

RECEIVED

Jul 27 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ABBEVILLE COUNTY
Court of General Sessions

Frank R. Addy, Jr., Circuit Court Judge

Appellate Case No. 2023-001843

THE STATE,

Respondent,

v.

KENDRICK MONTREZ LEE,

Appellant.

**RETURN TO APPELLANT'S
CROSS-PETITION FOR REHEARING**

On July 1, 2026, this Court held that "the trial court erred by excusing Juror 191 without making an inquiry into whether the trial court could accommodate his hearing impediment." *State v. Lee*, Op. No. 6151 at *5 (S.C. Ct. App. filed July 1, 2026). On July 15, 2026, the State filed its Petition for Rehearing pursuant to Rule 221(a) of the South Carolina Appellate Court Rules. The following day, Appellant filed his Cross-Petition for Rehearing. On July 17, 2026, this Court requested returns to both parties' petitions.

In his petition, Appellant asks this Court to address the six issues he raised on appeal that were not addressed in this Court's opinion. (Cross-PFR 2-4). He contended that this Court not addressing these remaining six issues was contrary to Rule 220(b) of the South Carolina Appellate

Court Rules, contrary to judicial economy, and risked unnecessarily extending the appellate process. (Cross-PFR 2-3). Appellant also asserted that some of his issues were capable of repetition, from which the bench and bar could benefit from this Court's guidance. (Cross-PFR 3-4). Appellant noted that this Court was without jurisdiction to rule on his seventh issue, and requested a statement to that effect to ripen that issue for our supreme court. (Cross-PFR 4).

Pursuant to Rule 220(b) of the South Carolina Appellate Court Rules, this Court must address in writing "every point distinctly stated in the case *which is necessary to the decision of the appeal . . .*" (emphasis added). As this Court noted in its opinion, the current disposition of the third issue on appeal resulted in a reversal and remand of the entire case for a new trial. *See Lee*, Op. No. 6151 at *6 n.4. Therefore, as the opinion currently stands, the disposition of the remaining six issues is not necessary for the outcome this Court reached, which provides Appellant with the relief he sought. *See Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (holding that appellate courts need not address all issues when the disposition of one issue is dispositive). Further, as this Court's opinion currently stands, discussion of the remaining issues would constitute an advisory opinion on questions for which no meaningful relief can be granted. This Court does not issue advisory opinions. *See Dodge v. Dodge*, 332 S.C. 401, 420, 505 S.E.2d 344, __ (Ct. App. 1998) ("State appellate courts will not issue advisory opinions on questions for which no meaningful relief can be granted."); *see also Gainey v. Gainey*, 279 S.C. 68, 69, 301 S.E.2d 763, 764 (1983) (stating appellate courts "will not issue advisory opinions on questions for which no meaningful relief can be granted").

However, should this Court grant the State's Petition for Rehearing and determine that the trial court did not abuse its discretion by finding Juror 191 disqualified to serve as the second

alternate juror, then the State would join in Appellant's request that this Court consider and rule on the remaining six issues without regard to Appellant's third issue.

Conclusion

Based on the arguments set forth above, the State requests that this Court deny Appellant's Petition for Rehearing. For the reasons included in the State's Final Brief of Respondent and the State's Petition for Rehearing, the State further requests that this Court grant the State's Petition for Rehearing, determine that the trial court did not abuse its discretion by finding Juror 191 disqualified to serve as the second alternate juror, and consider the remaining six issues on appeal.

ALAN WILSON
Attorney General

BRIAN H. GIBBS
Assistant Attorney General
S.C. Bar No. 104137

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Phone: 803-734-3727

DAVID M. STUMBO
Solicitor, Eighth Judicial Circuit

Post Office Box 516
Greenwood, South Carolina 29648

By: 

Brian H. Gibbs
S.C. Bar No. 104137

Attorneys for Respondent

July 27, 2026
Columbia, South Carolina

RECEIVED

Jul 27 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ABBEVILLE COUNTY
Court of General Sessions

Frank R. Addy, Jr., Circuit Court Judge

Appellate Case No. 2023-001843

THE STATE,

Respondent,

v.

KENDRICK MONTREZ LEE,

Appellant.

PROOF OF SERVICE

I, Grace Sommer, certify that I have served this Return to Appellant's Cross-Petition for Rehearing on E. Charles Grose, Jr., Esq., counsel of record for the Appellant, by electronic mail to the address listed for counsel in South Carolina Attorney Information System.

I further certify that all parties required by Rule 262(c) of the South Carolina Appellate Court Rules to be served have been served.

This 27th day of July 2026.



Grace Sommer
Legal Assistant

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727