

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

Roger M. Young, Sr., Circuit Court Judge

Appellate Case No. 2014-001051

RECEIVED
JUN 02 2017
SC Court of Appeals

The State of South Carolina,..... Respondent,

v.

Joseph Todd Rowland, Appellant.

Petition for Rehearing

Pursuant to Rule 221(a) of the South Carolina Appellate Court Rules, Appellant Joseph Todd Rowland petitions the Panel to grant rehearing in State v. Rowland, Op. No. 2017-UP-225 (S.C. Ct. App. filed May 24, 2017), and reverse the trial court. This matter necessitates rehearing for two reasons. First, the opinion misapprehended or overlooked the fact that the trial court erred in denying Appellant's motion to suppress the drug evidence on the ground the search warrant was not supported by probable cause. Second, the opinion misapprehended or overlooked the fact that the trial court erred by denying Appellant's motion for directed verdict when the evidence presented by the State did not suffice to create a jury issue as to constructive possession of the drugs. The Panel should grant rehearing to correct these errors and reverse.

THE PEPPER LAW FIRM, PA

By: _____

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Charleston, South Carolina

May 30, 2017

STATE OF SOUTH CAROLINA

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PROOF OF SERVICE

The undersigned hereby certifies that on the date indicated below, he served counsel for the Respondent, with a copy of the *PETITION FOR REHEARING* by mailing copies of the same by United States Mail with first class postage prepaid to the following addresses:

Stephanie Linder, Assistant Solicitor
Ninth Circuit Solicitor's Office
O.T. Wallace Building
101 Meeting Street
Charleston, SC 29401

SC Attorney General's Office
P.O. Box 11549
Columbia, SC 29211

May 30, 2017



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May 30, 2017

VIA US MAIL

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

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RE: State of South Carolina v. Joseph Todd Rowland
Appellate Case No. 2014-001051

Dear Ms. Kitchings:

Please find enclosed for filing the original and six (6) copies of the Petition for Rehearing along with original Certificate of Service on the above captioned matter.

Thank you for your attention to this matter. If you need any additional information, please do not hesitate to contact my office.

With best regards, I am

Sincerely,

Mark Peper, Esq.

Enclosures as stated.

Cc: Mark R. Farthing, Office of Attorney General (via US Mail)