

The South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29201

RECEIVED

September 13, 2013

SEP 19 2013

SC Court of Appeals

RE: Petition for Rehearing  
Appeal Case No. 2011-203389

In response to the South Carolina Court of Appeals decision to dismiss Appellants Direct Appeal, unpublished Opinion No. 2013-2up-346 Submitted August 1, 2013 - filed September 4, 2013, Please let this letter serve as Appellants Petition to reconsider the dismissal of his Direct Appeal.

In an attempt to show bias and that the Child Complainants family had a history of coaching alleged Sexual assault victims, the Appellant sought to proffer evidence of a prior false allegation of sexual abuse made by the Child Complainant's older sibling which was actually shown to be committed by the uncle of Sibling 1 and Child.

Appellants Counsel effectively argued the appellants right to present the prior false allegation as part of his Constitutional right to present a defense. See State v. Schmidt, 342 S.E. 2d 401 (1986), quoting Faretta v. California, 422 U.S. 806 (1975).

However, Appellant Counsel was Ineffective for failing to present proof of the Prior false allegation while arguing the trial Courts error in preventing the appellant from proffering this evidence to the Jury.

This evidence is now being offered in support of Appellant's argument. See attached Clinical history document from Dr. Kathy Saunders.

The trial Court erroneously forbade Appellant from presenting this evidence to the Jury. This evidence was necessary to the defendants right to present his version of the facts, as well as the prosecutions, to the Jury so they may decide where the truth lies.

Accordingly, after consideration of this petition to reconsider, along with the attached Clinical History document, Appellant respectfully request reversal of this Courts decision to dismiss appellants Direct Appeal and remand for further briefing.

September 13, 2013

Sincerely,

George S. Branham

George S. Branham II  
#347471 Florence S., Rm 2218  
990 wisacky Hwy.  
Bishopville, S.C. 29010

George S. Branham II

cc.

Attorney General  
Appellant's Counsel

Child's Name ZACHARY SCOTT

DOB 2/4/1998

CLINICAL HISTORY

Give brief history of allegation as provided by referral source and/or caregiver; please specify. Please indicate alleged perpetrator and relationship to child, if known:

HISTORY VIA GRANDMA:

MARK HAD CHILDREN FOR VISITATION; AT 7 YRS OLD ZACH DISCLOSED MOLESTED BY MR BRANHAM; TURNED OUT NOT TO BE TRUE..IT TURNED OUT THAT IT WAS MARK SCOTT'S BROTHER (12 YR OLD) THAT MOLESTED ZACH; RYAN WITNESSED THIS INCIDENT;

GRANDMA IS REPORTING THAT DAD WAS TO BRING THE BOYS HERE ON TWO OCCASIONS AND DIDN'T SO THAT DSS WOULD TAKE THE KIDS;

ALLEGED PERP: BUBBA - GEORGE BRANHAM USES ETOH; UNEMPLOYED; TOGETHER SINCE 2004 - MOM BOYFRIEND

Child's Statement

Quote child's words; indicate person(s) present during medical interview and relationship to child:

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Proof of Service

I George Branham II do certify that I have provided a copy of Petition for rehearing dated September 13, 2013 to the South Carolina Court of Appeals by putting it in the U.S. Postal Service on the 13<sup>th</sup> day of September 2013. Copies were also sent to the following:

Mr. Benjamin John Tripp  
PO Box 11589  
Columbia SC. 29211-1589

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SC Court of Appeals

Ms. Salley W. Elliott  
P.O. Box 11549  
Columbia, S.C. 29211

Respectfully,  
George Branham

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