

STATE of South Carolina
In The Supreme Court

Certiorari to Richland County
Alison Renee Lee, Circuit Court Judge

Maurice A. Kelley,

Petitioner,

v.

State of South Carolina,

Respondent.

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S.C. SUPREME COURT

Appellate Case No: 2011-192810

Petition For Motion under Rule
221 Rehearing of Appellate Court
Rules.

Hereby Petitioner comes before court with a Motion for Rehearing under Rule (221) Appellate Courts Rules. Below are the particular points suppose to have been overlooked or misapprehended by the Court.

No material of record and allege evidence in favorable to Petitioner is gone. Therefore Petitioner can't oppose a defense to the State of South Carolina or other.

No Transcript of Trial Court proceedings in a case from which to base an appeal. See Deaton v Leath, 302 S.E.2d 335.

Pursuant to Rule 206 Appellate Court Rules. (Transcript of Proceeding) Rule 206 (a) Appellate Court Rules.

Ordering the Transcripts. Where a transcript of the proceeding must be prepared by the Court reporter, appellate shall, within the time provided for ordering the transcript, make satisfactory arrangements (including agreement regarding payment for the transcript), in writing with the Court reporter for furnishing the transcript. In appeals from the Court of Common Pleas, matters in equity, special referees or ~~the~~ the family court in domestic actions, the transcript must be ordered within ten (10) days after the date of service of the notice of appeal. In appeals from the Court of General Sessions or the family court in juvenile actions, the transcript must be ordered within thirty (30) days of the date of service of the notice of appeal. Appellate shall contemporaneously furnish all counsel of record, the office of administration, and the Clerk of the Supreme Court with copies of ~~the~~ all correspondence with the Court reporter. Unless the parties otherwise agree in writing, appellant must order a transcript of the entire

Proceedings below. If a party to the appeal unjustifiably agree to ordering less than the entire transcript, appellant may move the Court to be awarded cost for having unnecessary portions transcribed, this motion must be made no later than the time the final briefs are due under Rule 21a

In this motion the Petitioner ask this Court, in the interest of justice, to reconsider looking into the facts of his case. The Petitioner was brought before this Court by way of an Austin v State, appeal. However, Petitioner's first May, 19, 2006 (PCR) hearing transcripts of record were lost, damaged or ~~destroyed~~ destroyed so this Court issued an order to reconstruct the record because there was no transcript of record in which to base an appeal. At Petitioner's July 16, 2013 reconstruction hearing Petitioner asserted all grounds for relief that were originally asserted at his first (PCR) hearing. Petitioner now contends that Judge Manning's July 17, 2007 Order of dismissal is not supported by the record and that there was an unreasonable determination of facts in his case because no issues were properly

determined based on § 17-27-80, Its Finding
And Facts And Conclusion of Law, To Support
the Records.

Therefore, Petitioner humbly ask this
Court to reconsider his case because he has been
prejudiced by the Lower Court proceedings.

Maurice A Kelley : 02-05-2015
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Certificate of Service

I certify that a true copy of the Motion for rehearing under Rule (221) Appellate Court Rules have been served on The Supreme Court of S.C. Daniel E. Shearouse, Clerk of Court P.O. BOX 11330 Columbia, S.C. 29211 and Megan E. Harrigan, Esquire, Attorney General's Office P.O. BOX 11549 Columbia, S.C. 29211 on or about this 5th day of February, 2015 by placing a copy of the same in the U.S. Mail postage prepaid.

Maurice A. Kelley 02-5-2015
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LEGAL MAIL ONLY

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