

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPEAL FROM GREENVILLE COUNTY
D. Garrison Hill, Circuit Court Judge

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AUG 24 2016

Appellate Case No. 2015-00006

SC Court of Appeals

THE STATE,

Vs.,

Respondent,

FURMAN E. TAYLOR,

Appellant.

PETITION FOR EN BANC REHEARING

Furman E. Taylor, Jr.: Pro-Se
Perry Corr Inst. / 02B-206
435 Oaklawn Road
Pelzer S.C. 29669

Other Counsel of Record
ALAN M. WILSON (esq.)
P.O. Box 11549
Columbia, S.C. 29221

STATEMENT OF THE CASE

1) Appellant was originally tried on the charges of First degree burglary and petit larceny in Greenville County by way of jury trial held before THE Honorable R. Knox McMahon on February 11 and 14, 2014, that concluded in a hung jury.

2) Appellant was re-tried on the same charges in Greenville County by way of jury trial held before the Honorable D. Garrison Hill on January 5 thru 7, 2015, that concluded in conviction. Appellant was sentenced to life imprisonment for burglary and (30) thirty days for petit larceny.

3) Appellant filed and served notice of appeal, and applied to the South Carolina Commission on indigent defense, appellate division, and assigned Mr. Robert M. Pachak on May 28, 2015.

4) On July 01, 2015, appellate indigent defender, Mr. Robert M. Pachak submitted: (1) An Amicus brief of appellant presenting the issue of whether the trial court erred in denying appellant's motion for a directed verdict; (2) A Petition to be relieved, and (3) only the record from the second trial.

5) Appellant was directed by the court on July 09, 2015, that within (45) forty-five days he could file a pro-se brief addressing any issues that he believed this court should consider in this appeal.

6) On August 06, 2015, appellant filed a motion requesting leave be granted for after-discovered evidence and/or an extension of time to file his pro-se brief.

7) An extension of time was granted and filed on August 14, 2015, to extend the deadline until September 23, 2015.

8) Appellant filed a pro-se brief, and pro-se designation of matter on September 21, 2015.

9) On October 16, 2015, the State filed a motion to strike matter from appellant's pro-se designation of matter and pro-se brief.

10) On October 21, 2015, the court requested appellant file a return to the States motion to strike.

11) On October 28, 2015, appellant filed an objection to the motion to strike by the State.

12) On November 17, 2015, appellant filed a motion for new counsel to be appointed and substituted as his attorney for the appeal from trial, after appointed counsel, Mr. Robert M. Pachak, refused to re-brief the issues and/or submit the transcript from the first trial.

13) On November 24, 2015, this court contacted both opposing counsel, as well as counsel for the appellant, requesting that both file a return to appellant's motion.

14) Only the State filed a return to appellant's motion requesting re-appointment of counsel on December 02, 2015.

15) On February 09, 2016, appellant received an Order from this court that was filed February 04, 2016, that (1) granted the State's motion to strike, and (2) denied appellant's motion to substitute counsel.

16) On March 03, 2016, appellant submitted a motion requesting leave be granted based upon after-discovered evidence to present grounds intrinsic to the litigation of this case which have been discovered since trial that ought first be

presented to the circuit judge upon a motion for a new trial based upon this after discovered evidence. Which opposing counsel claims to have received on March 16, 2016.

17) The respondent filed a return to appellant's motion requesting leave, claiming the motion is an improper pro-se filing, and that there is no constitutional right to "hybrid" representation either at trial or on appeal. Dated March 22, 2016.

18) Then on August 03, 2016, appellant received an order dismissing the appeal.

Therefore, the appellant would now petition this court for an En BANC review/rehearing in this case pursuant to § 14-8-250, and alleges that each of the issues presented for review/rehearing fall within one of four characterizations required:

- 1) There is a novel question of law.
- 2) Where the decision of the court of appeals is in conflict with a prior decision of the Supreme Court.
- 4) Where substantial constitutional issues are are directly involved.

5) Where a federal question is included and the decision of the court of appeals conflicts with a decision of the United States Supreme Court.


Issues Presented

1) Is the decision of the court of appeals in conflict with "Old Chief" where the constitutionality of § 16-11-311(a)(2) denies appellant substantial due process rights and where fundamental fair proceeding is directly involved.

