

THE SOUTH CAROLINA SUPREME COURT

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Robert Earl Dillard, Appellant,

OCT 23 2025

SC Court of Appeals

v,

The State, Respondent,

Appellate Case no.2022-000972

The Honorable Perry H, Gravely

PICKENS COUNTY

Trial Court case no.2022-CP-39-00680

NOTICE MOTION TO APPEALS

COURT OF APPEALS ORDER OF DENIED

Motion to Appeals the order of the south carolina Court
of Appeals date october 14, 2025. and please send me back a
clock stamp copy for my Records

date 10-20 2025.


Robert Earl Dillard #220045

on July 22, 2025. plaintiff filed the present motion for Rehearing and Reinstatement contending that the Court of Appeals deputy clerk of court misinterpreted his allegations order Granted by the court of Appeals judges, that his order of motion to amend to an record on appeals.

II. LEGAL STANDARD

"Court of Appeals judges has the discretion to Grant a Rule 59(e) motion only in very narrow circumstances. *Hill v. Braxton* 277 F.3d 701,708(4th cir.2002). specifically, the court may reconsider its prior only ; [1] to accommodate an intervening change in controlling law; [2] to account for new evidence not available at trial; or [3] to correct a clear error of law or Prevent manifest injustice. *collison v, Int'l chm,workers union,* 34 F.3d 233,236 (4th cir.1994) (QUOTING ANOTHER SOURCE).

'Clear error occurs when, although there is evidence to Support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed. *United States v, Harvey,* 532 F.3d 326, 336-37 (4th cir,2008) (internal quotation marks omitted): see also *United States v, Martinee-Melgar,* 591 F.3d 733,738 (4th cir.2010).

Manifest injustice occurs when the court 'has Patently misunderstood a party, or has made a decision outside the adversarial issues presented to the court by parties, or has made an error not of reasoning but of apprehension....' *campero U S A corp. v, ADS Foodservice, LLC,* 916 F. SUPP. 2d 1284, 1292-93 (S.D.Fla.2012).(citations omitted).

"Abuse of discretion" is a legal term of art; it is not a wooden term but one of flexibility, dependent on the type of case in which it is to be applied and the posture of the case when it arises.' *Direx Israel, Ltd, v, Breakthrough medical corp.* 952 F2d 802 (4th cir.1991). In the Rule 59 [e] context, WE have Previously stated that;

[W]hile the Rule itself Providee no standard for when a district court may grant such a motion, court interpretnng Rule 59 [e] have recognized three grounds for amending an earlier judgment [1] to accommodate an intervening change in controlling law; [2] to account for new evidence not available at trial; or [3] to correct a clear error of law or Prevent manifest injustice.

The Fourth circuit october 15, 1975. 528 F2d 30921 *Roseboro v, Garrison, United States Court of Appeals,* Assuredly, a Pro se Plaintiff is entitled to such a reasonable safeguard when confronted with the Possibility of summary disposition of his case.

[1] After-discovered evidence of solicitor's Knowing use of perjured testimony.

[2] Denial of due Process by trial judge's definition of 'reasonable doubt'

[3] APPLICANT'S MURDER Indictment [s] was not lawfully Presented by a grand jury for trial of his case[s].

Constitutional the Applicant is not Procedurally Barred from Court Federal and State Law. of violation of due Process of Law. Claims

The South Carolina Court of Appeals

Robert Earl Dillard, Appellant,

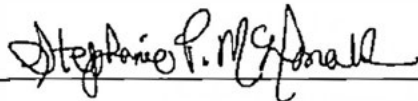
v.

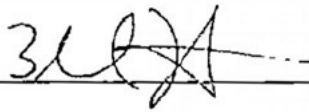
The State, Respondent.

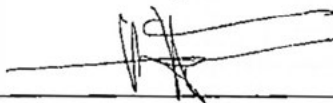
Appellate Case No. 2022-000972

ORDER

After careful consideration of the petition for rehearing, the court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.


_____ J.


_____ J.


_____ J.

Columbia, South Carolina

FILED
Oct 14 2025

cc:

Robert Earl Dillard, 00220045
Alan McCrory Wilson, Esquire
Melody Jane Brown, Esquire

THE SOUTH CAROLINA SUPREME COURT

State of South Carolina

Respondent,

v,

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SC Court of Appeals

Robert Earl Dillard#220045

Petitioner/Defendant.

MEMORANDUM IN SUPPORT OF MOTION FOR NEW TRIAL OR RULE 60[b]
RELIEF

1. INTRODUCTION

Comes now, the Petitioner, Robert Earl Dillard, by and through this Memorandum in Support of his notice and motion for new trial or in the Alternative to Reopen Post-Conviction Relief Proceedings Pursuant to Rule 60(b) of the south carolina Rules of Civil Procedure. The Petitioner respectfully submits that his conviction and sentenced must be revisited in light of newly clarified constitutional law established in Rowell v, State ((2024), which directly governs the facts and circumstances of his case.

ii. BACKGROUND AND PROCEDURAL HISTORY

The Petitioner was convicted in 1995 in the Court of General Sessions for Double Murder and was sentenced to two life sentence imprisonment and Following his conviction, mr.Dillard filed a motion for new trial and later a Post-Conviction relief (PCR) application, both of which were denied.

