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SC Court of Appeals

STATE OF SOUTH CAROLINA

In the Court of Appeals

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APPEAL FROM AIKEN COUNTY

Court of General Sessions

The Honorable James R. Barber, III

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Appellate Case No: 2013-002799

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State of South Carolina,

Respondent,

VS.

Dwayne Lee Rudd

Appellant,

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Petition For Rehearing

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Dwayne Lee Rudd  
Petitioner  
B.R.C.I Moultrie-2039  
4460 Broad River Road  
Columbia, S.C 29210

In support this petition for rehearing ,petitioner states the following :

1. In accordance with rule 226. A Decision of the court of Appeals is not final until the Petition for rehearing has been acted on by the Court of Appeals.

2. Petitioner seeks Petition for writ of certiorari to the South Carolina Supreme Court, and must first have a Rehearing and Ruled upon by the Court of Appeals.

3. Petitioner has notified Counsel before oral arguement which took place on February 9,2016 that State's Exhibit 3 and 4 is not the evidence introduced at trial. The evidence introduced at Trial as State's evidence exhibits 3 and 4 reads as Follows: "I'm Sorry" This Photograph is a Close-up Picture that was introduced into evidence. This verified in the Transcripts (TR Pg 48 ). The photograph used in appeal is an entirely different phrase and reads as follws : " Please Forgive Me ! " I Love U So Much ! This tampering with evidence is a criminal act and should be acted on accordingly .

4. Petitioner seeks rehearing to review state's evidence and verify that the original evidence introduced at trial of a close - up picture of " I'm Sorry" matches state's evidence introduced at Direct Appeal.

4. Petitioner's rights were violated by the prejudicial effect of these photographs because the danger of unfair prejudice outweigh the probative value. SCRCP Rule. 403

5. In accordance with the 15 days to file for rehearing the petitioner's opinion was filed on February 24, 2016 , and the petitioner's counsel mailed the opinion on March 4, 2016 Petitioner received opinion on March 8,2016. Petitioner prays this court will consider the time of filing is out of petitioner's ability due to his incarceration .

CONCLUSION

For the above stated reasons , petitioner respectfully request that this court grant petitioner's rehearing and reverse his conviction.

Respectfully Submitted,

Dwayne Lee Rudd

Dwayne Lee Rudd  
B.R.C.I Moultrie-2039  
S.C.D.C # 358140  
4460 Broad River Road  
Columbia, S.C 29210

DATE. March 8, 2016

STATE OF SOUTH CAROLINA  
In the Court of Appeals

Appeal from Aiken County  
Court of General Sessions

The Honorable James R. Barber, III

Appellate Case No: 2013-002799

Dwayne Lee Rudd, .....Appellant,

v.

State of South Carolina, .....Respondent.


CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Petition  
for rehearing has been sent by U.S Mail to:

Mary Frances Jowers  
S.C.BAR No.68413  
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P.O. Box 11549  
Columbia, SC 29211

South Carolina Court of Appeals  
Jenny Abbott Kitchings, Clerk  
Post Office Box 11629  
Columbia, South Carolina 29211

March 8, \_\_\_\_\_, 2016

  
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Petitioner  
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