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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas
Post Conviction Relief

Honorable Heath P. Taylor, Circuit Court Judge

App. Case No.: 2025-000361

Keshawn M. Rice, Petitioner,

vs.

State of South Carolina, Respondent.

PETITION FOR REHEARING AND FOR REHEARING *EN BANC*

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INDEX

Statement of the Case.....1

Summary of the Record.....4

Argument.....5

The denial overlooks the need for an issue-specific prejudice analysis under *Strickland* and *Smalls*.....6

The denial overlooks the separate confrontation claim and the significance of Mendez's apparent corroboration.....7

The denial overlooks the documented sentencing misinformation and the distinct sentencing prejudice inquiry.....9

The denial overlooks the specific unchallenged hearsay supporting flight.....11

The denial overlooks the unresolved mistrial component of the first-trial-reference claim.....12

The denial overlooks material uses of the first transcript and limits of *Harris*.....13

Alternatively, the Court should grant review and remand for the findings requested under Rule 59, SCRCP.....14

Conclusion.....15

STATEMENT OF THE CASE

Petitioner is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment from the Spartanburg County Clerk of Court. App. p. 379. During the March 2017 term of the Spartanburg County Grand Jury, Petitioner was indicted for murder (2017-GS-42-1795) and armed robbery (2017-GS-42-1796). App. p. 370. On February 5, 2018, Petitioner was called to trial in Spartanburg County in front of the Honorable J. Derham Cole. App. p. 405. Petitioner was represented by Richard Warder, Esquire, and the State was represented by Deputy Solicitor Derrick Bulsa.[1] On February 7, 2019, the trial resulted in a hung jury and mistrial. App. pp. 727-728.

During the March 2018 term of the Spartanburg County Grand Jury, Petitioner was indicted for burglary, 1st degree (2018-GS-42-0649). App. p. 374. On November 13, 2018, Petitioner was called to trial in Spartanburg County in front of the Honorable J. Derham Cole on the indictments for murder, armed robbery and burglary, 1st degree. App. p. 12. Petitioner was represented by Richard Warder, Esquire, and the State was represented by Deputy Solicitor Derrick Bulsa. On November 15, 2018, the jury found Petitioner guilty of armed robbery, burglary, 1st degree, and the lesser included charge of voluntary manslaughter. App. p. 361. Judge Cole sentenced Petitioner to concurrent terms of 30 years. App. p. 371.

A direct appeal was filed and perfected via *Anders* Brief filed by Katherine Hudgins, Appellate Defender. App. pp. 384, 386. The following issue was raised in the *Anders* Brief:

> Did the trial court err in allowing an officer to speculate that Appellant could have left the county during the ten days between the time of the shooting and the time Appellant turned himself in to the police when there was no evidence that Appellant left the county?

[1] Attorney Bulsa is now in private practice.

App. p. 389. On March 10, 2021, the appeal was dismissed via *Anders* review, and the Remittitur was issued on March 31, 2021. App. pp. 401-403.

On April 19, 2021, an Application for Post Conviction Relief was filed. App. p. 815. Respondent submitted a Return and Motion for More Definite Statement on May 18, 2021, and an Amended Return and Motion for a More Definite Statement on June 9, 2021. App. pp. 823, 836.

On December 21, 2021, Petitioner, through counsel, filed a Motion for Discovery. App. p. 848. The Honorable R. Keith Kelly issued an Order Authorizing Discovery on March 28, 2022. App. p. 853.