in his motion, Mr. Dillard asserts that during vouching state sole witness James F, Simpson failed to disclose that he was a former confidential informant (CI) for the Pickens County Sheriff's Office the same agency responsible for his arrest and Prosecution that was in the Greenville Dentention Center from November 25, 1992 until April 30, 1993, when those Murder took Place on December 17, 1992. Period withheld Simpson (GDC) Records. 11. Did a grave Constitutional error occurred when the Petitioner discovered after his trial that the Solicitor had knowingly used Perjured testimony to convict him of Murder?


i. Did a gave Constitutional error occurred when the trial Judge Refused the Jury's request for a layman's definition of 'reasonable doubt'? Supreme Court of south carolina State v, Perry July 26, 2023 WL 4752488 THERE was no issue in the case as to involuntary manslaughter, Approximately two hours after the jury had Commenced deliberations, word was sent from the jury Room that needed further information from the Court, SPecifically, the jury requested additional instructions on the definitions of Murder and Manslaughter. the jury was brought into the CourtRoom and the following instruction, which is the basis of appellants' exception, was given,

III. Did a grave Constitutional error when the Solicitor Convicted Petitioner of unindicted Murder Charges? Charles Dent, petitioner v, State, Respondent, 2025 WL 1947806 Supreme Court of South Carolina *1 indictment matter, in Criminal trial, where the weight of the government comes to bear against an individual Citizen's Constitutional right to due Process, they Put the

the Citizen on formal notice of the charges against him and
the theories the government intends to Present at trial to show
t
the Citizen violated the law, thereby allowing the Citizen to
Prepare a defense a conviction based on unindicted Conduct cannot
Stand. Holding; The Spureme Court, Kittredge, j held that trial
Court's Failure to give requested Circumstantial evidence
instruction was harmless error. reversed and remanded.

This material nondisclosure dePrived the Petitioner of his
Constitutional right to a fair and imPartial jury trial.

date 10-20- 2025.


Robert Earl Dillard#220045
perry correctional Inst,
430 OAKLAWN Road Q4B 209
pelzer, S.C. 29669

111. LEGAL STANDARD UNDER RULE 60(b)

Rule 60 (b) of the south carolina Rules of Civil Procedure Premites relief from a final judgment for several reasons, including mistake, inadvertence, fraud void judgment, or 'any other reason justifying relief from the oPeration of the judgment.' This rule vests the Court with broad equitable authority to reoPen Proceedings when enforcement of a Prior judgment would result in manifes inJustice.

IV. ARGUMENT

The Petitioner contends that the South Carolina SuPreme Court's decision in Rowell v, State, 442 S.C. 215(2024), rePresents a Substantial change in the interPretation of Constitutional Protections concerning James F, Simpson STATE Chief Witness Greenville Dentention center Records nondisclosure.

In Rowell, the Court held that nondisclosure by a State former confidential informant (CI) for the Pickens County Sheriff's office---Whether intentional or inadvertent--requires judicial review where the omitted information bears on Potential bias. The Court emPhasized that the right to an imPartial jury is fundamental, and any concealment that affects this right undermines the fairness of the Proceeding.

In the Present case, Simpson and Solicitor failed to reveal his Prior work as a confidential for a law enforcement agency directly connected to the Prosecution from (GDC). This relationship inherently suggests bias in favor of law enforcement and would have Provided a valid basis for a challenge for cause had it been disclosed during Det Chapman, and Solicitor Vouching. Under Rowell, such nondisclosure mandates Judicial scrutiny regardless of intent.

Because this constitutional issues was not Properly addressed in Prior Proceedings-and because the legal standard governing such claims has since been clarified-the Petitioner respectfully asserts that reOpening his PCR case under Rule 60 [b] is

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Requested to Prevent a Miscarriage of Justice.

OCT 20 2025

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V. PRAYER FOR RELIEF

WHEREFORE, based upon the foregoing arguments and authorities, the Petitioner respectfully requests that this Honorable Court;

- 1, Grant the motion for New Trial, or in the alternative, reopen his Post-Conviction Relief Proceedings;
- 2, Appoint counsel to assist the Petitioner;
- 3, Hold an evidentiary hearing to determine the extent of Simpson bias and nondisclosure Records;
- 4, Vacate the conviction and sentence upon finding constitutional violation;
- 5, Grant such other and further relief as the Court deems just a and Proper.

Respectfully Submitted,

date 10-20-2025.


Robert Earl Dillard #220045

THE SOUTH CAROLINA SUPREME COURT

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SC Court of Appeals

DEAR, CLERK.

I am sending you my motion to Appeals the order of denied for petition for rehearing and reinstatement by the south carolina court of appeals court, notice of appeals to be filed in your office. Please send me back a clock stamp copy for my records.

I THANK YOU VERY MUCH IN THIS MATTER.

date 10/20- 2025.


Robert EARL DILLARD #220045

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THE SOUTH CAROLINA SUPREME COURT

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PCI MAILROOM

PROOF OF SERVICE

I Robert Earl Dillard, #220045 do hereby Certify that I served true copy [s] of my notice of Appeals of the Court of Appeals order of denied motion to Supreme Court Proof of Service to in the PCI Mailroom prepaid to be served to the followingto;

Attorney General office
Melody Jane Brown,Eqs
1000 Assembly street, suite 501
Columbia, S.C. 29201

South carolina court
of Appeals
clerk of court
1220 senate street
Columbia, S.C. 29201

S.C. SUPREME COURT
1231 GERVAIS STREET
COLUMBIA, S.C. 29201

date 10-20- 2025.


Robert Earl Dillard#220045

ROBERT EARL DILLARD #220045
PERRY CORRECTIONAL INST,
430 OAKLAWN ROAD Q4B 209
PELZER, S.C. 29669



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