

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APR 13 2016

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas  
Frank R. Addy, Jr., Circuit Court Judge

SC Court of Appeals

Appellate Case No. 2013-000449

Raymond W. Carter

Appellant,

v.


Donnie Myers, Solicitor, Lexington County, Tracey Carroll, Asst. Solicitor, Lexington County, Brian Buck, Irmo Police Department, Scott Franklin, Irmo Police Department, Timothy E. Stephenson, SC Law Enforcement Division, (SLED), The Estate of George D. White, Ex father in law, Tammy Carter (AKA: Tammy Kidd, AKKA: Tammy Scrogam, Ex Wife, Barbara Keadle (AKA: Diane Hinkle) Investigator, LCDSS, Francis Ross, LCDSS, Paulette Jolly, Guardian Ad Litem,

Appellees,

PETITION FOR REHEARING AND MEMORANDUM  
IN SUPPORT FROM ORDER AFFIRMING APPEAL

Let it be known:

Appellate Raymond Carter, now moves for a Petition for Rehearing of the order Affirming the Appeal in this case on April 6, 2016.



Raymond Carter  
2219 Leesburg Road  
Columbia, SC 29209

APPELLATE PRO SE

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Appellees,

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MEMORANDUM IN SUPPORT  
FOR PETITION FOR REHEARING  
FROM ORDER AFFIRMING APPEAL

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Raymond Carter, being duly sworn, deposes and says:

1. I hereby move for a rehearing of the order dated April 6, 2016 by Honorable Judge(s): Huff, Williams and Thomas, affirming this appeal. This judgment is null and void, and parts of the appeal were not even addressed. The whole of the matter in this appeal was handled just as it has in all stages of this case for the last 15 years of its existence.

2. The appeal's subject matter was based on the denial at the circuit court deeming that I had not timely filed my complaint and that my complaint for wrongful conviction and other evils committed by the accusers, the police involved and the court officials, had tolled the statute of limitations.

3. My appeal directly addressed the SCRCF Rule 60(b) which in effect supersedes any Writ of Coram Nobis, which I sought relief after the discovery of information that had been falsified and withheld at time of discovery. It wasn't until after I was released and able to pursue this information that it was brought to light. Coram Nobis has been abolished in the state of South Carolina and the Writ of Habeas Corpus was no longer available to me to proceed.

4. At the time of release from the SC Dept. of Mental Health, I had a current appeal on that decision as well. This same evidence that placed me in a compelling situation to accept a plea to I had been told was a "non-violent" offence of attempting to commit a lewd act on a minor with no registration requirements, forced into a civil trial to determine if I were a sexually violent predator all used the same evidence to adjudicate those findings.

5. The issues address by this honorable court conclude that their findings were that SCTCA (The Act) under Doe v. Marion, 373 S.C. 390, 395, 645 S.E. 2d 245, 247 (2007) barring the appeal on the grounds of statute of limitations. This makes the entire judgment null and void because the issues on appeal did not use the rules under SCRCF 60(b).

6. I attest again for the record, pursuant to SCRCF 60(b) newly discovered evidence has been proffered and a timely complaint was made under this rule. The statute of limitations, once such newly discovered evidence is discovered, then I have one year from the date of discovery to file a complaint. Appellate filed such a complaint within the time limits of that rule.

7. Under *State v. South*, 310 S.C. 504, 507; 427 S.E.2d 666, 668 (1993) (noting that to obtain a new trial based on newly discovered evidence, the evidence must be material to the issue of guilt or innocence). Not only does this material show the issue of innocence, it has also newly discovered evidence in which the alleged minor(s) in question and her two sisters have now totally recanted saying “we were told that’s what happened when we know nothing did”, “I was lied too and made to believe you were a bad person”, “you should know that if something is told to a child multiple times that eventually it will place a false memory tricking a human into believing something actually happened and it gives a false memory in there head” and “my mother does steal and lie a lot.” All three have accepted an invitation to appear in court to testify they have never been touched in any inappropriate manner by me. Genuine issues of material fact exist as to my claim of innocence, and should not be considered successive or time-barred, nor relief be granted to the appellees as such. For 16 years now I’ve had to deal with this injustice, and for 13 years I’ve been fighting on my own seeking that justice, which with this appeal, continues in the process. Stop protecting these criminals, bring this case to trial and bring justice to the Appellate that he has long sought after.

8. When it comes to newly discovered evidence, the State of South Carolina has a 5 prong test to determine if such claimed newly discovered evidence is viable for a trial. Under *Clark v. State*, 315 S.C. 385, 434 S.E.2d 266 (1993). Clark provides: “To obtain a new trial based on after discovered evidence, the party must show that the evidence:

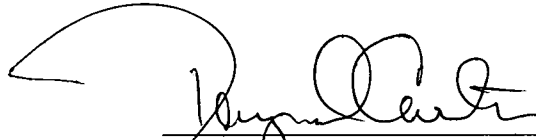
- (1) would probably change the result if a new trial is had;
- (2) has been discovered since trial;
- (3) could not have been discovered before trial;

(4) is material to the issue of guilt or innocence; and

(5) is not merely cumulative or impeaching.