On March 14, 2023, Petitioner, through counsel, filed an Amendment to Application for Post Conviction Relief. The Amendment alleged as follows:

> As a result of discovery received and the investigation conducted, Applicant would move to amend his original Application for Post Conviction Relief. In general, Applicant would allege that his rights pursuant to the Sixth and Fourteenth Amendments to the United States Constitution, as well as pursuant to Article I, Section 14 of the South Carolina Constitution, were violated prior to and during his trial. Applicant would further amend his Application for Post Conviction Relief to contain the following specific allegations of ineffective assistance of trial and appellate counsel:
>
> 1. Trial counsel rendered ineffective assistance that was prejudicial to Applicant when he failed to properly investigate, prepare and effectively represent Applicant prior to and at his second trial. Specifically, Applicant alleges the following deficiencies:
>   a. Trial counsel failed to properly advise Applicant and handle matters related to the additional indictment (2018-GS-42-0649).
>   b. Trial counsel failed to investigate and/or utilize witnesses for the defense.[2]
>   c. Trial counsel failed to effectively handle matters related to Cesar Mendez. Specifically, but not limited to the following:
>   1) Failure to prepare to and/or utilize Cesar Mendez as a witness at trial.
>   2) Failure to properly handle the State's Motion in Limine regarding matters related to the testimony of Cesar Mendez and/or failure to proffer his testimony.

[2] At the evidentiary hearing, Petitioner's counsel informed the court that Petitioner would not be calling any additional witnesses to support the claim that counsel failed to call witnesses. App. pp. 875-876, 1031.

3) Failure to object to hearsay that violated the Confrontation Clause when law enforcement testified regarding the information provided by Cesar Mendez.

d. Trial counsel failed to effectively handle matters related to Applicant's co-defendant Carnellious D. Stringer. Specifically, but not limited to the following:
   1) Failure to utilize and/or obtain the transcript of Mr. Stringer's plea on February 5, 2018.
   2) Failure to address the information provided regarding Mr. Stringer's plea to the court during sentencing.

e. Trial counsel failed to advise Applicant and prepare for the State's evidence of flight that was not presented in the first trial. Trial counsel failed to object to hearsay evidence offered regarding flight at Applicant's second trial.[3]

f. Trial counsel failed to object and/or move for a mistrial when Kameron Wilson referenced the first trial during his direct testimony. Transcript p. 159, lns. 10-14.

g. Trial counsel failed to make objections and arguments in the first and second trial and prepare in the second trial for the testimony of Zaria Owens and the State's witnesses regarding meeting with her.

h. Trial counsel failed to effectively utilize information contained in discovery and testimony offered at the first trial to cross-examine and/or impeach the following witnesses:
   1) Jonathan Lawson
   2) Kevin Bowen
   3) Wendy Thomas
   4) Mary Ann Kotlarich
   5) Kameron Wilson
   6) Elian Nava
   7) Dr. Wren

i. Trial counsel failed to present a reasonable defense through his closing argument and failed to present the theory of the case provided in the first trial.

2. Appellate counsel provided ineffective assistance that was prejudicial to Applicant when she failed to raise any meritorious issues on appeal.

3. Pursuant to Rule 15(b), SCRCP, Applicant would move to amend to conform to the evidence and testimony presented at the evidentiary hearing.

App. pp. 856-860.

On May 23, 2024, an evidentiary hearing was convened in Spartanburg County in front of the Honorable Heath P. Taylor. App. p. 867. Petitioner was present and represented by Tricia A. Blanchette, Esquire. Respondent was represented by Bryan T. Hall, Assistant Attorney

[3] At the evidentiary hearing, this issue was verbally amended as follows: Trial counsel failed to advise Applicant and prepare for the State's evidence of flight that was not presented in the first trial. Trial counsel failed to object to the line of questioning and to hearsay evidence offered regarding flight at Applicant's second trial. App. pp. 875-876, 1031-1032.

General. Petitioner called Richard H. Warder, Esquire, and Kathrine H. Hudgins, Esquire, to the stand; Respondent did not call a witness. App. pp. 878, 905.

At the conclusion of the hearing, the Court took the matter under advisement. App. p. 1028. On January 3, 2025, an Order of Dismissal was issued, which was filed on January 13, 2025. App. pp. 1076-1103. Petitioner, through counsel, filed a timely Rule 59, SCRCP, Motion. App. p. 1104. On January 30, 2025, an Order was filed denying Petitioner's Rule 59, SCRCP, Motion. App. p. 1111.

