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Nov 10 2025

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT**

**Certiorari-PCR
APPEAL FROM YORK COUNTY
Court of Common Pleas
Heath P. Taylor, Circuit Court Judge**

**Appellate Case No. 2023-001400
Lower Case № 2019-CP-46-3761**

Reginald R. White, Jr. Petitioner,

vs.

State of South Carolina Respondent.

**"CERT PETITION" AS TO GRANTING
PETITIONER A BELATED APPEAL**

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Index

Issue Presented 1

Statement of the Case 2

Argument:
 The Post Conviction Relief judge correctly granted a belated review pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991) when the judge found Petitioner did not knowingly and intelligently waive his right of appeal of the order denying his application for post-conviction relief. 3

Conclusion 4

Issue Presented

The Post Conviction Relief judge correctly granted a belated review pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991) when the judge found Petitioner did not knowingly and intelligently waive his right of appeal of the order denying his application for post-conviction relief.

Statement of the Case

Procedural History

Reginald Raynard White was arrested on February 26, 2014 and charged with trafficking cocaine between 10 and 28 grams, possession with intent to distribute crack cocaine, and possession with intent to distribute Oxycodone. App. 609-611. On May 29, 2014 the York County grand jury indicted him on the charges of trafficking cocaine and possession with intent to distribute crack cocaine. App. at 455-460. On August 29, 2014 the State served upon Mr. White a notice to seek life without parole. App. at 448, ll 21-23.

Mr. White proceeded to trial on January 12-14, 2015. The jury convicted Mr. White on January 14, 2015. He was sentenced to life without parole. Mr. White appealed his conviction. The South Carolina Court of Appeals affirmed his conviction in an unpublished opinion on October 26, 2016. App. at 495.

Mr. White filed his initial Post Conviction Relief Hearing on May 17, 2017. App. at 497. A Motion to Amend the Application was filed on January 23, 2019. A hearing was conducted on this Post Conviction Relief Application on January 30, 2019. App. at 1. Judge Thomas Russo issued an order on June 20, 2019 denying Mr. White relief. App. at 515-534. No Appeal was filed from this order.

Mr. White filed his second Post Conviction Relief application on November 1, 2019 in which he sought relief on numerous grounds. App. at 535-709. Mr. White filed an Amended Post Conviction Relief Application of August 20, 2020. App. at 710-717. His sole relief requested in the Amended Post Conviction Relief application was to be able to appeal the initial denial of his Post Conviction Relief applicant and to be permitted to file a Rule 59 motion to

alter or amend the order denying him relief. A hearing was held on this Post Conviction Relief petition on August 14, 2023. Judge Heath Taylor, on August 31, 2023 issued an order granting Mr. White the right to file an appeal from the previous order denying him relief. Mr. White filed his Notice of Appeal on September 6, 2023.

Argument

The Post Conviction Relief judge correctly granted a belated review pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991) when the judge found Petitioner did not knowingly and intelligently waive his right of appeal of the order denying his application for post-conviction relief.

A second Post Conviction Relief hearing was held on August 14, 2023. At the second Post Conviction Relief hearing, testimony was taken from William G. Yarborough, the attorney for Reginald White at the initial Post Conviction Relief hearing. As found by Judge Heath Taylor, Mr. Yarborough testified the notice of appeal was not filed due to communication problems between Mr. White and himself. The testimony was that Mr. Yarborough had intended to file both a Rule 59e motion and if denied, a Notice of Appeal. Unfortunately, Mr. Yarborough was led to believe Mr. White was going to file a Rule 59e motion so he did not file such a motion. The state, after the hearing the testimony, agreed Mr. White was entitled to the right to appeal the initial Post Conviction Relief hearing Order. Judge ordered that Mr. White should be entitled to file a Notice of Appeal. In the second application, Mr. White had also argued for the right to file a Rule 59e. The parties agreed that is an issue were fairly presented to the original Post Conviction Relief judge but not ruled upon, the issue could still be considered in the appeal.

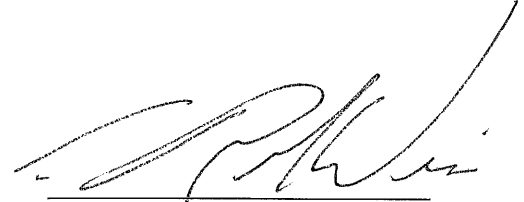
The factual findings by Judge Taylor are amply supported by the record and consented to

by the state. App. at 728

Conclusion

For the foregoing reasons, this Court should allow the belated appeal pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991)

October 24, 2025



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CERTIFICATE OF SERVICE

I, Sandy Traynham, hereby Certify that I am the Secretary for Attorney for the Appellant in the above entitled case. That on October 24, 2025, I did send via e-mail, a copy of the “Cert Petition” As to Granting Petitioner a Belated Appeal to Zachary Jones, at zacharyjones@scag.gov .

October 24, 2025

/s/ Sandy Traynham
Sandy Traynham
Secretary

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