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Mar 17 2025

SC Court of Appeals

In The State of South Carolina
In the Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of Commons Pleas
Hon. Michael G. Nettles, 12th Judicial Circuit Court Judge

Case No. 2021-CP-21-02121

Appellant Case No. 2024-001454

Hannah Secka individually and o/b/o (M.Y.S.) Appellants-Plaintiffs

v.

Florence School District One (FSD1)
Florence County Sheriff Department (FCSD)
Appellee-Defendants

PETITION FOR REHEARING

Pursuant to SCACR Rule 221 Rehearing and Remittitur, the State of South Carolina, appellants Hannah J. Secka, individually and as parent and guardian for the minor. M.Y.S. move to petition for rehearing of this Court's Order of March 13, 2025. The Appellant respectfully suggests that this Court overlooked and misapprehended two pivotal points in concluding that Appellant has not made arrangements for payment of the transcript.

Rule 221(a), SCACR, is amended to provide: **RULE 221 REHEARING AND REMITTITUR** (a) Rehearing. Petitions for rehearing must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion, order, judgment, or decree of the court. A petition for rehearing shall be in accordance with Rule 240, and shall state with particularity the points supposed to have been overlooked or misapprehended by the court. No return to a petition for rehearing may be filed unless requested by the appellate court. Ordinarily, however, rehearing will not be granted in the absence of such a request. No petition for rehearing shall be allowed from an order denying a petition for a writ of certiorari under Rule 242, SCACR, declining to entertain a matter under Rule 245, SCACR, or denying a motion to reinstate under Rule 260, SCACR. A petition for rehearing shall not exceed fifteen (15) pages.

ARGUMENT

(1) The Court overlooked or misapprehended long-standing precedent. Regarding the first error, a majority of the Court overlooked or misapprehended long-standing precedent regarding constitutional interpretation. Most significantly, the Court failed to recognize that a constitutional provision must be construed in light of the intent of its framers and the people who adopted it. See *Ansel*, 171 S.C. 432, 172 S.E. at 436; see also *Miller v. Farr*, 243 S.C. 342, 346, 133 S.E.2d 838, 841 (1963). The Court thus must construe a constitutional provision “in the light of the history of the times in which it was framed, and with due regard to the evil it was intended to remedy, so as to give it effective operation and suppress the mischief at which it was aimed.” *Kirkland v. Allendale County*, 128 S.C. 541, 123 S.E. 648, 650 (1924). Stated differently, “constitutional amendments should be interpreted in order to effect the purpose for which they are obviously intended.” *Holland v. Kilgo*, 253 S.C. 1, 5, 168 S.E.2d 569, 571 (1969). In determining whose intent matters, this Court is “guided by the principle that both the citizenry and the General Assembly have worked to create the governing law.” *State v. Long*, 406 S.C. 511, 514, 753 S.E.2d 425, 426 (2014); see also *Neel v. Shealy*, 261 S.C. 266, 273, 199 S.E.2d

(2) This Court overlooked evidence of the Office of Court Administration failure to notify Appellant or ignored it as an inconvenient truth. To do so was an error. There was a change in mode of contact and no ample proof provided to Appellant regarding the alleged contact between the Office of Court Administration regarding payment for transcript. Appellant has provided evidence of her efforts and attempts of obtaining the transcript from the Office of Court Administration and no court reporter responded to the request for clarification and explanation sent on February 3, 2025 for the sum of payment for the transcript .

CONCLUSION

While Court Clerks are responsible for the custody and keeping of the record of the Court it should not obfuscate settled principles of constitutional law. Because a majority of the Court overlooked or misapprehended these principles, the Appellant respectfully petitions for rehearing and to move forward without the transcript since efforts are intentionally being deprived and are a direct error of law.

Respectfully submitted,
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PROOF OF SERVICE

I certify that I have on this date caused to be served a copy of the Petition Rule 221 Rehearing and Remittitur DATED March 17, 2025, on the following counsel of record via Electronic Mail and USPS Mail addressed to:

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