

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

APPEAL FROM FLORENCE COUNTY  
DONALD B. HOCKER, CIRCUIT COURT JUDGE

---

RECEIVED

FEB 17 2017

SC Court of Appeals

TAMARIS ANSTWAIN WINGATE

PETITIONER

v.

THE STATE

RESPONDENT

APPELLATE CASE NO. 2014-002717

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PETITION  
FOR  
REHEARING

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MR. TAMARIS ANSTWAIN WINGATE  
S.C.O.C.(LCI) # 315016  
990 WISACKY HIGHWAY  
BISHOPVILLE, S.C. 29010  
[APPELLANT, PROSE]

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THE ABOVE NAMED PETITIONER, RESPECTFULLY MOVED THIS HONORABLE COURT FOR A "REHEARING". THE COURT OF APPEALS DISMISSED PETITIONER'S APPEAL ON FEBRUARY 01, 2017. THE COURT ALSO STATED THE APPEAL WAS "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 RELIEVED IS GRANTED."

THIS MATTER IS CURRENTLY BEFORE THE COURT OF APPEALS UPON AN ACTION OF THE COURT THAT HAS THE EFFECT OF DISMISSING THE PETITIONER'S APPEAL. THE COURT OVERLOOKED THE PETITIONER'S "SUPPLEMENTAL BRIEF AND APPENDIX", AND THE CLEARLY ERRONEOUS ERRORS. THIS "PETITION" IS NECE-

SSARY TO SECURE AND TO MAINTAIN THE UNIFORMITY OF THE COURT OF APPEALS DECISIONS.

WHEN IN FACT THE DECISION OF THE COURT OF APPEALS IS IN DIRECT CONFLICT WITH A PRIOR DECISION OF SOUTH CAROLINA'S SUPREME COURT:

1.) STATE V. STUKES (OPINION 27633) (MAY 04, 2016)

THE COURT STATED: "THEREFORE, OUR RULING IS EFFECTIVE IN THIS CASE AND THOSE WHICH ARE PENDING ON DIRECT REVIEW OR ARE NOT YET FINAL, BUT NOT IN POST-CONVICTION RELIEF" <SEE: SUPPLEMENTAL BRIEF (PAGE 20)>

ALSO THE VERY FACT THAT IN PETITIONER'S APPEAL, [HIS] SHOWING OF SUBSTANTIAL CONSTITUTIONAL ISSUES ARE SO DIRECTLY INVOLVED.

THE VERY REASON FOR THIS "PETITION" IS THAT THE COURT OF APPEALS MISAPPREHENDED THE FACTS OF THIS APPEAL, AND PERHAPS DID NOT FOLLOW THE CORRECT PROCEDURES. A "DISCRETIONARY REVIEW" IS SO NEEDED. THE COURT OF APPEALS CANNOT STATE THAT PETITIONER'S APPEAL WAS MANIFESTLY WITHOUT MERIT, HOWEVER, EVERY DECISION RENDERED, BY THE APPELLATE COURT, BECAUSE OF THE RECORD OF THE CASE, SHOULD HAVE BEEN STATED IN WRITING, SO IT MAY BE PRESERVED FOR FUTURE ENDEAVORS, SUCH AS POST-CONVICTIONS.

PETITIONER'S ISSUES WERE NOT CONSIDERED AND IT WAS BASED ON THE RECORD. THEREFORE, THE COURT SHOULD GRANT THIS "PETITION FOR REHEARING"

WHEN AN APPELLANT WHO HAS AN APPEAL THAT IS GOVERNED BY THE ANDESS PROCEDURE FILES A MOTION FOR REHEARING, IT IS PROPER FOR THE COURT TO RUL ON THE MOTION, AND SUCH A RULING DOES NOT VIOLATE THE PROHIBITION OF HYBRID REPRESENTATION OR THE FEDERAL OR STATE RIGHT TO THE ASSISTANCE OF COUNSEL. SINCE COUNSEL'S MOTION TO BE RELIEVED WAS GRANTED.

THIS REQUEST IS MADE IN GOOD FAITH, AND NOT FOR THE PURPOSE OF DELAY.

WHEREFORE, PREMISES CONSIDERED, PETITIONER HEREBY RESPECTFULLY REQUEST A REHEARING BASED ON THE FOLLOWING BRIEFS:

- 1.) SUPPLEMENTAL BRIEF & APPENDIX  
A.) FILED - DEC. 09, 2016
- 2.) AMENDED PRO SE BRIEF  
A.) FILED - MAY 19, 2016
- 3.) APPELLANT PRO SE BRIEF (dated - 04/20/16)

PETITIONER FOREVER PRAYS.

VERY TRULY YOURS,  
MR. TAMARQUS ANTOAN WINGATE

SIGN THIS 14<sup>th</sup> DAY of FEB; 2017

MR. TAMARQUS ANTOAN WINGATE  
3006 (L) 315016  
990 WISACKY HIGHWAY  
BISHOPVILLE, SC 29010

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CERTIFICATE OF SERVICE

I hereby certify that I, TAMARQUIS WINGATE (your name), on the 14<sup>th</sup> day of FEBRUARY, 2017, in BETHUNGE (city), South Carolina served a copy of "PETITION FOR REHEARING", on

All parties to this matter by depositing the same in the mail room of LEE C. I. and addressed as follows: SC Court of Appeals c/o Jerry Abbott Kitchens P.O. Box 11549, Columbia SC 29211

[WITH COVER SHEET & 3 PAGES]

ME. ROBERT M. DIDEK, Esquire  
PO Box 11589  
Columbia, SC 29211

ME. JOHN B. APLIN, Esquire  
PO Box 11549  
Columbia, SC 29211

T. A. Wingate DATE 02/14/17

Tamarquis A. Wingate (pro se)  
#315016 - LEE C. I.  
990 Wisacky Highway  
Bishopville SC 29310