On February 27, 2025, Petitioner, through counsel, filed a Notice of Appeal. On July 17, 2025, a Petition for Writ of Certiorari and Appendix were filed. The Return was filed on November 17, 2025, and the appeal was transferred to the South Carolina Court of Appeals on December 8, 2025. On September 29, 2026, the South Carolina Court of Appeals issued an Order denying certiorari, from which this Petition for Rehearing and Petition for Rehearing *En Banc* follows.

SUMMARY OF THE RECORD

The State's account depended substantially on co-defendants Kameron Wilson and Elian Nava. Wilson testified that Petitioner and Stringer had guns, that robbery was discussed, and that he drove the group to the victim's home. Wilson remained in the car; he heard gunshots and saw the others return. He did not observe the confrontation inside the garage. App. pp. 148–157. Nava testified that Petitioner and Stringer entered the garage armed, that the victim fought Petitioner, and that Stringer shot the victim while the victim held Petitioner's leg. Nava also attributed a threat to shoot the victim to Petitioner. App. pp. 208–210. Thus, the State offered substantial inculpatory evidence, but Wilson's observations and Nava's account were materially different in scope.

Nava also testified that he was unsure whether a robbery remained planned at the victim's house and that, when Petitioner handed him money, he thought the group intended to purchase marijuana. App. p. 206. Nava acknowledged that Mendez had a gun and fired during the encounter. App. pp. 205–210. Deputy Kevin Bowen nevertheless relayed Mendez's out-of-court statement that Nava did not fire a shot and that two unidentified Black males did. Mendez did not testify. App. pp. 115–118. At sentencing, the court specifically requested a reminder of Stringer's plea admissions, and the prosecutor supplied an account materially different from the plea transcript later admitted at PCR. App. pp. 367, 1062–1065.

ARGUMENT

Pursuant to Rule 221, SCACR, Petitioner respectfully petitions this Court for rehearing and for rehearing *en banc.* Petitioner would respectfully request that the panel and entire Court review the Petition for Writ of Certiorari (Petition) and the entirety of the arguments contained therein. Petitioner would further request that the panel and the entire Court review the record contained in the filed Appendix.

The filed Petition challenged the adequacy of the PCR findings and the rejection of the claims concerning Mendez, Stringer's plea and sentencing, flight, Wilson's reference to the first trial, and the use of discovery and prior testimony for cross-examination. Petition pp. 6–25. The State's Return defended those rulings, principally through the asserted absence of prejudice, counsel's credibility, and purportedly overwhelming evidence of guilt. Return pp. 7–24.

Petitioner submits that this Court has overlooked and/or misapprehended the entirety of his arguments and struggles to identify certain portions as the Court did not issue a decision making any form of analysis on the issues raised. In total, Petitioner urges this Court to reconsider the denial of certiorari because the lower court's finding that trial counsel provided effective assistance

is not supported by the record or the law; therefore, reversal is absolutely necessary. *See Webb v. State*, 281 S.C. 237, 314 S.E.2d 839 (1984), *Goins v. State*, 397 S.C. 568, 573, 726 S.E.2d 1, 3 (2012). Specifically, Petitioner submits the following in support of this Petition.

I. The denial overlooks the need for an issue-specific prejudice analysis under *Strickland* and *Smalls*.

Petitioner does not seek a presumption of prejudice from the first jury's inability to agree or from counsel's inability to recall events years later. Petitioner bears the burden of establishing deficient performance and a reasonable probability of a different result. *Strickland v. Washington*, 466 U.S. 668, 687, 694–695 (1984). Petitioner submits that the trial records, plea transcript, and PCR record supply the concrete proof required for review of each claim. The PCR court's supported factual and credibility findings receive deference; whether it applied the correct legal standard remains subject to *de novo* review. *Smalls v. State*, 422 S.C. 174, 180–181, 810 S.E.2d 836, 839 (2018).

