

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

**RECEIVED**

AUG 26 2015

APPEAL FROM YORK COUNTY  
In the Court of Common Pleas

**S.C. Supreme Court**

Honorable William H. Seals, Jr., Circuit Court Judge

Appellate Case No. 2013-001143  
Opinion № 27562  
Heard February 3, 2015 - Filed August 12, 2015

ON THE WRIT OF CERTIORARI TO THE COURT OF APPEALS

The State, ..... Petitioner,

vs

Francis Larmand, ..... Respondent.

PETITION FOR REHEARING

Pursuant to Rule 221 of the South Carolina Rules of Appellate Practice, Francis Larmand respectfully requests that this Court rehear this matter to correct the following errors and omissions:

1. This Court erred in stating and reviewing the evidence in this case by an improper standard of review. This Court stated "A defendant is only entitled to a directed verdict if the State fails to produce any evidence of the offense charged." *State v. Larmand*, Op. № 27562 (S.C.Sup.Ct. filed August 12, 2015)(Shearouse Adv.Sh. № 31 at31, 35). The proper

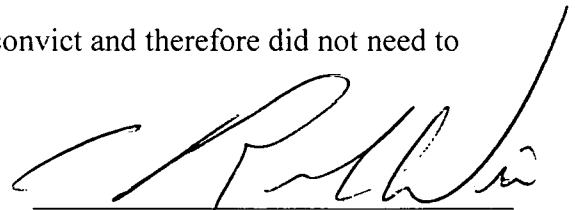
standard of review is if there is any *substantial* circumstantial evidence reasonably tending to prove the guilt of the accused, an appellate court must find the case was properly submitted to the jury.

2. The Court failed to consider the appellate standard of review of whether the state has excluded any other reasonable hypothesis other than the guilt of the accused when two recent cases in South Carolina support this standard of review.

3. The Court erred in failing to recognize that by finding that Francis Larmand “presented a plausible explanation of each of these facts, . . . .” *State v. Larmand*, Op. No 27562 (S.C.Sup.Ct. filed August 12, 2015)(Shearouse Adv.Sh. No 31 at31, 37) this Court has found that the State has not proven the case beyond a reasonable doubt.

4. The Court failed to consider a remand to the en banc Court of Appeals to address the issues not discussed by the Court of Appeals as the Court of Appeals reversed the conviction on the ground the facts were not sufficient to convict and therefore did not need to address the other issues.

August 26, 2015



C. Rauch Wise  
305 Main Street  
Greenwood, SC 29646  
(864) 229-5010  
[Rauchwise@gmail.com](mailto:Rauchwise@gmail.com)  
S. C. Bar No 06188

Attorney for Respondent

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AFFIDAVIT OF SERVICE

PERSONALLY appeared before me Sandy Traynham who, after being duly sworn, deposes and says that she is the secretary for C. Rauch Wise, Attorney for the Respondent in the above entitled case. That on August 26, 2014, she did deposit in the United States Mail with proper postage affixed thereto, three copies of the Return to Petition for Writ of Certiorari in the above case addressed to Deborah R.J. Shupe, Office of the Attorney General, P.O. Box 115549, Columbia, SC, 29211.

SWORN to and Subscribed

*Sandy Traynham*

before me this 26 day

of August, 2015.

*David Lee Harter* (L.S.)  
Notary Public for South Carolina  
My Commission expires: 11/30/22