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Oct 22 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

CERTIORARI - PCR
APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Robert J. Bonds, Circuit Court Judge

Appellate Case № 2024-000078

Aaron Young, Sr.
v.

State of South Carolina, Respondent

Petition for Rehearing

Pursuant to Rule 221 of the South Carolina Appellate Court Rules, Aaron Young, Sr. hereby Petitions this Court to reconsider the denial of the Petition for Writ of Certiorari based upon the following grounds:

1. This Court has pending before it a decision in *Gary Moore v. State of South Carolina*, Appellate case № 2024-000459. Among the issues before the court is the near identical issue of whether a reasonably competent attorney could have anticipated the ruling of the South Carolina Supreme Court in *State v. King*, 422 S.C. 47, 810 S.E.2d 18 (2017). An oral argument was held on October 7, 2026. This court should withhold the remittitur in this matter until an opinion has been issued in *Moore*. If the *Moore* decision is favorable to Mr. Young, then this court should withdraw the dismissal and grant the petition for writ of certiorari.

2. This court further failed to recognize that the South Carolina Supreme Court in *State v. Young*, 429 S.C. 155, 818 S.E.2d 516 (2020) imposed liability for the shooting of a third party not involved in the mutual combat. As this has never been applied in South Carolina, the ex post facto provisions of Article I, § 4 of the Constitution of the State of South Carolina and Article I, § 10, cl. 1 of the Constitution of the United States of America.

3. This court failed to recognize that the 911 call admitted into evidence was as a matter of law testimonial. This conclusion is supported by *State v. Hendricks*, 408 S.C. 525, 534, 759 S.E.2d 434, 439 (Ct. App. 2014) which stated the following to be testimonial evidence, “Her request that the 911 operator send an officer to the hospital demonstrated the purpose of her call was in large part to initiate criminal prosecution against Hendricks. Gilstrap also told the 911 operator, ‘He has beat her up before but he has never raped her’” The comments in this matter on the 911 call were equally testimonial. In this case, the hearsay statements were also prejudicial as they were the core of the case as to mutual combat.

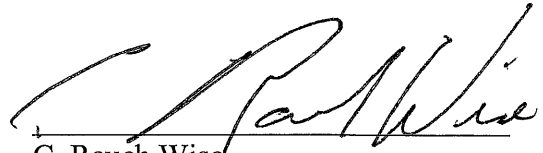
4. As to issue 2 on the alleged excited utterance, this court failed to appreciate that the record did not establish when the event occurred that cause the alleged excited utterance to which an objection should be made. To establish an excited utterance, the state is required to prove that the statement was made while still excited or upset from the event. The state failed to prove this in this case.

For the foregoing reasons, this court should:

1. Withhold the remittitur in this case until a ruling has been made in *Moore v. State*, appellate case № 2024-000459. This court should then review the opinion and determine if this court should grant this petition for writ of certiorari.

2. As to the remaining issues, this court should withdraw the denial and grant the petition as the denial of the petition is contrary to well established law in South Carolina.

October 22, 2026

A handwritten signature in black ink, appearing to read "C. Rauch Wise", written over a horizontal line.

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Appellate Case No. 2024-000078
Lower Case No. 2020-CP-07-01099

Aaron Scott Young, Sr. #288580, Petitioner,
vs.

State of South Carolina Respondent.

CERTIFICATE OF SERVICE

I, Sandy Traynham, hereby Certify that I am the Secretary for Attorney for the
Petitioner in the above entitled case. That on October 22, 2026, I did send via e-mail a copy of the
Petition For Rehearing to Danielle Dixon at danielledixon@scag.gov.

October 22, 2026

/s/ Sandy Traynham
Sandy Traynham
Secretary

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