

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

The State,

Respondent,

v.

John Dodge Haynes,

Appellant.

Appellate Case No.: 2017-000799

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APR 12 2017

Petition To Reconsider
Order of Dismissal of April 6, 2017
And To Reinstate Appeal

SC Court of Appeals

Now comes the Appellant above named and petitions this Honorable Court to reverse its Order of Dismissal of April 6, 2017 and would show unto this Honorable Court as follows:

1. That the substance of the appeal is the State of South Carolina refusing to recognize **Crawford v. Washington 541 US 36 (2004)** and instead adhere in effect, to **Ohio v. Roberts 448 US 56 (1980)** which has been over ruled by **Crawford**.
2. That the “no appeal until sentence imposed rule” has consistently been cited over the years, however Justice Beatty in his decision in **The State v. Rearick** (Case No. 2014-001692) clearly states under B. other remedies.

“A Defendant may still challenge the denial of Motion to Dismiss ... via
(2) A petition for this Court to issue an extraordinary writ,” at Page 13
State v. Rearick No. 2014-001692 (S.C. 2016).

The Footnote on Page 13, specifically noted at Footnote 14 that the South Carolina Constitution allows for extraordinary writs. See Footnote 14 **State v. Rearick** supra.

3. That the ultimate prayer of this appeal will contain a prayer for a writ of prohibition.
4. That an additional legal basis for this application is that the “no appeal rule” is actually a de facto Rule of Practice. With the provisions of **Title 14-3-330 South Carolina Code**

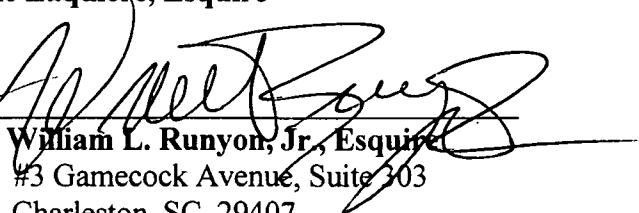
1976 as amended which provides for interlocutory appeal the decisions of the Supreme Court are, in effect, a de facto Rule of Practice which has never been submitted for approval to the Legislature in keeping with Article V of the South Carolina Constitution.

5. That in following Justice Beatty's directives in **State v. Rearick**, supra, this Appellant is entitled to ask this Court, in this matter, for writs of prohibition and/or mandamus.
6. The foregoing is an outline of the basis for the application for relief.

WHEREFORE the Appellant prays that the Order of Dismissal be reversed, the appeal be reinstated, the Appellant be allowed to brief his position and seek relief as provided in **State. V. Rearick** supra.

William L. Runyon, Jr., Esquire
Eric Laquiere, Esquire

By


William L. Runyon, Jr., Esquire
#3 Gamecock Avenue, Suite 303
Charleston, SC 29407
(843)571-3515
SC Bar No: 4838

Dated this 11th day of April, 2016
in Charleston, South Carolina.

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SC Court of Appeals

Appellant above named respectfully moves that the Order of Dismissal be reversed and the Appellant be allowed to seek relief including the writs available pursuant to Justice Beatty's decision in **State v. Rearick** and as set out in the attached Petition.

AND IT IS SO MOVED THIS 11th DAY OF APRIL, 2017 IN CHARLESTON, SOUTH CAROLINA.

William L. Runyon, Jr., Esquire
Eric Laquiere, Esquire

By: 

William L. Runyon, Jr., Esquire
#3 Gamecock Avenue, Suite 303
Charleston, SC 29407
(843)571-3515
SC Bar No: 4838

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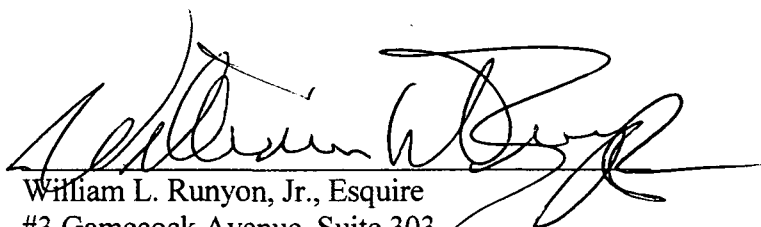
APR 12 2017

SC Court of Appeals

I William L. Runyon, Jr., Esquire, do hereby certify that on the 11th day of April, 2017, I served a copy of the **MEMORANDUM, MOTION TO RECONSIDER and PETITION TO RECONSIDER** on South Carolina Attorney General Alan Wilson and Assistant Solicitor Glenn Justis in the within matter, by mailing copies to them by way of the United States Mail, with sufficient postage attached thereto and addressed as follows:

Honorable Alan Wilson
South Carolina Attorney General
100 Assembly Street
Columbia, SC 29201

Honorable Glenn Justis
Assistant Solicitor For Dorchester County
140 N. Main Street, Suite 102
Summerville, SC 29483


William L. Runyon, Jr., Esquire
#3 Gamecock Avenue, Suite 303
Charleston, SC 29407
SC Bar No.: 4838
(843) 571-3515

Dated this 11th day of April, 2017
in Charleston, South Carolina.

William L. Runyon, Jr.

Attorney At Law

#3 Gamecock Avenue, Suite 303

Charleston, SC 29407

Telephone: (843) 571-3515 Facsimile: (843) 766-5085

April 11, 2017

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SC Court of Appeals

Honorable Jenny A. Kitchings
Clerk of South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC, S.C. 29211

RE: State, Respondent v. John Dodge Haynes, Appellant.
Appellate Case No.: 2017-000799

Dear Ms. Kitchings:

Please find enclosed **MEMORANDUM, MOTION TO RECONSIDER; PETITION TO RECONSIDER** and **CERTIFICATE OF SERVICE**, for filing in the above-captioned matter. Please file originals and return certified copies to me in the stamped, self-addressed envelope provided for your convenience.

Sincerely,



William L. Runyon, Jr.

WLR, JR. /bb

Enclosure

Cc: Honorable Attorney General Alan Wilson
Honorable Solicitor Glenn Justis