

The South Carolina Court of Appeals

In the Matter of the Care and Treatment of Larry Edward  
Hendricks, Appellant.

Appellate Case No. 2014-000205

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

C.J.  
 J.

J.

Columbia, South Carolina

cc:  
Larry Edward Hendricks  
Alan McCrory Wilson, Esquire  
Deborah R.J. Shupe, Esquire  
Laura Ruth Baer, Esquire  
Douglas A. Barfield, Jr., Esquire

FILED

May 24, 2016

THE STATE OF SOUTH CAROLINA  
COURT OF APPEALS

Appeal from Fairfield County  
R. Knox McMahon, Circuit Court Judge

Appellate Case No.: 2014-000205

IN THE Matter of the Care and Treatment  
of Larry Edward Hendricks, Petitioner.

PETITION FOR REHEARING  
AND  
PETITION FOR REHEARING EN BANC

NOW COMES THE PETITIONER, Larry Edward Hendricks, who appears before this Honorable Appellate Court pro-per, after appellate counsel was allowed to be relieved. On April 19, 2016, Petitioner received by mail an Order affirming the decision of the lower court, filed on April 13, 2016. Pursuant to Rules 219(a) and 221(a) of the South Carolina Appellate Court Rules, the Petitioner asks this Court for a rehearing and a review by the entire Court, en banc.

THE APPELLATE PANEL ERRORED WHEN IT AFFIRMED  
THE DECISION OF THE LOWER COURT WHICH WENT  
AGAINST ESTABLISHED SUPREME COURT PRECEDENT.

The Petitioner was adjudged a violent sexual predator after a jury trial on January 30, 2014. Before trial, but after selecting a jury, The Court allowed the Petitioner to argue several motions pro-se that had been previously filed with The Court. Those motions were argued before the Court by both parties and preserved for appellate review, Staube v. City of Folly Beach, 529 SE2d 543 (SC 2000).

Immediately after the judge issued a written order, Petitioner filed a Notice of Appeal, and eventually was assigned Appellate Counsel. Appointed counsel decided to file an Anders Brief, and Petitioner, knowing that the motions previously argued had weight, filed a Pro-se memorandum against The Anders Brief, that brought forth the merits of the motions and the precedent that they stood upon.

~~Each of said motions stood upon the precedent of~~  
The South Carolina Supreme Court, which is mandatory and must control the decisions of lower courts until overruled by that Court, itself. ART. VI, § 9, S.C. CONST. One specific argument stood on all fours to established precedent established in Care and Treatment of Miller, 713 SE2d 263 (SC 2011); McComas v. Ross, 626 SE2d 902, 904 (2005).

None of the precedents submitted have been considered bad law by the S.C. Supreme Court. Being good law it is error to overlook their significance.

The Petitioner also motioned and was allowed to supplement the Record to this Court to show that ex parte communications occurred when orders were filed, pre-trial, that did not have corresponding motions, or requests filed.

Because the Petitioner's fundamental right to liberty was/is at stake, his rights to Due Process must be protected and it is the inherent duty of the Court to do so, Kurshner v. City of Camden, et al., 656 SE2d 346 (SC 2008); ART 1, § 23 of the S.C. Const. Ex parte communications could be considered civil conspiracy, whereas "a civil conspiracy is a combination of two or more persons joining for the purpose of injuring and causing special damages" to the Petitioner, McMillian v. Oconee Memorial Hospital, Inc., 626 SE2d 884, 886 (2004).

The Petitioner was denied an opportunity to be heard in these matters which affected him. The judicial practice of merely signing an order prepared by counsel of one party is condemned, Herring v. Retail Credit Co., 224 SE2d 663 (1976).

The Appellate panel chose to not make any written ruling regarding the ex parte communication issue, nor on the precedent brought forth in the Pro-se Memorandum. Though Judge McMahon, in open

Court, said that the issues raised were preserved for appellate review; no specific findings of fact or conclusion of law was submitted with the denial of the Appeal.

Again the established court precedent that aligns with the Petitioner's pro-se preserved arguments are clearly established and controlling, as such they warrant the court's revisiting of the panel's decision to affirm the lower court's decision. As such, a conflict exist with the decision of the unpublished opinion, 2016-UP-173, against Supreme Court precedent brought forth in the Pro-se Memorandum.

Finally, the Pro-se Memorandum brings forth a question of exceptional importance regarding the Separation of Powers doctrine, and the question of Jurisdiction over the subject matter brought before the Court, McConnell v. Halcy, 711 SE2d 886 (2011); Art 1, § 8 of the S.C. Const.; and Skinner v. Westinghouse, 688 SE2d 795 (SC 2008).

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## CONCLUSION

Based on the aforementioned the en banc Court should revisit these matters and GRANT this Petition, issuing a new order, vacating the lower court's commitment order, and releasing Petitioner forthwith, for violating Court precedent and the Constitution of this State.

THIS THE PETITIONER HUMBLY PRAYS!

Respectfully submitted;

Larry Edward Hendricks

Larry Edward Hendricks

Petitioner, Pro-se

7901 Farrow Rd

Bldg. #3, 3rd Fl.

Columbia, SC 29203-3201

This 21st day of April 2016

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COURT OF APPEALS

Appeal From Fairfield County

R. Knox McMahon, Circuit Court Judge

Appellate Case No.: 2014-000205

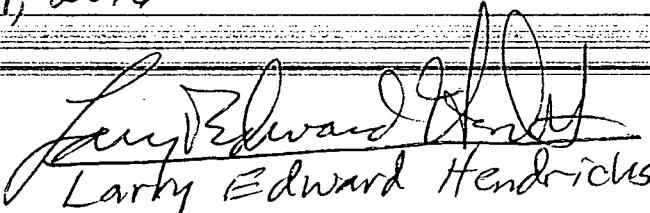
In the matter of The Care and Treatment  
of LARRY Edward Hendricks, Petitioner.

PROOF OF SERVICE

I, Larry Edward Hendricks, the Pro-se Petitioner, do hereby certify that I have this date served: PETITIONER'S PETITION FOR REHEARING and EN BANC; to the State's attorney, in the foregoing action by depositing one copy of the same in the SVPTP's facility's mailbox for delivery via the U.S. Postal Service, addressed to Deborah R.J. Shupe, P.O. Box 11549, Columbia, SC

29211.

This 21st day of April, 2014

  
Larry Edward Hendricks  
Petitioner, Pro-se  
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