

STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

JUN 18 2015

Appeal from Charleston County
Court of Common Pleas
R. Markley Dennis, Jr., Circuit Court Judge SC Court of Appeals

Case No. 2013-002379

Ronald Coulter, #300410,

Appellant,

v.

State of South Carolina,

Respondent.

PETITION FOR REHEARING

The appellant herein respectfully moves this Court for an order reversing its order dismissing this appeal, which was filed on June 5, 2015. The appellant shows this Court that the following may have been misapprehended or overlooked:

1. The appellant has repeatedly, and respectfully, expressed to this Court that he is indigent and in no position, financially, or otherwise, to reproduce copies of 880-plus pages of the record on appeal, as required by this Court.

The appellant has informed this Court that being compelled to reproduce a lengthy and costly record constitutes a severe financial hardship which fatally restricts the availability of appellate review of the denial of habeas corpus for the indigent

appellant.

When the State has granted a constitutional right to a procedure to regain liberty lost through the criminal process, financial hurdles should not be permitted to condition its exercise, specifically, where indigent prisoners are involved.

To deny the indigent appellant the opportunity to seek appellate review in a habeas corpus proceeding because he is not financially able to reproduce a lengthy record intimates the denial of equal protection of the laws in violation of the Fourteenth Amendment.

Since this State does make appellate review of the denial of habeas corpus available to prisoners who can financially afford to reproduce a lengthy and costly record on appeal, may it constitutionally preclude its use by those who cannot?

2. This Court's disregard for the relevant portions of Rules 209 and 210, SCACR, undermined any reasonable opportunity for the appellant to obtain a determination on whether or not the appellant has standing, under the State's habeas corpus laws, both constitutional and statutory, to raise a Fourteenth Amendment due process claim in a habeas corpus proceeding; where such a constitutional claim could not have been raised in the appellant's original post-conviction relief (PCR) application.

Rule 209(b) states that "the Designation may only propose to include portions ... which may be properly included in the Record on Appeal [See Rule 210(c)]." Rule 210(c) clearly states that "the Record shall not, however, include matter which was not pre-

sented to the lower court or tribunal."

The appellant informed this Court that the respondent, in its cross-designation of matter, had unduly enlarged the record on appeal by including over 880 pages of unnecessary material never cited in its brief, nor presented to the lower court; although, the respondent certified that its designation contained no matter which is irrelevant to the appeal.

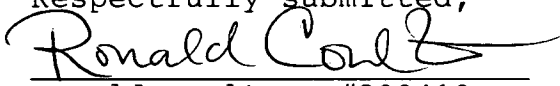
This Court's reliance on State v. Hunter, 63 S.E. 685 (1909), as the authority for granting the respondent's motion to amend the record on appeal was unreasonable. It was unclear how this Court's authority to take judicial notice of fact not established by admissible evidence demanded the amendment of the record on appeal with material which was never presented to the lower court.

By permitting the respondent to unduly enlarge the record on appeal, with its cross-designation, this Court has made it impossible for the appellant to reproduce the record necessary to obtain appellate review of the denial of his petition for writ of habeas corpus.

Conclusion

For the reasons set forth above, the appellant asks this Court to grant a rehearing of its order dismissing this appeal and revise accordingly.

June 16, 2015.

Respectfully submitted,

Ronald Coulter, #300410
BRCI Wateree 195
4460 Broad River Road
Columbia, SC 29210

Appellant, Pro Se

STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

JUN 18 2015

Appeal from Charleston County
Court of Common Pleas

SC Court of Appeals

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2013-002379

Ronald Coulter, #300410,

Appellant,

v.

State of South Carolina,

Respondent.

PROOF OF SERVICE

I certify that I have served the Petition for Rehearing on the State of South Carolina by depositing a copy of it in the United States Mail, postage prepaid, on June 16, 2015, addressed to the attorney of record, Ashleigh R. Wilson, Asst. Attorney General, Post Office Box 11549, Columbia, SC 29211.

June 16, 2015.



Ronald Coulter, #300410
BRCI Wateree 195
4460 Broad River Road
Columbia, SC 29210

Appellant, Pro Se