

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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Jul 05 2024

SC Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of General Sessions
R. Ferrell Cothran Jr., Circuit Court Judge

Appellate Case No. 2019-000292

The State,Respondent,

v.

Shawn Douglas Custer,Appellant.

Cross-Petition for Rehearing

This Court agreed with Shawn Custer that the “trial court erred by instructing the jurors that his knowledge and possession of the equipment could be inferred because the stolen equipment was found on real property under his control.” *State v. Custer*, No. 2019-000292, 2024 WL 3057880, at *3 (S.C. Ct. App. June 20, 2024). This Court further held, “Because our determination as to this issue is dispositive of the remaining issues on appeal, we decline to address those issues.” *Id.*, at 4. Although he agrees with this holding, Mr. Custer respectfully petitions this Court to rehear the matter and decide the other two questions presented on appeal: (1) the denial of his motion for directed verdict and (2) the trial court’s failure to suppress global position system (GPS) evidence of the stolen property’s movement.” *Id.*, at 1.

This Court should address the directed verdict motion because, if this Court agrees with Mr. Custer, then resolution of this question is dispositive of the entire case and would foreclose a retrial.

This Court should decide the discovery question because the bench and bar would benefit from this Court guidance when addressing similar discovery matters in the future.

IT IS SO MOVED.

Respectfully Submitted,

By s/E. Charles Grose, Jr.

E. Charles Grose, Jr.
S.C. Bar Number 66063
The Grose Law Firm, LLC
305 Main Street
Greenwood, SC 29646
(864) 538-4466
(864) 538-4405 (fax)
Email: charles@groselawfirm.com

Attorney for Appellant Shawn Custer

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Greenwood, South Carolina

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Certificate of Service

I certify that I have served the Initial Reply Brief of Appellant on the State of South Carolina by email, on the date reflected below, addressed to:

Ambree Michele Muller, Esquire
S.C. Attorney General's Office
PO Box 11549
Columbia, SC 29211
ambreemuller@scag.gov

s/E. Charles Grose, Jr.
E. Charles Grose, Jr.
The Grose Law Firm, LLC
305 Main Street
Greenwood, SC 29646
(864) 538-4466
E-mail: charles@groselawfirm.com

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