The PCR court relied on overwhelming evidence to reject the flight, first-trial-reference, and cross-examination claims. App. pp. 1092–1093, 1100. *Smalls* requires consideration of the particular impact of counsel's error alongside the strength of the State's case. Only exceptionally conclusive evidence warrants treating its strength as a categorical bar to prejudice. *Smalls,* 422 S.C. at 188–191, 810 S.E.2d at 843–845. Petitioner respectfully submits that the denial overlooks this distinction between sufficient or strong evidence and evidence that forecloses any reasonable probability of a different outcome.

The Return's description of two eyewitness co-conspirators does not resolve that question. Wilson remained in the vehicle; Nava supplied the account of events inside the garage. App. pp. 153–157, 208–210. Evidence that multiple firearms were discharged corroborates a gunfight, but the firearms evidence cited by the State does not itself establish who possessed

each weapon, the participants' intentions, or the credibility of every detail of Nava's account. App. pp. 256, 1063–1064. The first mistrial does not prove prejudice, and the retrial included an additional charge. Nevertheless, the first record is relevant context when evaluating the effect of newly presented corroboration and flight testimony. These differences require examination rather than dismissal through the label "overwhelming," and require further consideration by this Court.

II. The denial overlooks the separate confrontation claim and the significance of Mendez's apparent corroboration.

The filed Petition challenged counsel's handling of the motion *in limine*, failure to make a proffer, and failure to preserve an objection to Deputy Bowen's account of Mendez's statements. Petition pp. 10–15. Before trial, the State sought to prohibit questions suggesting the victim's mother instructed Mendez to move marijuana. Counsel argued that Mendez could contradict her but resisted calling him because doing so would forfeit last closing argument. The court offered an opportunity to question the mother outside the jury's presence. App. pp. 14–18. The subsequent examination contains no such proffer. App. pp. 122–138.

Petitioner acknowledges the PCR court's finding that he did not produce Mendez at the PCR hearing and its acceptance of counsel's concern that calling Mendez could harm the defense. App. p. 1088; *see Glover v. State*, 318 S.C. 496, 498–499, 458 S.E.2d 538, 540 (1995). Petitioner does not ask this Court to speculate that Mendez would have exonerated him. This evidentiary limitation, however, does not answer the distinct claim that counsel failed to challenge incriminating statements already introduced through Deputy Bowen. The substance and effect of those statements are established by the trial record, without conjecture about testimony an absent witness might have supplied.

Deputy Bowen testified that, after officers separated Mendez from the victim's mother, he obtained identifying information and asked what Mendez had seen. Counsel's hearsay

objection was initially sustained. The prosecutor then elicited that Mendez was distraught, requested a hearsay exception, and participated in an off-the-record bench conference. Deputy Bowen thereafter repeated Mendez's statements exonerating Nava as a shooter and attributing the shots to two Black males. App. pp. 115–118. Attorney Hudgins identified the missing confrontation objection and incomplete record as barriers to appellate review. App. pp. 888–889, 899–900.

As argued in the Petition, *State v. King*, 422 S.C. 47, 64–68, 810 S.E.2d 18, 27–29 (2017), requires the ordinary hearsay analysis for an officer's repetition of investigative information. Petitioner recognizes that *King* does not eliminate an otherwise established hearsay exception. The State's excited-utterance argument must therefore be addressed, rather than assuming every statement made to an investigator is inadmissible. But a hearsay exception does not independently answer whether a statement is testimonial and barred by the Confrontation Clause. *Crawford v. Washington*, 541 U.S. 36, 68 (2004); *Davis v. Washington*, 547 U.S. 813, 822 (2006).

The relevant circumstances include the officers' separation of the witnesses, collection of personal information, and questioning about a completed shooting. They also include the proximity to the shooting and any ongoing emergency. App. pp. 115–118. An adequate analysis must assess those circumstances under *Davis*, not equate an excited emotional state with a resolution of the constitutional issue. Counsel did not obtain an on-the-record ruling on a confrontation objection. Attorney Hudgins described the resulting concern as a "pretty classic 'Confrontation Clause' problem." App. p. 888.

