

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED  
OCT 12 2015  
SC Court of Appeals  
RESPONDENT,

THE STATE,

v.

JON ROSEBORO,

APPELLANT

APPELLATE CASE NO. 2013-000685

Appeal from Spartanburg County

J. Derham Cole, Circuit Court Judge

Opinion No.

PETITION FOR REHEARING

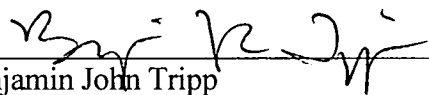
Pursuant to Rule 221(a), SCACR, Appellant Jon Roseboro respectfully petitions the Court for a rehearing of its Unpublished Opinion No. 2015-UP-476 issued on October 7, 2015 based upon the following points overlooked or misapprehended by the Court.

The Opinion cites *State v. Sims*, 304 S.C. 409, 418-19, 405 S.E.2d 377, 382-83 (1991) and *State v. Grate*, 310 S.C. 240, 242, 423 S.E.2d 119, 120 (1992), for the proposition that an officer is not required to have an otherwise valid arrest warrant in his possession in order to make an arrest. *State v. Sims* is inapposite. The defendant in that case argued that officers arrested him in his motel

room without the existence of a valid arrest warrant. The South Carolina Supreme Court concluded that a valid arrest warrant did exist. *Sims* at 418-19, 405 S.E.2d at 382-83. In this case, **Appellant acknowledges that a valid arrest warrant existed. He argues that the Fourth Amendment required the arresting officers in this case to show him the warrant or a copy of the warrant in order to enter his curtilage and arrest him.**

*State v. Grate* is also inapposite. In that case, officers arrested the defendant pursuant to a valid arrest warrant—although they were not in actual possession of it—in public. *Grate* at 241, 423 S.E.2d at 119. Appellant’s argument in this case relies on the principle that the Fourth Amendment places “**a greater burden is placed . . . on officials who enter a home or dwelling without consent.**” *Payton v. NY*, 445 U.S. 573, 587 (1980) (internal quotations omitted).

Respectfully submitted,

  
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Benjamin John Tripp  
Appellate Defender

This 12th day of October, 2015.

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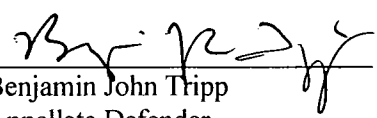
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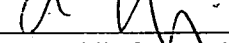
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CERTIFICATE OF SERVICE  
\_\_\_\_\_

The undersigned attorney hereby certifies that a true copy of the Petition for Rehearing in the above-entitled case has been served upon William M. Blich, Jr., Esquire, this 12th day of October, 2015.

  
Benjamin John Tripp  
Appellate Defender

ATTORNEY FOR APPELLANT

SWORN TO BEFORE ME this 12th day  
of October, 2015.

 (L.S.)  
Notary Public for South Carolina

My Commission Expires: May 12, 2025.