9. All 5 of these prongs have been met. Until SCRC 60(b) is properly addressed before this court, any previous decisions are void. I am innocent of this crime; I did not commit this crime. I investigated myself due to my impoverished situation as soon as I possibly could after I was released. I cannot afford legal counsel or private investigator, and the law is supposed to protect me, my rights and my ability to not be convicted or if newly discovered evidence arises, any previous conviction not allowed to stand when a person is factually, legally and justifiably innocent.

WHEREFORE, for all of the reasons set forth above, this Petition For Rehearing should be granted and, upon rehearing, the Affirmation of this appeal should be DENIED.



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Raymond Carter  
2219 Leesburg Road  
Columbia, SC 29209

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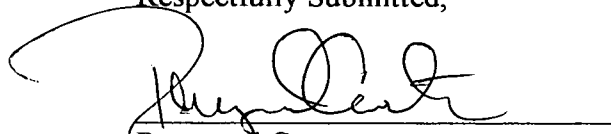
CERTIFICATE

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SC Court of Appeals

The undersigned Appellant hereby certifies that the PETITION FOR REHEARING AND MEMORANDUM IN SUPPORT FROM ORDER AFFIRMING APPEAL contains all material proposed to be included by any of the parties and not any other material.

Respectfully Submitted,



Raymond Carter  
2219 Leesburg Road  
Columbia, SC 29209-3055

April 10, 2016  
Columbia, SC

APPELLANT PRO SE

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APPEAL FROM LEXINGTON COUNTY **SC Court of Appeals**  
Court of Common Pleas

Frank R. Addy, Jr., Circuit Court Judge

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Donnie Myers, Solicitor, Lexington County, Tracey Carroll, Asst. Solicitor, Lexington County, Brian Buck, Irmo Police Department, Scott Franklin, Irmo Police Department, Timothy E. Stephenson, SC Law Enforcement Division, (SLED), The Estate of George D. White, Ex father in law, Tammy Carter (AKA: Tammy Kidd, AKKA: Tammy Scrogam, Ex Wife, Barbara Keadle (AKA: Diane Hinkle) Investigator, LCDSS, Francis Ross, LCDSS, Paulette Jolly, Guardian Ad Litem,

Appellees,

**PROOF OF SERVICE**

I, Raymond W. Carter, the Appellant, hereby certify that I have served a copy of my PETITION FOR REHEARING AND MEMORANDUM IN SUPPORT FROM ORDER AFFIRMING APPEAL on this 11<sup>th</sup> day of April, 2016, by depositing a copy of it in the United States Mail, postage paid, addressed to:

Jenny A. Kitchings, Clerk  
South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

William H. Davidson, II, PA  
Attorney for Appellees' Myers  
1611 Devonshire Drive, PO Box 8568  
Columbia, SC 29202-8568

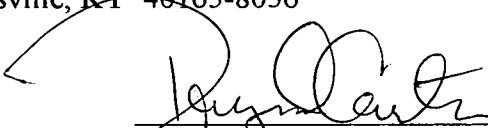
David L. Morrison, ESQ  
Attorney for Appellees' Buck, Franklin  
7453 Irmo Drive, Ste. B  
Columbia, SC 29212

Tammy A. Kidd  
1246 Blue Lick Road  
Shepherdsville, KY 40165

Timothy E. Stephenson  
709 Old Trolley Road  
Summerville, SC 29485

The Estate of George D. White  
1249 Highway 44 W.  
Shepherdsville, KY 40165-8056

April 10, 2016  
Columbia, SC

  
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Raymond Carter  
2219 Leesburg Road  
Columbia, SC 29209-3055

APPELLANT PRO SE

Cc: File

Raymond Carter  
2219 Leesburg Road  
Columbia, SC 29209-3055

April 10, 2016

Honorable Jenny A. Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1205 Pendleton Street  
Columbia, SC 29201

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SC Court of Appeals

RE: Raymond Carter V. Donnie Myers, et. al., C/A 2013-000449

Dear Honorable Clerk,

Pursuant to an order of this Court dated April 5, 2016; the Appellant has submitted the enclosed Petition for Rehearing and Memorandum in Support of Petition for Rehearing from Order Affirming Appeal, and in accordance with SCACR 240(b).

If there are any questions, please do not hesitate to contact me.

Thank you for your continued assistance in this matter!

Sincerely,

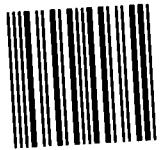
  
Raymond Carter  
Appellant, Pro Se

Cc: File

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2219 Leesburg Road  
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