

The State of South Carolina
In The Court of Appeals

The State, Respondent

v.

Billy Lee Lisenby, JR., Appellant

Appellate Case No. 2011-201487

Appeal From Chester Field County
Howard P. King, Circuit Court Judge.

Petition For Rehearing

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AUG 23 2013

SC Court of Appeals

On August 7, 2013 The Court of Appeals dismissed Appeal and granted Court's decision to be relieved. Petitioner now Request a Rehearing.

Petitioner/Appellant ^{argued} that the court erred in denying Appellant's motion to reconsider his sentence when Appellant was sentenced to ten years imprisonment for assault with intent to Kill in 2008, and the Omnibus Crime Reduction and Sentencing Reform Act of 2010 subsequently Repealed the offense of assault with intent to Kill.

Under the new 2010 Bill 1154 Omnibus Crime Reduction and Sentencing Reform Act of South Carolina AWIK which is a common law misdemeanor which would fall under Assault and battery in the second degree, or Assault and Battery in the third degree. Assault and Battery in the 2nd degree carries a sentence of imprisonment for up to a maximum of (3) years, and Assault and Battery in the 3rd degree carries a maximum sentence of 30 days.

Now in the State of South Carolina the maximum you can receive on any misdemeanor assault and battery is 3 years. That's a ~~substantial~~ substantial change in the law. The legislature had to feel the 10 years was excessive for an offense in which no one was touch^d nor injured to receive. In his appeal he argued violation of equal protection, but also it's not a fair system. For Appellant to have to be imprison for 10 years and 2 years later a person with the same conduct

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only have to serve three(3) years.

Appellant further argues that he wishes to file a "Petition For A Writ of Certiorari" to The South Carolina Supreme Court, and he ask Counsel's motion to be relieved be denied and Counsel be directed to file an appeal in The Supreme Court.

Also he ask that this court rehear his re-sentencing request.

Dated: Aug. 17th 2013

Respectfully Submitted

Billy Lee Lyf
Billy Lee Lyf, JR.
200 Prison Rd.
Enoree S.C. 29335

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Certificate of Service

The undersigned Appellant hereby certify that a true copy of the Petition For Rehearing in the above referenced case has been served upon Sally W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, S.C. 29201; by placing it in the U.S. Postal Box on August 17, 2013.

Dated: Aug. 17, 2013

Billy Lee Lisenby
Billy Lee Lisenby JR, #200273
200 Prison Rd. SMU #48
Enoree S.C. 29335

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