2) Was appellant denied his constitutional right to the effective assistance of appellate counsel where the appeals court identified Anders v. California but extended it to a new context where it should not apply when appellant instructed appellant counsel to re-brief viable issues and include all transcripts before the appeals court reviewed appellant's appeal.

3) Did the court of appeals overlook the genuineness of the videos used to identify appellant when there was a question raised as to the authenticity of the original because the impounding officer held the video for (2) two weeks before placing into property and

evidence which violated chain of custody procedure because no balancing test was done prior to its admittance, which is in conflict with prior decision of the Supreme Court.

Respectfully Submitted

Furman E. Talker, #198161 / Pro-se.

Certificate of Service

I, Furman E Taylor, hereby certify that a Petition for EN BANC review/rehearing in Appellate Case No. 2015-000066, was this day, postage pre-paid, placed in the hands of the United States postmaster here at Perry Corr. Inst. and addressed as follows:


1) South Carolina Court of Appeals
Jenny Abbott Kitchings, Clerk
Post Office Box 11629
Columbia, S.C. 29211

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SC Court of Appeals

2) Office of the S.C. Attorney General
Mr. Alan Wilson, A/G
Post Office Box 11549
Columbia, S.C. 29211


Furman E. Taylor #198161/Pro-Sc.

Sworn and Subscribed before me
this 18th day of August, 2016.

Nancy C Muebert
S.C. Notary Public

1-23-2027
my Commission expires:

REC'D
AUG 18 2016
P.C.I. MAIL.COM

S.C. Court of Appeals
Ms. Jenny A. Kitchings, Clerk
P.O. Box 11629
Columbia, S.C. 29211

Furman E. Taylor; #198161
Perry Corr. Inst. 102B-206
430 Oaklawn Road
Pelzer, S.C. 29574

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(Page 1 of 1) AUG 24 2016

SC Court of Appeals

August 18, 2016

In Re: State v. Furman E. Taylor, appellate case no.
2015-000066.

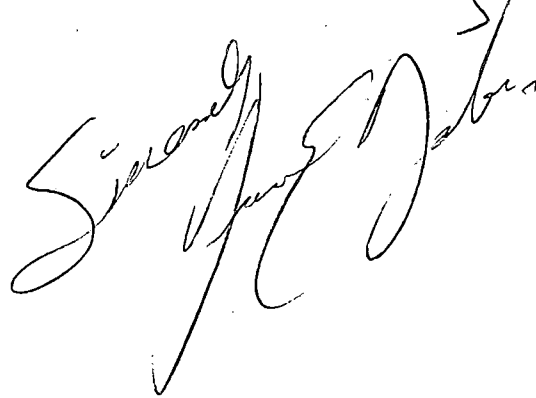
Dear Ms. Kitchings,

I am writing in concern of the above referenced matter.

Please find enclosed a Petition for an ENBANC review/rehearing that I would like to submit for consideration in the courts.

In addition, I would like to "Thank You" in advance for all of your time, help, and consideration on my behalf in these matters.

I look forward to hearing from you soon!



**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Furman Eugene Taylor, Jr., Appellant.

Appellate Case No. 2015-000066

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SC Court of Appeals

Appeal From Greenville County
D. Garrison Hill, Circuit Court Judge

Unpublished Opinion No. 2016-UP-390
~~Submitted April 1, 2016 — Filed August 3, 2016~~

APPEAL DISMISSED

Appellate Defender Robert M. Pachak, of Columbia; and
Furman Eugene Taylor, Jr., pro se, for Appellant.

Attorney General Alan McCrory Wilson and Senior
Assistant Deputy Attorney General John Benjamin Aplin,
both of Columbia; and Solicitor William Walter Wilkins,
III, of Greenville, for Respondent.

PER CURIAM: Dismissed after consideration of Appellant's pro se brief and review pursuant to *Anders v. California*, 386 U.S. 738 (1967). Counsel's motion to be relieved is granted.¹

APPEAL DISMISSED.

LOCKEMY, C.J., and WILLIAMS and MCDONALD, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.

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F.C.I. MAILROOM

LEGAL MAIL

South Carolina Court of Appeals
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Columbia, S.C. 29211