The PCR court treated Mendez's statements as unimportant because Nava and Wilson supplied overlapping evidence. App. pp. 1089–1091. That overlooks the statements' distinctive

corroborative function. The State presented Mendez as outside the robbery plan, while its principal witnesses were co-defendants. App. pp. 151, 203–204. His apparent confirmation that Nava did not shoot could strengthen Nava's credibility and direct suspicion toward Petitioner and Stringer. Conducting cross-examination of Deputy Bowen could not test Mendez's perception, role in the gunfight, or account of his own firearm use. App. pp. 118, 205–210.

Sierra identifies factors for determining whether a confrontation violation is harmless on direct review, including importance, corroboration, and the extent of cross-examination. Those considerations may inform the factual assessment here, but *Strickland* remains the governing PCR prejudice standard. *State v. Sierra*, 337 S.C. 368, 379-380, 523 S.E.2d 187, 193 (Ct. App. 1999). The overlooked point is that overlapping testimony may still materially strengthen a contested witness's account, and *Strickland* remains the governing PCR prejudice standard. Counsel's opinion that exclusion would not have mattered does not replace that assessment. App. pp. 975–976, 1090–1091. Petitioner requests review of whether a properly preserved objection would have excluded this corroboration and created a reasonable probability of a different result.

III. The denial overlooks the documented sentencing misinformation and the distinct sentencing prejudice inquiry.

As addressed in the Petition, the sentencing claim rests on two transcripts actually placed before the PCR court. At Stringer's plea, he acknowledged having a gun, using it, and striking the victim. He said he could not identify another shooter and admitted firing once. App. pp. 1062–1065. These statements do not establish that Petitioner was innocent or that Stringer fired every shot. They do establish that Stringer personally admitted shooting, rather than merely accepting responsibility for being present.

At Petitioner's sentencing, the court asked the prosecutor to refresh its memory concerning Stringer's admissions. The prosecutor responded that he was not sure Stringer made

much admission beyond accepting responsibility, did not think Stringer wanted to describe his role, and said Stringer had denied being the shooter. App. p. 367. Counsel did not correct that account. When questioned at PCR about his failure to possess the plea transcript and correct the recollection, he answered, "I can't give you a reason I didn't have it." App. p. 934.

The Supreme Court of the United States has found there is a denial of due process when the sentencing court relies upon materially incorrect assumptions. *See Townsend v. Burke*, 334 U.S. 736 (1948) (Making it clear that inaccuracies at sentencing by an absent or ineffective lawyer can violate due process). In *Glover v. United States*, 531 U.S. 198, 203 (2003), the Supreme Court of the United States also held "any amount of [additional] jail time has Sixth Amendment significance." The Supreme Court held that any increase in sentence length due to deficient performance during sentencing satisfies the prejudice prong of *Strickland.* Simply put, there is no minimum threshold of additional time required to show prejudice from counsel's inaction.

Here, the prosecutor urged that Petitioner was probably the ringleader, the court expressly sought information about Stringer's admissions, and counsel urged a shorter, rehabilitative sentence. App. pp. 366–369. The sentencing court then imposed thirty years on each conviction. App. p. 371. Although the transcript does not expressly state that the inaccurate recollection determined the sentence, the court's specific inquiry supports the materiality of the information it requested. Correcting the record would have permitted a comparison of culpability based on what Stringer actually admitted.

The PCR order accepted counsel's belief that the transcript would not matter and noted the identical thirty-year sentences. App. pp. 1091–1092. The Return likewise invokes evidence of guilt and the equal sentences. Return pp. 13–14. Those considerations do not resolve the

counterfactual sentencing question. Equal criminal liability does not require equal punishment, and Stringer's negotiated thirty-year sentence does not explain why accurate information about his admissions could not have affected Petitioner's sentence after the manslaughter verdict. Even though relied upon by the lower court, *Harris v. State*, 377 S.C. 66, 76–77, 659 S.E.2d 140, 146 (2008), *abrogated on other grounds by Smalls*, 422 S.C. at 181 n.2, 810 S.E.2d at 839 n.2., addressed trial preparation and a prior trial transcript, not this documented sentencing-misinformation claim. Therefore, Petitioner requests certiorari on whether counsel's unexplained failure to correct the account prejudiced sentencing.

