

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

RECEIVED

Carmen T. Mullen, Presiding Judge

AUG 26 2015

SC Court of Appeals

Civil Action No. 2011-CP-07-04796
Appellate Case No. 2014-000550

Rodney J. Allgire,

Respondent,

v.

Marshall C. Blanton,

Appellant.

Return to Petition for Rehearing and
Motion to Allow Oral Argument

Charles E. Carpenter Jr.
Carpenter Appeals & Trial Support LLC
4825 Portobello Rd.
Columbia, SC 29206
(803) 758-2886
charlie@carpenterappeals.com

James H. Moss
Kuhn & Fleming, P.A.
Attorney for Defendant, Allgire
Post Office Drawer 507
Beaufort, South Carolina 29901-0507
(843) 524-3373 Fax: (843) 524-1302
jim@mossandkuhn.com

Attorneys for Respondent

Return to Petition for Rehearing

The Petitioner's own petition shows that the Court of Appeals is correct, did not misapprehend or overlook anything raised in the petition, and the petition should be denied. For a directed verdict on self-defense he must prove, as a matter of law with no evidence to the contrary, that (1) he was without fault in bringing on the difficulty, (2) he reasonably believed the force was necessary because he was in imminent danger of suffering serious bodily harm, and (3) he used every reasonable means to avoid danger. Shramek v. Walker, 152 S.E. 88, 149, S.E. 331 (1929).

Yet he says there was an argument between Joey Blythe and Dennis Robinson on the golf course. But he, Marshall Blanton, wasn't even there and did not hear what was said. He was in the clubhouse having finished playing golf.


His victim, Rodney Allgire had nothing to do with it.

Then because Marshall Blanton saw an argument between Joey Blythe and Dennis Robinson which ended, he later assaults Rodney Allgire and caused him devastating and serious physical injuries.

It is correct for this Court to affirm a jury verdict for both actual and punitive damages. The Petition for Rehearing and oral argument should be denied.

This the 24th day of August, 2015

James H. Moss
Kuhn & Fleming, P.A.
Attorney for Defendant, Allgire
Post Office Drawer 507
Beaufort, South Carolina 29901-0507
(843) 524-3373 Fax: (843) 524-1302


Charles E. Carpenter Jr.
Carpenter Appeals & Trial Support LLC
4825 Portobello Rd.
Columbia, SC 29206
(803) 758-2886
charlie@carpenterappeals.com

CERTIFICATE OF SERVICE

I, the undersigned, an employee of Carpenter Appeals and Trial Support, LLC, attorneys for Respondent, Rodney J. Allgire., do hereby certify that I have this date served the foregoing , **Return to Petition for Rehearing and Motion to Allow oral Argument**, by personally depositing a copy of the same in a United States Postal Service mailbox, postage prepaid, addressed to the parties indicated below:

E. Mitchell Griffith
Kelly Dennis Dean Griffith Sadler & Sharp, P.A.
P.O. Drawer 570
Beaufort, SC 29901

-and-

Joseph S. Sandefur
Parsons, Ouverson, Stark Guest & Sandefur, P.A.
P.O. Box 2850
Murrels Inlet, SC 29576

RECEIVED

AUG 26 2015

SC Court of Appeals



Allison Estrada, Paralegal to Charles E. Carpenter, Jr.

Dated: August 24, 2015

Carpenter Appeals & Trial Support, LLC

An AV Appellate Practice Law Firm

Charles E. Carpenter, Jr.
Attorney at Law
charlie@carpenterappeals.com



4825 Portobello Road
Columbia, SC 29206
Tel 1-803-758-2886

www.carpenterappeals.com

August 24, 2015

Via US MAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

RECEIVED

AUG 26 2015

SC Court of Appeals

Re: Rodney J. Allgire v. Marshall C. Blanton
2011-CP-07-04796
Appellate Case no: 2014-000550

Dear Ms. Kitchings:

I am enclosing an original Return to Petition for Re-Hearing and Motion to Allow Oral Argument, along with 7 copies thereof for filing.

Please file-stamp one of those copies and return to me in the self-addressed stamped return envelope provided herein.

By copy of this letter, we are serving this Return to Petition for Rehearing and Motion to Allow Oral Argument on all counsel of record.

Should you have any questions please call.

Sincerely,

B. Allison Estrada
Paralegal to Charles E. Carpenter, Jr.

Enclosures

cc: James H. Moss, Esquire
E. Mitchell Griffith, Esquire
Joseph S. Sandefur, Esquire

Carpenter Appeals & Trial Support, LLC
4825 Portobello Road
Columbia, SC 29206



The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

RECEIVED

AUG 26 2015

SC Court of Appeals