

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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DEC 28 2015

Appeal from Spartanburg County **S.C. Supreme Court**
Deadra L. Jefferson, Circuit Court Judge

REGINALD C. SHEFTALL,

Petitioner/Appellant,

- - VS - -

STATE OF SOUTH CAROLINA,

Respondent.

APPELLATE CASE NUMBER 2015-000781

PETITION FOR ORDER TO STAY APPEAL

REGINALD C. SHEFTALL, Pro Se
Lee Correctional Institution
990 Wisacky Hwy.
Bishopville, SC. 29010

ALAN WILSON
Attorney General

ALICIA OLIVE
Senior Assistant Deputy
Attorney General

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P.O. Box 11589
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ATTORNEYS FOR RESPONDENT

ATTORNEY FOR PETITIONER

PETITION FOR "ORDER TO STAY" APPEAL

Now comes, Reginald Sheftall, the petitioner/appellant in the above matter, presents a Pro Se Petition for an "ORDER TO STAY" the above APPEAL, now pending before this Honorable Court.

The Petitioner/appellant makes this petition due to "Newly Discovered Evidence" recently discovered (prosecutor misconduct) which was recently discovered, and by due diligence could "not" have been discovered in time to move for a new trial under RULE 59(b), or be included in his "first" post conviction relief hearing, which, now - would require a hearing pursuant to ROGERS -vs- STATE, 199 S.E.2d. 761 (1973).

Petitioner/appellant prays this Court will grant his current appeal a "ORDER TO STAY" and "grant petitioner/appellant "leave" to pursue this claim, until this newly discovered evidence can be heard in the lower court and, if necessary, be amended to his current appeal. Petitioner/appellant would provide the Court with a copy of all proceedings to this matter in the lower court, the "same date" as they are "filed" in the lower court.

In PORTER -vs- LESESNE, 67 S.E. 453 (1910) held: (An order staying proceedings pending appeal to the Supreme Court,

should be made only when it appears that the party making the application has just reason to apprehend that without a STAY he would be deprived benefit to favorable results of the appeal).

Petitioner/appellant "IN-GOOD FAITH" makes this request with the respect of the Court and not for any purpose of delay. No other time limits for any further litigation by either party to these proceedings would be prejudiced by this request.

CONCLUSION

For reasons set forth above, petitioner/appellant prays this Court issue petitioner/appellant an OTDER TO STAY the above appeal, until this newly discovered evidence can be heard in the lower court.

PETITIONER/APPELLANT FOREVER PRAYS:

Respectfully Entrusted,

DATE: 12/22/15

Reginald C. Sheftall #348974
Reginald C. Sheftall, # 348974
Lee Correctional Institution
990 Wisacky Highway
Bishopville, SC. 29010

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DEC 23 2015

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S.C. Supreme Court Appeal from Spartanburg County
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CERTIFICATE OF SERVICE

I, Reginald Sheftall, the petitioner/appellant to the above "APPEAL" hereby declares under the penalty of perjury, that on this day, I have served "All Parties" to these proceedings, a copy of petitioner/appellant's PETITION FOR AN ORDER TO STAY APPEAL, by placing a true copy of same, for each party listed below, in prison mail room personal's hands, for depositing in the United States Mail, with First Class Postage affixed, and addressed as indicated below:

ALAN WILSON
Attorney General
ALICIA OLIVE
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WANDA H. CARTER, Esq.
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SPARTANBUR COUNTY COURT OF COMMON PLEAS
Office of the Clerk
P.O. Box 3483
Spartanburg, SC. 29304-3483

Respectfully Entrusted

Reginald Sheftall #348974

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DATE: December 22, 2015