IV. The denial overlooks the specific unchallenged hearsay supporting flight.

Even though it is apparent from the record that trial counsel failed to properly prepare for the admission of flight evidence in the second trial, Petitioner does not contend that every item of flight evidence was inadmissible. The particular error that his Court overlooked is counsel's failure to object when Investigator Kim Parnell repeated Petitioner's mother's purported statements that she urged him to surrender and went to Sincere Jeter's house, where he had fled. App. pp. 236–237. Investigator Parnell supplied that account as an investigator repeating another person's statements, without an objection or a recorded determination of a hearsay exception or permissible impeachment basis.

At PCR, counsel agreed the testimony was hearsay, acknowledged making no objection, and could not recall a reason for the omission. App. pp. 939–941. Attorney Hudgins explained that the mother herself had not gone as far as Investigator Parnell's account, that the testimony should have drawn an objection, and that the issue was stronger than the one raised in the *Anders* brief. App. pp. 892–893. Even though, her testimony does not automatically establish appellate reversal, it does identify a specific missed objection and explain its significance.

The PCR court relied on counsel's view that flight was immaterial and on overwhelming evidence. App. pp. 1092–1093. The overlooked question is whether the otherwise admissible evidence would carry the same weight without an investigator's untested account of purposeful evasion. A witness's inability to locate Petitioner is not necessarily equivalent to affirmative proof that he fled a particular house to avoid surrender. Counsel's failure permitted that stronger inference to reach the jury through hearsay. Petitioner requests consideration of its particular impact under *Strickland* and *Smalls*, rather than treating other inculpatory testimony as dispositive.

V. The denial overlooks the unresolved mistrial component of the first-trial-reference claim.

As argued in the Petition, Wilson told the second jury he stopped speaking with Petitioner "after the first trial." App. p. 162. Counsel did not object, request an instruction, or move for a mistrial. At PCR, he agreed such a reference generally was improper but described his focus on the progress of trial and obtaining a verdict. App. pp. 945–946. Attorney Hudgins identified the reference as a potential merits issue if properly preserved. App. pp. 893–894.

Petitioner recognizes that the brief reference did not disclose the first verdict and that a mistrial is an extraordinary remedy. He does not assert that the comment required automatic reversal. The point overlooked is that his claim expressly included failure to move for a mistrial, whereas the PCR order analyzed failure to object and the likely effect of an instruction. App. pp. 859, 1093. Petitioner's Rule 59 motion specifically identified the omitted mistrial component. App. p. 1108 n.3.

The State's Return argues why a curative instruction or mistrial would not have changed the result. Return pp. 18–19. Those arguments deserve consideration, but they do not establish that counsel actually made a reasoned decision to avoid highlighting the remark or supply the

PCR court's missing ruling on the expressly preserved component. Therefore, Petitioner would ask the Court to reconsider the denial on this issue.

VI. The denial overlooks material uses of the first transcript and the limits of *Harris*.

The cross-examination claim is supported by both trial transcripts and counsel's PCR examination. Counsel did not believe he had obtained the first transcript and could not recall his preparation between trials. App. pp. 909–910. Those admissions alone do not prove ineffective assistance, especially given his contrary testimony that he was prepared. App. p. 972. The deficiency claim concerns identified lost opportunities to use prior testimony on material issues, not the absence of a transcript in the abstract.

At the first trial, Wilson said robbery was first discussed when Nava entered the car and identified Nava as the person who raised it. App. pp. 535–536. At retrial, the prosecutor elicited Petitioner's earlier Snapchat request for a "money mission," followed by robbery discussion on the way to Mendez's house. Wilson conceded "money mission" could mean several things. App. pp. 148–150. Both accounts implicated Petitioner in later robbery discussions. Nevertheless, comparison could test the implication that Petitioner originated the plan, a point also relevant to the State's ringleader characterization. Counsel answered, "I don't know why we didn't cover that." App. p. 960.

