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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM SPARTANBURG COUNTY
COURT OF COMMON PLEAS

GRACE GILCHEEST KNIE, Circuit Court Judge

APPELLATE CASE NO. # 2025-000821

STATE OF SOUTH CAROLINA Respondent

v.

GARY LAMONT PETTY Appellant

Appellant's petition FOR REHEARING/
REINSTATEMENT OF APPEAL

The Appellant, GARY LAMONT PETTY, pursuant to Rule 221(A)(C) and Rule 240(i), SCACR, moves the Court to reconsider the ruling of its 6/25th/2025 (pg. 5) order stating that Appellant had failed to show there is an arguable basis for asserting that the determination by the lower court was improper, dismissing the notice of appeal filed by petitioner.

In support of this motion, Appellant shows the following to the Court:

Citations of Authorities

Rule 221 (A)(C), SCACR

Rule 240 (i), SCACR

SELLNER V. STATE, 416 S.C. 606

JORDAN V. STATE, 406 S.E. 443

17-27-45 (C)

17-27-45 (A), 17-27-90

MCCOY V. STATE, 401 S.C. 363

Rule 243(C), SCACR

Pursuant to this Court's scope of review; "Any evidence" of probative value of the PCR Courts' factual findings is sufficient to uphold them on appeal, if there is any evidence in the record to support them, SELLNER V. STATE, 416 S.C. 606, 787 S.E. 2d 525, citing Jordan v. STATE, 406 S.E. 443, 448) DE NOVO REVIEW OF QUESTIONS OF LAW, NO DEFERENCE TO THE TRIAL COURT.

I. This Court has overlooked and misapprehended statutes, material facts of the lower courts misapplied provisions of law as stated in the record with decisions controlled by authority in the following respects:

A) Appellant made the required sufficient showing that the PCR Courts determination was improper (Abuse of discretion) and the appeal should not have been dismissed in light of:

PCR STATUTE 17-27-45(C) AS THE AMENDMENT TO PCR APPLICATION 04184, CLEARLY STATED THAT IT HAD BEEN FILED PURSUANT TO THIS SECTION, AS ALSO STATED IN APPELLANT'S EXPLANATION (RULE 243(C) SCAR) SEE ENCLOSED ATTACHMENT: (#1) (pg. 1 of 7) ATTACHMENT (#2) PCR FINAL ORDER

The STATE erroneously stated that the Application Amendment and Claims were barred by the statute of limitations of 17-27-45(A); The pcr Judge overlooked the discovery rule of 17-27-45(C).
Citing McCoy v. STATE, 401 S.E. 363 [3][4] (L.7-10)

B) MATERIAL FACTS ENTITLE APPELLANT TO A HEARING AS THE FACTS WERE NOT REFUTED BY THE pcr COURT RECORD.

II. THE FACTS/STATUTES AND CASE AUTHORITY OVERLOOKED REQUIRE A DIFFERENT DECISION FROM THAT REACHED BY THE COURT.

III. THE DECISION THAT SHOULD HAVE BEEN RENDERED IS FOR GARY LAMONT PETTY TO RECEIVE A pcr HEARING ON CLAIMS STATED IN AMENDMENT TO pcr APPLICATION (04184) (AND ATTEMPTED AMENDMENT 2022) FOR ADJUDICATION.

WHEREFORE, THE APPELLANT RESPECTFULLY REQUEST THE COURT TO RECONSIDER IT JUNE 25th, 2025 OPINION AND RULE IN FAVOR OF THE APPELLANT.

This 9th day of July, 2025

Gary H. Petty