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STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

JUN 23 2016

SC Court of Appeals

Appeal from Laurens County  
Honorable Donald B. Hocker, Circuit Court Judge  
Appellate Case N<sup>o</sup> 2016-000729

The State, ..... Respondent,

vs.

Terrance Edward Stewart, ..... Appellant.

Petition for Rehearing

Terrance Edward Stewart, the Appellant above named, hereby Petitions this Court pursuant to Rule 221(a) of the South Carolina Appellate Court Rules to Re-hear this matter based upon the follow:

1. On June 15, 2016, the Supreme Court of the State of South Carolina heard oral argument in *State v. Rearick*, Appellate Case N<sup>o</sup> 2014-001692. One of the two issues involved in this case was whether the lower court's denial of the Motion to Dismiss the case on double jeopardy grounds is immediately appealable.

2. In the Case, the Supreme Court of the State of South Carolina on June 1, 2016 granted the motion of appellate counsel to argue against precedent.

3. As the Supreme Court of the State of South Carolina is seriously considering whether to overrule *State v. Miller*, 289 S.C. 426, 346 S.E.2d 705 (1986), the case upon which this Court

relied in dismissing the appeal of Terrance Edward Stewart, this Court should withhold any remittitur in this matter pending the decision of the Supreme Court of the State of South Carolina as to whether the *Miller* case should be overruled and then issue an opinion in accordance with the decision of the Supreme Court of the State of South Carolina in *State v. Rearick*, Appellate Court N<sup>o</sup> 2014-001692.

For the above reasons Terrance Edward Stewart Petitions the Court to re-her this matter and issue an opinion in accordance with *State v. Rearick* pending before the Supreme Court of the State of South Carolina.

June 20, 2016



C. RAUCH WISE  
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S. C. Bar N<sup>o</sup> 06188

Attorney for Terrance E. Stewart

THE STATE OF SOUTH CAROLINA  
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APPEAL FROM LAURENS COUNTY  
Court of General Sessions  
Donald Hocker, Circuit Judge

SC Court of Appeals

Appellate Case No. 2016-000729

The State, ..... Respondent,

vs.

Terrance Edward Stewart ..... Appellant.

AFFIDAVIT OF SERVICE

Personally appeared before me, Sandy Traynham, who, after being duly sworn, deposes and says that she is the receptionist for C. Rauch Wise, Attorney for the Appellant in the above entitled case. That on June 20, 2016, she did deposit in the United States Mail with proper postage affixed thereto, a copy of the Petition for Rehearing to John Benjamin Aplin, SC Attorney General's Office, P.O. Box 11549, Columbia, SC 29211, and Margaret Boykin, Assistant Solicitor Eight Judicial Circuit, P.O. Box 516, Greenwood, SC 29648.

Sworn to and Subscribed

Sandy Traynham

before me this 20 day

of June, 2016

Mary Jane Harten  
Notary Public for South Carolina

My Commission Expires: 11/30/22

LAW OFFICE OF  
**C. RAUCH WISE**  
Attorney & Counselor at Law  
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Greenwood, SC 29646  
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SC Court of Appeals

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June 20, 2016

Jenny Abbott Kitchings, Clerk  
SC Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

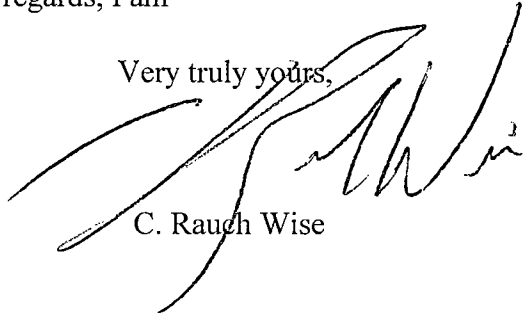
Re: State vs. Terrance Stewart, Case No. 2016-000729

Dear Ms. Kitchings:

I am enclosing herewith pursuant to Rule 221(a) of the South Carolina Appellate Court Rules for filing the original and six copies of the motion to rehear the above matter together with the original Affidavit of Service.

With kindest regards, I am

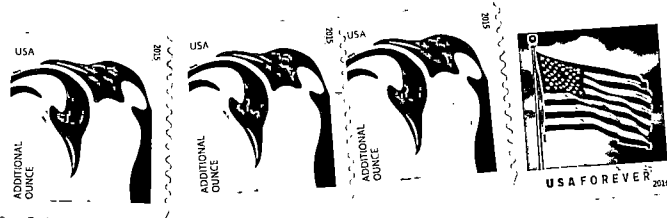
Very truly yours,

  
C. Rauch Wise

CRW/slt  
Enclosure

cc John Benjamin Aplin  
Margaret Boykin

LAW OFFICE OF  
**C. RAUCH WISE**  
Attorney & Counselor at Law  
305 Main Street  
Greenwood, SC 29646



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