Investigator Lawson's affirmative first-trial testimony about a struggle, the first-trial medical testimony concerning the victim's position and abrasions, and the changes in Deputy Bowen's account were also specifically examined at PCR. App. pp. 954–964, 1097–1099. Some differences may reasonably be considered minor. Petitioner submits that the material comparisons, particularly Wilson's account and the new detail attributed to Mendez, required assessment against the defense theory and the claimed prejudice. Counsel's stated desire to

minimize graphic medical testimony must be weighed against those specific uses, rather than disregarded. App. p. 983.

Harris rejects relief based on speculative preparation claims and inconsequential differences; it does not impose a categorical rule that prior testimony is unnecessary after a mistrial. 377 S.C. at 74–79, 659 S.E.2d at 145–147. Here, the trials were months apart, the State added a burglary charge, and the record identifies changes in the evidence and concrete uses for comparison. The PCR court's finding that the witnesses were essentially the same, followed by reliance on overwhelming evidence, warrants review of the material comparisons under the correct standard. App. pp. 1096–1100.

VII. Alternatively the Court should grant review and remand for the findings requested under Rule 59, SCRCP.

Petitioner does not contend that a blanket denial of a Rule 59 motion, standing alone, invalidates otherwise adequate PCR findings. The question is whether the existing findings resolve the actual claims and permit meaningful review. Section 17-27-80 and Rule 52(a), SCRCP, require specific findings and express legal conclusions on each issue. *Fishburne v. State*, 427 S.C. 505, 511–512, 832 S.E.2d 584, 587 (2019); *Marlar v. State*, 375 S.C. 407, 409, 653 S.E.2d 266 (2007).

Petitioner's Rule 59 motion requested those findings, identified the omitted mistrial component, challenged the analysis of the record, and emphasized Attorney Hudgins's testimony concerning lost appellate issues. App. pp. 1108–1109. The denial added no substantive findings. App. p. 1111. If this Court cannot resolve the sentencing claim, the material effect of the Mendez and flight testimony, or the omitted mistrial component on the existing findings, the appropriate alternative is review and remand for the necessary findings under the governing standards.

CONCLUSION

In consideration of the arguments contained in the Petition and the above stated arguments, Petitioner respectfully requests that the Court conduct a full review of the previously submitted Petition for Writ of Certiorari and Appendix. Petitioner would further urge this Court to reverse the Order filed on September 29, 2026 and allow Petitioner to brief the arguments or reverse the lower court and grant a new trial.

Respectfully submitted,

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This 13 day of October 2026.

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APPEAL FROM SPARTANBURG COUNTY
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Honorable Heath P. Taylor, Circuit Court Judge

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Keshawn M. Rice, Petitioner,

vs.

State of South Carolina, Respondent.

CERTIFICATE OF SERVICE

I, Tricia A. Blanchette, Attorney for Petitioner, hereby certify that I served this 13th day of October a Petition for Rehearing and Petition for Rehearing *En Banc* on Russ Barlow, Senior Assistant Deputy Attorney General, by sending via email pursuant to Rule 262, SCACR, to his following registered email address:

RussBarlow@scag.gov

Respectfully submitted,

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October 13, 2026

LAW OFFICE OF
TRICIA A. BLANCHETTE

October 13, 2026
VIA E-FILING

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29211

RE: Keshawn Rice v. State; App. Case No. 2025-00361

Dear Ms. Kitchings:

For filing, I have submitted a Petition for Rehearing and for Rehearing *En Banc* and Certificate of Service in the above referenced PCR appeal.

I appreciate your assistance with this matter. Please let me know if anything further is needed.

Yours truly,

Tricia A. Blanchette
Attorney at Law

cc: Russ Barlow, Senior Assistant Deputy Attorney General (via email)
Keshawn Rice

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