

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

AUG 18 2016

Appeal from Oconee County  
Honorable R. Lawton McIntosh, Circuit Court Judge  
Appellate Case No. 2013-001895

SC Court of Appeals

The State

Respondent,

v.

James Richard Bartee,

Appellant.

RETURN TO PETITION FOR REHEARING

On June 29, 2016, this Court correctly affirmed Appellant's conviction and sentence. In his Petition for Rehearing, Appellant has not demonstrated how this Court misapprehended or overlooked any relevant fact or law. Instead, he merely objects to the outcome determined by the Court on each of the issues raised. The Court's findings and conclusions of law are entirely supported by the Record and the case law cited in the Court's opinion. Accordingly, the Court should deny the Petition for Rehearing.

The State relies on its Final Brief of Respondent for any further discussion of the issues because all issues raised in the Petition for Rehearing have been previously addressed in total by the State in its Final Brief. The State asserts this Court completely and correctly addressed the issues and rehearing is not warranted. Accordingly, this Court should deny the Petition for Rehearing.

**CONCLUSION**

For all of the foregoing reasons, the State requests the panel deny the petition for rehearing.

Respectfully submitted,

ALAN WILSON  
Attorney General

WILLIAM M. BLITCH, JR.  
Assistant Attorney General

CHRISTINA T. ADAMS  
Solicitor, Tenth Judicial Circuit

BY:



William M. Blitch, Jr.  
S.C. Bar No. 15608  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEYS FOR RESPONDENT

August 18, 2016

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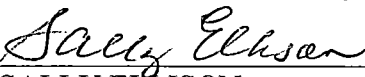
Appellant.

PROOF OF SERVICE

I, Sally Ellison, certify that I have served the within Return to Petition for Rehearing by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Jack B. Swerling, Esquire  
1720 Main Street, Suite 301  
Columbia, South Carolina 29201

I further certify that all parties required by Rule to be served have been served.  
This 18<sup>th</sup> day of August, 2016.



SALLY ELLISON

Legal Assistant  
Office of Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727



ALAN WILSON  
ATTORNEY GENERAL

August 18, 2016

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AUG 18 2016  
SC Court of Appeals

**VIA HAND DELIVERY**

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: State v. James Richard Bartee, Jr.,  
Appellate Case No. 2013-001895

Dear Ms. Kitchings:

Please find enclosed for filing the original and six (6) copies of the Return to Petition for Rehearing, with proof of service, in the above-referenced case.

Sincerely,

William M. Blich, Jr.  
Assistant Attorney General  
S.C. Bar No. 15608

Enclosures

cc: Jack B. Swerling, Esquire (2 copies enclosed)  
Victim's Services (enclosure)