

State of South Carolina
County of Richland
Kenneth James # 261378
Appellant.

v.
State of South Carolina
Respondent.

IN the South Carolina
Supreme Court
Appellate Case NO:
2017-000807

NOTION FOR
Rehearing pursuant
Rule 221 and 240(I).

This matter comes before the Court by way of a motion for Rehearing. Based on the ERROR OF LAW, by the Post-conviction Court by violating the Post-conviction Court statute 17-27-80, and 17-27-90 and 17-27-100. These code of Laws have been violated and Petitioner Kenneth James alleges he's being held in custody unlawfully for the following reasons:

1. Ineffective Assistance of PCR Counsel.
2. ERROR OF LAW committed by PCR Court Judge violation of statute 17-27-80

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S.C. SUPREME COURT

Procedural History

Appellant was indicted August 1999, two counts Armed Robbery, Assault with intent to Kill, two counts of Possession of a Firearm during the commission of a violent crime, two counts of Kidnapping, Criminal sexual conduct in the First degree (1999-GS-40-19103, 19103, - 19104, - 19105, - 19107, - 19108, - 19109, - 19110). Represented by Douglas Stricker on all charges and convicted on all charges.

Rule 243(c) Explanation Requirement
Petitioner alleges that PCR court Judge's Decision in failing to rule on all the ISSUES presented in proper form and at proper time limited his ability to fight his conviction. See Statute 17-27-80 which clearly states the court must make a finding of facts and conclusion of Law Ruling on merit of each, and every Issue presented to the court. This omission prejudiced The Petitioner by depriving him of a

Complete Post-conviction Ruling ON Every ISSUE raised. Which amounts to the denial of Petitioner's 14th amendment U.S.C.A. CONSTITUTION OF DUE PROCESS OF LAW. Petitioner's fundamental fairness was Deprived when PCR Judge clearly violated statute 17-27-80, which is a Post-conviction safe guard to a petitioner seeking to fight his conviction. The PCR Judge failed to Rule ON the ISSUE of ineffective assistance of appellate Counsel. This violated PCR statute 17-27-80 and PCR Counsel deprived Petitioner of his 6th amendment Guarantee of Effective Counsel by failing to file 59E motion to alter or Judgment required by S.C. Code ANN. § 17-27-80, and Rule 52A S.C.R.P.

PCR Counsel failed to (~~Protect~~) protect appellants rights pursuant to Rule 71.1 (g) S.C. Code ANN. § 17-27-100.

Violation 14th amendment of CONSTITUTION U.S.C.A. 14th Amend. DUE process of Law.

and 6th Amendment of Effective Counsel.
IN GARNER V. STATE 636 S.E.2d. 860. The
Supreme Court Held that order Granting
Post-conviction Relief that did not address all
The Claims was not final order. Subject
To Certiorari Review. Appellate Court,
Rule 227(A) (17-27-80) PRUITT V. STATE
310 S.C. 254, 423, S.E.2d. 127.

See: MCCRAY V. STATE 408 S.E.2d. 241
Remand was Required on Appeal From
PCR Court's dismissal of Movant's
Ineffective Assistance of Counsel's
allegations without making a finding of facts
on specific allegations raised. Violating
statute and precluding Appellate Review.
Rule 1976F 17-27-80 USCA CONST. Amend 6th

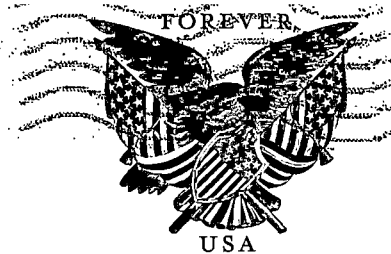
CONCLUSION

Based on these stated facts the
Petitioner request a rehearing on the
Question of Law pertaining to violation
of PCR statute 17-27-80, and 17-27-90,
and 17-27-100.

NENNETH JAMES "BOB" L. CRIST
K.C.I. H.C. 114
4848 GOLDMINE HWY.
KERSHAW, S.C. 29067

COLUMBIA SC 290

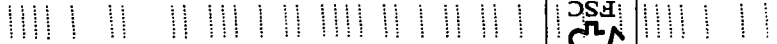
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THE SUPREME COURT OF SOUTH CAROLINA
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