

**RECEIVED**

**Jan 15 2026**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

The Honorable Daniel Coble, Circuit Court Judge

Appellate Case No. 2025-002478

Randle Jackson as the Personal Representative of the Estate of Deshaun  
Simmons.....Respondent,

v.

South Carolina Department of Corrections.....Appellant.

**PETITION FOR REHEARING**

Pursuant to SCACR Rule 221(a), the respondent respectfully moves for rehearing or *en banc* review so the ruling of the Court of Appeals may be corrected to adhere to existing law, or in the alternative, so the ruling may be clarified.

**ARGUMENT**

The partial summary judgment ruling on appeal addressed only certain defenses; it did not resolve the entire case. The Appellant still maintains several defenses and continues to dispute issues of liability, causation, damages, and apportionment.

As a result, the case remains scheduled for trial on January 26, 2026, and Respondent is actively taking all necessary steps to proceed with the trial as scheduled. Respondent expressly wishes to have the trial and is committed to moving forward on that date.

Allowing interlocutory jurisdiction at this stage risks causing additional delay in a case that was originally filed in 2018 and has already been continued multiple times.

Permitting interlocutory review under these circumstances stretches S.C. Code § 14-3-330 well beyond its limited purpose. It encourages parties to file strategic appeals whenever a trial court limits their pleadings or defenses, ultimately undermining the final-judgment rule.

If the Court decides not to grant rehearing, Respondent respectfully requests clarification that the denial of the Motion to Dismiss Appeal was not intended to conclusively determine appellate jurisdiction, nor should it be interpreted as creating a general rule that partial summary judgment rulings on defenses are immediately appealable. Such clarification is necessary to ensure that *Link v. School District of Pickens County*, 302 S.C. 1, 393 S.E.2d 176 (1990) is not extended beyond its actual holding.

### CONCLUSION

SCDC is misapplying established case law in an attempt to unnecessarily delay litigation on the eve of trial, and it should not be rewarded for this conduct by staying the litigation to allow a meritless appeal.

Respectfully submitted,

HAWKINS & JEDZINIAK, LLC

*s/Joshua T. Hawkins*

Joshua T. Hawkins, S.C. Bar #78470  
Helena L. Jedziniak, S.C. Bar #100825  
Sulaiman Ahmad, S.C. Bar #106665  
1225 South Church Street  
Greenville, South Carolina 29605  
(864) 275-8142 (telephone)  
(864) 752-0911 (facsimile)  
josh@hjlsc.com  
helena@hjlsc.com  
ahmad@hjlsc.com

THE REMBERT LAW FIRM

André DuBose Rembert, S.C. Bar #78484  
W. Baker Allen, S.C. Bar #80237  
PO Box 20341  
Charleston, South Carolina 29413  
(843) 779-5688 (telephone)  
(843) 589-1068 (facsimile)  
wbakerallen@rembertlaw.com  
arembert@rembertlaw.com

Greenville, South Carolina  
January 15, 2026

*Attorneys for Respondent*

**RECEIVED**

**Jan 15 2026**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

The Honorable Daniel Coble, Circuit Court Judge

---

Appellate Case No. 2025-002478

---

Randle Jackson as the Personal Representative of the  
Estate of Dashaun Simmons.....Respondent,

v.

South Carolina Department of Corrections.....Appellant.

---

**PROOF OF SERVICE**

---

I hereby certify that a copy of the Petition for Rehearing has been served electronically upon the South Carolina Court of Appeals at ctappfilings@sccourts.org, and upon the attorneys of record for the Appellant at their respective email addresses listed below, on this 15th day of January 2026:

andrew@ldlawsc.com  
LINDEMANN LAW FIRM, P.A.  
Andrew F. Lindemann  
5 Calendar Court, Suite 202  
Columbia, South Carolina 29260  
(803) 881-8920

wdavidson@dml-law.com  
DAVIDSON & WREN, P.A.  
William H. Davidson, II  
1611 Devonshire Drive, Second Floor  
Columbia, South Carolina 29202  
(803) 806-8222

CC:

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street

Columbia, South Carolina 29201

HAWKINS & JEDZINIAK, LLC

*s/ Joshua T. Hawkins*

Joshua T. Hawkins, S.C. Bar #78470  
Helena L. Jedziniak, S.C. Bar #100825  
Sulaiman Ahmad, S.C. Bar #106665  
1225 South Church Street  
Greenville, South Carolina 29605  
(864) 275-8142 (telephone)  
(864) 752-0911 (facsimile)  
josh@hjlsc.com  
helena@hjlsc.com  
ahmad@hjlsc.com

THE REMBERT LAW FIRM

André DuBose Rembert, S.C. Bar #78484  
W. Baker Allen, S.C. Bar #80237  
PO Box 20341  
Charleston, South Carolina 29413  
(843) 779-5688 (telephone)  
(843) 589-1068 (facsimile)  
wbakerallen@rembertlaw.com  
arembert@rembertlaw.com

Greenville, South Carolina  
January 15, 2026

*Attorneys for Respondent*