

RICHLAND COUNTY
FILED
2024 JUN 12 PM 1:38
JEANETTE W. MCBRIDE
C.C.P., G.S., & F.C.

PROOF OF SERVICE

I certify that the "Notice of Petition for a Rehearing" based on appellant's appeal being denied in error has been served to "The State" via in-person delivery to Richland County (stamped "FILED") & SC Court of Appeals (stamped "RECEIVED") on June 12th 2024. I further certify that the Notice of Petition for Rehearing was served to the alleged "victim" in this case, "Mary Wilcox," via digital AirMail transfer on June 12th 2024.

June 12th 2024

s/ Rachel Wilcox
Rachel Wilcox
7909 Spring Flower Rd.
Columbia, SC 29223
(864) 494-1500
Appellant

RECEIVED
JUN 12 2024
SC Court of Appeals