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JAN 30 2014

S.C. Supreme Court

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

STEVEN COLLINS.....PETITIONER

v.

STATE OF SOUTH CAROLINA.....Respondent

PETITION FOR REHEARING

2013-CP-23-2300

Although incompetent was not mentioned to the Attorney General office, the Petitioner's use of the drug made him unable to read and understand facts clearly enough to file a PCR earlier. In Counsel v Catoe, 597 S.E.2d 782, 787 (S.C. 2004) The Supreme Court has suggested that a mentally incompetent PCR applicant should after regaining competency, be allowed to raise issues in a successive proceeding that could not have been raised earlier because of incompetency. The Applicant stated that he was on "Depacote" at 500 milligrams, twice a day and that it continued until October 13, 2013. The inquiry, whether the circumstance preventing a applicant from making a timely filing were both beyond the Applicant's control and unavoidable despite due diligence. The Applicant states the circumstance prevented him from making a timely filing were both beyond his control and unavoidable.

Moreover, the Respondent states, the applicant was therefore required to file his application before October 14, 2010. The Applicant object, after filing his first PCR on December 10, 2009 and after the S.C. Ct. App. dismissed his appeal on October 14, 2009, Lafler v. Cooper, 132 S.Ct.1376 was not discovered by me until November 2012 one month after he got off of that drug called "Depacote." Four months later applicant filed his second PCR while his first PCR is still pending. See 2009-CP-23-10469, and there is no way to have this current claim discovered in that PCR filed in 2009.

When counting the months, my appeal was over in 2009, my first PCR was filed in December 10, 2009, which leaves me ten months to file after the first PCR is dismissed. In addition, the mental incompetence prevented me from filing anytime earlier because of the effect of the drugs and Lafler v Cooper was decided in March 21, 2012.

CONCLUSION

Wherefore, applicant asked this Court for a remand to the Administrative Judge to respond to mental incompetence or Order a hearing on mental incompetence.

Dated
January 22, 2014


Steven Collins
Steven Collins

CERTIFICATE OF SERVICE

The undersigned hereby certify that he cause to be mail the foregoing Petition For Rehearing to Daniel E. Shearouse, Clerk for the Supreme Court of South Carolina and Karen C. Ratigen, Esquire PO BOX 11549, Columbia, S.C. 29211 this 22 day of January 2014 by depositing same in the U.S. mail.


Steven Collins

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JAN 30 2014

S.C. Supreme Court

The Supreme Court of South Carolina
Daniel E. Shearouse, Clerk
Post office Box 11330
Columbia, S.C. 29211

RE: Steven Collins v State of South Carolina
Case NO: 2013-CP-23-2300

Dear Mr. Shearouse:

Enclosed would you please find Petition For Rehearing
for filing in the above-caption matter.

Yours truly,


Steven Collins

