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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Larry B. Hyman, Circuit Court Judge

Case Nos. 2009-CP-26-1281
2009-CP-26-3127
2009-CP-26-3128

(Court of Appeals Case No. 2014-001344)

RECEIVED

APR 27 2016

SC Court of Appeals

J. Gregory Hembree, on Behalf of the Horry County Police Department,
Respondent,

v.

Taurus .38 Special SN: sg53109, 1994 Monaco RV VIN: 1RF120611R1010972 and
One Thousand Eight Hundred and Forty Five Dollars (\$1,845.00) Defendant Property,

Michaela Albin, Individually and as Personal Representative of the Estate of Michael J. Albin,
Appellant.

PETITION FOR REHEARING

David J. Canty, Bar No. 1122
4612 Oleander Drive
Myrtle Beach, S.C. 29577
Office (843) 449-6304
Fax (843) 449-4249
mbcounsel@frontier.com

Argument

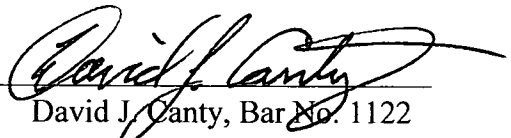
The Petitioner respectfully submits that this Honorable Court should allow the Petitioner to be re-heard as to the issue of abuse of discretion in denying attorneys fees. Paragraph 1 of this Honorable Court's Per Curiam opinion may be read to imply that Petitioner untimely sought attorneys fees after remand when the record reflects the matter was not disposed of until after additional trial days.

Further, the issues of pre-judgment interest and loss of use were argued before the trial Court and submitted in proposed Orders. The trial Court's final Order constituted a de facto ruling upon those issues.

Conclusion

The affirmation of the trial Court implicates policy issues beyond the scope of the instant facts. It is respectfully submitted that the Respondent should not be rewarded for its conduct herein.

Respectfully submitted,



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mbcounsel@frontier.com
Attorney for Appellant

April 26, 2016

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Larry B. Hyman, Circuit Court Judge

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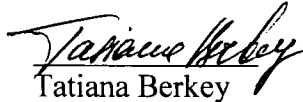
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Appellant.

PROOF OF SERVICE

I certify that I have served the Appellant's Petition for Rehearing on J. Gregory Hembree, on
Behalf of the Horry County Police Department by depositing a copy of it in the United States
Mail, postage prepaid, on April 26, 2016, addressed to the attorney of record, James Richard
Battle, II, Esq., P.O. Box 530, 1200 Main St., Conway, S.C. 29528-0530.


Tatiana Berkey

David J. Canty, Bar No. 1122
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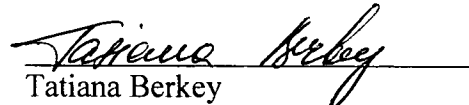
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Behalf of the Horry County Police Department by depositing a copy of it in the United States
Mail, postage prepaid, on April 26, 2016, addressed to another counsel of record, Donna E.
Elder, P.O. Box 12265, Office of General Counsel/Litigation, Columbia, S.C. 29211.


Tatiana Berkey

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Email: mbcounsel@frontier.com

April 26, 2016

**Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, S.C. 29211**

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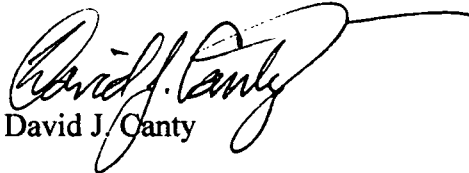
SC Court of Appeals

Re: J. Gregory Hembree v. Taurus
Appellate Case No.: 2014-001344

Dear Madam Clerk,

Enclosed please find one original and six (6) copies of our Petition for Rehearing along with my firm's check no. 8475 in the amount of \$25.00 for your filing fee, together with the proof of service upon opposing counsel.

Thanking You and With Best Wishes,
Yours Very Truly,


David J. Canty

cc.: clt.

Donna Earls Elder, Esq.
James Richard Battle, II, Esq.