

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499
www.sccourts.org

April 27, 2016

Mr. John J. Moore, #326455
Broad River Correctional Institution
4460 Broad River Road
Columbia SC 29210

Re: John J. Moore v. State
Appellate Case No. 2014-000786

Dear Mr. Moore:

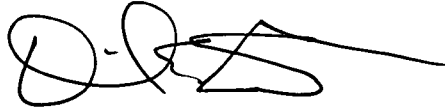
This responds to your petition for rehearing under Rule 240(j) of the South Carolina Appellate Court Rules (SCACR). Since you have not provided a certificate or affidavit of service showing that a copy of this petition has been served on the opposing counsel as required by Rule 240(c)(1), SCACR, no action will be taken on this petition by this Court. This Court cannot act on an *ex parte* petition.

I note that you are apparently confused about this Court's order of April 15, 2016. This order was issued after the members of the Court considered your petition for a writ of certiorari and voted to deny the petition. I signed the order on behalf of the Court based on the enclosed order dated January 20, 2016. Rule 240(j), SCACR, is simply inapplicable to this situation.

Finally, if you do decide to file and serve a petition for rehearing under Rule 221(a), SCACR, please remember that the petition must "state with particularity the points supposed to have been overlooked or misapprehended by the court." Also, please be sure to include the required certificate or affidavit of service

showing that a copy of the petition has been served on opposing counsel.

Very truly yours,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

CLERK

Enclosure

cc: James Clayton Mitchell, III, Esquire

The Supreme Court of South Carolina

RE: Grants or Denials of Petitions for Writs of Certiorari
Under Rules 242, 243 and 247 of the South Carolina
Appellate Court Rules

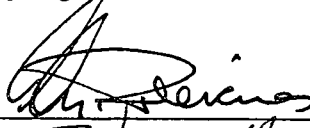
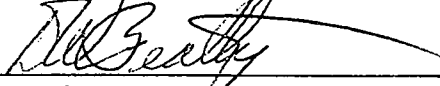
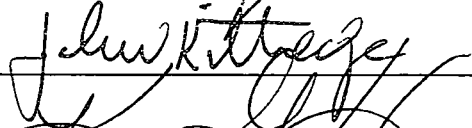

ORDER

Under Rule 242(a) of the South Carolina Appellate Court Rules (SCACR), a writ of certiorari to review a decision of the South Carolina Court of Appeals will only be issued upon the concurrence of two members of this Court. Further, under Rule 243(j), SCACR, a writ of certiorari to review a post-conviction relief case will only be issued upon the concurrence of two members of this Court. Additionally, under Rule 247(h), SCACR, a writ of certiorari to review an order in an Access to Justice Post-Conviction DNA Testing Act (DNA Testing Act) case will only be issued upon the concurrence of two members of this Court. In the past, the results of a vote under these rules have been reflected by an order signed by the Court. We now change this practice.

Based on the vote of the Court on a petition for a writ of certiorari filed under Rule 242, 243 or 247, SCACR, the Clerk or a Deputy Clerk of this Court shall issue an order on behalf of the Court either denying or granting the petition. If the petition is granted in whole or part, the order shall indicate the questions that will be considered. The votes of the individual justices will not be revealed.

In addition, in those post-conviction relief or DNA Test Act cases that are pending before the Court of Appeals, the Clerk or a Deputy Clerk of the Court of Appeals shall issue an order on behalf of the panel either denying or granting the petition based on the vote of the panel under Rule 243(l) or 247(h), SCACR. If the petition is granted in whole or part, the order shall indicate the questions that will be

considered. The votes of the individual judges will not be revealed.

	C.J.
	J.
	J.
	J.

Columbia, South Carolina
January 20, 2016

