

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Spartanburg County
Deadra L. Jefferson, Circuit Court Judge

RECEIVED

JUL 28 2015

S.C. Supreme Court

KENDRICK ALLEN GUDE,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2015-001133

PETITION FOR REHEARING

Pursuant to this Court's Order dated July 24, 2015, regarding a petition for rehearing, counsel submits:

1. Appellant filed a pro-se notice of intent to appeal from the denial of post-conviction relief. Appellant was represented by Fletcher N. Smith, Jr., Esquire at the time he filed the notice of intent to appeal. A problem arose pertaining to the notice of intent to appeal because it did not include the date it was filed and served on the Attorney General's Office, and filed in the lower court.

2. It is apparent that the notice of intent to appeal was filed in the lower court on May 26, 2015. (See Exhibit A Filed notice of intent to appeal).

3. This office sent an indigency to be completed by Mr. Gude to PCR counsel Fletcher Smith pursuant to this Court's Order dated June 26, 2015.

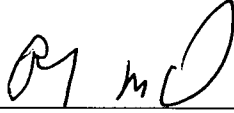
4. Mr. Smith filed a Motion for Extension to submit the indigency affidavit on July 21, 2015 with this Court.

5. On July 21, 2015, this office received the completed indigency affidavit, and it was approved by the Chief Appellate Defender. The transcript of his post-conviction relief hearing was requested.

6. On July 28, 2015, this office received an Order dated July 24, 2015, stating "Since this matter was dismissed by order dated July 14, 2015, based on petitioner's failure to show either of the two notices of appeal filed in this matter were timely served under Rule 203..." This office was unaware of the July 14, 2015 order dismissing the case. This Court provided that any petition for rehearing was due by July 29, 2015.

7. Undersigned counsel has contacted the Attorney General's Office and verified that their office was timely served with the notice of intent to appeal on May 26, 2015. (See Exhibit B stamped copy indicating when the notice of intent to appeal was served on May 26, 2015).

WHEREFORE, it now being apparent that the notice of intent to appeal was timely served, appellant respectfully requests that his appeal be reinstated.



ROBERT M. DUDEK

Chief Appellate Defender

This 28th day of July, 2015.

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Spartanburg County
Deadra L. Jefferson, Circuit Court Judge

KENDRICK ALLEN GUDE,

APPELLANT,

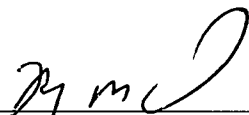
V.

STATE OF SOUTH CAROLINA,

RESPONDENT.


CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a copy of the Petition for Rehearing in the above-entitled case has been served upon Karen C. Ratigan, Assistant Attorney General, this 28th day of July, 2015.



Robert M. Dudek
Chief Appellate Defender

SUBSCRIBED AND SWORN TO before me
this 28th day of July, 2015.



(L.S.)
Notary Public for South Carolina
My Commission Expires: July 3, 2023.

EXHIBIT A

THE STATE OF SOUTH CAROLINA

In The Supreme Court

APPEAL FROM SPARTANBURG COUNTY

Court of Common Pleas

Deadrz L. Jefferson, Circuit Court Judge

Case No.: 2013-CP-42-2049

Kendrick Allen Gude, # 287625, Appellant,

v.

State of South Carolina Respondent.

NOTICE OF APPEAL

Appellant appeals the Order of Dismissal of the Honorable Deadrz L. Jefferson, dismissing Appellant's application for post-conviction relief. On March 31, 2015, the Honorable Deadrz L. Jefferson signed an order dismissing Appellant's application for post-conviction relief with prejudice. Appellant, through counsel, received written notice of entry of this order on May 4, 2015. A copy of the Order of Dismissal is attached.

2015 MAY 26 PM 1:47
SPT
HOPEBLEKLE

Kendrick Gude
Kendrick A. Gude
Appellant, Pro Se

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

Deedre L. Jefferson, Circuit Court Judge
Case No.: 2013-CP-42-2049

Kendrick ALLEN Gude, #257626, Appellant,
v.
State of South Carolina Respondent.

CERTIFICATE OF SERVICE

I, Kendrick Allen Gude, do hereby certify that on this day of
May, 2015, I serve upon the below named Respondents copies of
the NOTICE OF APPEAL by depositing copies of the same via U.S. Mail,
postage prepaid, in an envelope addressed as set forth herein below:

Suzanne H. White
Asst. Attorney General
P.O. Box 11549
Columbia, SC 29211

Spartanburg County Clerk's Office
180 Magnolia Street
Spartanburg, SC 29306

SPARTANBURG COUNTY CLERK'S OFFICE
2015 MAY 26 PM 1:47
M. HEBE BLACKLEY

SC Commission of Indigent Defense
Division of Appellate Defense
P.O. Box 11433
Columbia, SC 29211

Kendrick Gude
Kendrick A. Gude
Appellant, Pro Se

EXHIBIT B

79W

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

Deadra L. Jefferson, Circuit Court Judge

Case No. 2013-CP-42-2049

Kendrick Allen Gude, #287625,Appellant

v.

State of South Carolina.....Respondent.

NOTICE OF APPEAL

Appellant appeals the Order of Dismissal of the Honorable Deadra L. Jefferson, dismissing Appellant's application for post-conviction relief. On March 31, 2015, the Honorable Deadra L. Jefferson, signed an order dismissing Appellant's application for post-conviction relief with prejudice. Appellant, through counsel, received written notice of entry of this order on May 4, 2015. A copy of the Order of Dismissal is attached.

Kendrick Gude
Kendrick Allen Gude
Appellant, Pro Se

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

Deadra L. Jefferson, Circuit Court Judge

Case No. 2013-CP-42-2049

Kendrick Allen Gude, #287626,.....Appellant

v.

State of South Carolina.....Respondent.

CERTIFICATE OF SERVICE

I, Kendrick Allen Gude, do hereby certify that on this day of May , 2015, I serve upon the below named Respondents copies of the NOTICE OF APPEAL by depositing copies of the same via U.S. Mail, postage prepaid, in an envelope addressed as set forth herein below:

Suzanne H. White
Asst. Attorney General
PO Box 11549
Columbia, SC 29211

SC Commission of Indigent Defense
Division of Appellant Defense
PO Box 11433
Columbia, SC 29211

Spartanburg County Clerk's Office
180 Magnolia Street
Spartanburg, SC 29306

Kendrick Gude
Kendrick A. Gude
Appellant, Pro SE

ATTORNEY GENERAL'S OFFICE

RECEIVED 5-26-15

gw ADMINISTRATIVE INSTRUCTIONS
FILE OPEN END
HAVE _____ COPIES MADE
ROUTE TO _____
ORDER: _____ TRANSCRIPT
PEN RECORDS _____ CLERK RECORDS
OTHER: _____



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201-3332
Post Office Box 11589
Columbia, South Carolina 29211-1589
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

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JUL 28 2015

S.C. Supreme Court

July 28, 2015

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, SC 29211

Re: Kendrick Allen Gude v. State of South Carolina
Appellate Case No. 2015-001133

Dear Mr. Shearouse:

Please find attached a Petition for Rehearing for filing today in the above-captioned matter.

Sincerely,

Robert M. Dudek
Chief Appellate Defender

RMD/lf

cc: Karen C. Ratigan, Assistant Attorney General
Fletcher N. Smith, Jr., Esquire
Mr. Kenneth Allen Gude, #287625