

**PETITION FOR REHEARING FOR A SENTENCE  
AFFIRMED BY THE COURT OF APPEALS**

THE STATE OF SOUTH CAROLINA  
In The Court Of Appeals

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**Appellate Case No. 2012-213729**

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The State, Respondent

v.

Maurio Daetrel Rivers, Appellant

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**PETITION FOR REHEARING OF APPELLANT  
MAURIO D. RIVERS**

Maurio Daetrel Rivers appeals the decision of the court of appeals to affirm his conviction for attempted murder. He also motions to relieve his former defender, Carmen Vaughn Ganjehsani per her own request.

s/ Maurio D. Rivers, Per Se  
Hope T. Rivers  
Obo/Maurio D. Rivers  
1928 Summey Ave  
Charlotte NC 28205  
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December 4, 2014

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**SC Court of Appeals**

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## QUESTIONS PRESENTED

1. Did the court correctly find trial court judge Diane Goodstein's action of giving an example of the term "Hand of One Hand of All" rather than the law definition alone appropriate or was her action overlooked? As it relates to her not instructing the jury as to the required specific intent to kill for an attempted murder conviction; did the court of appeals consider that Goodstein's example was given as a personal interpretation of the law, in which the jury was convinced of Maurio D. River's guilt still without proper understanding of the law itself but now having a proper understanding of the trial judge's personal opinion of Rivers' guilt expressed through her example?
2. Is it appropriate to conclude that the definition of the law given is correct when there are examples provided directly following the definition that could be easily misinterpreted or subconsciously sway the jury?

## ARGUMENT

The court of appeals should rehear its determination that the trial judges action of providing an unnecessary example to the trial jury to aid in defining the concept of "Hand of One Hand of All" was not abuse of discretion as it relates to *Clark v. Cantrell*, 339 S.C. 369, 389, 529 S.E.2d 528, 539 (2000) ("An appellate court will not reverse the trial court's decision regarding jury instructions unless the trial court abused its discretion."); *id.* ("An abuse of discretion occurs when the trial court's ruling is based on an error of law or, when grounded in factual conclusions, is without evidentiary support.")

The court of appeals should also rehear its determination that there was no error in the trial judge's decision to clarify the law by using her own hypothetical example rather than making reference to similar case based in facts. This should be considered an error of law as the jury likely understood the example over the actual definition. *Sheppard v. State*, 357 S.C. 646, 665, 594 S.E.2d 462, 472-73 (2004) (holding "the trial court is required to charge only the current and correct law of South Carolina" and stating "[a] jury charge is correct if it contains the correct definition of the law when read as a whole") does not take into consideration the factors leading to the jury's determination as a whole but rather only considers the language of the law when read.

**CONCLUSION**

This Court should grant the petition for rehearing.

Respectfully submitted,

s/ Maurio D. Rivers, Per Se

Hope T. Rivers

Obo/Maurio D. Rivers

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**PROOF OF SERVICE OF A PETITION FOR REHEARING**

THE STATE OF SOUTH CAROLINA  
In The Court Of Appeals

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**Appellate Case No. 2012-213729**

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The State, Respondent

v.

Maurio Daetrel Rivers, Appellant

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**PROOF OF SERVICE**

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I certify that I have served the notice of A Petition for Rehearing on the Court of Appeals by depositing a copy of it in the United States Mail, postage prepaid, on December 17, 2014 addressed to Jenny Abbott Kitchings Clerk of Court P.O. Box 11629 Columbia, SC 29211

I certify that I have served the notice of A Petition for Rehearing on the The State by depositing a copy of it in the United States Mail, postage prepaid, on December 17, 2014 addressed to Alan McCrory Wilson and Mary Shannon Williams P.O. Box 11549 Columbia, SC 29211-1549.

I certify that I have served the notice of A Petition for Rehearing on the former attorney for appellant by depositing a copy of it in the United States Mail, postage prepaid, on December 17, 2014 addressed to Carmen V. Ganjehsani PO Box 11433 Columbia, SC 29211-1433

December 17, 2014

s/ Maurio D. Rivers, Per Se  
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