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THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM HORRY COUNTY

Case No.2015-002255

RECEIVED
JUL 19 2017
SC Court of Appeals

Tommy J. Bellamy-----Appellant

v.

Horry County Assessor-----Respondent

DEFENDANT MOTION FOR WRIT OF CERTIORARI

RECEIVED
AUG 01 2017
S.C. SUPREME COURT

Tommy J. Bellamy, Attorney Pro se
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843 457-3625
Attorney for Appellant

Attorneys for Respondent

Arrigo Paul Carotti, Esquire
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1314 Professional Drive
Myrtle Beach, South Carolina, 29577
843 692-2628

July 14, 2017

The Appellant Tommy Bellamy, respectfully moves the South Carolina Court of Appeals for an order for a Writ of Certiorari under rule 242(c). The Appellant petition for South Carolina Supreme Court rule on the above case through a Writ of Certiorari. Whereas the Appellant moves for an order through a Writ of Certiorari to send all documents associated with the case to the South Carolina Supreme Court.

The South Carolina Court of Appeals decline to act on the Appellant's motion to rehear filed on July 3, 2017. The Appellant's Motion to rehear was received by the South Carolina Appellate Court on July 3, 2017 less than fifteen (15) days after the filing of the opinion, order, judgment, or decree of the court on June 26, 2017. The petition to rehear was in accordance with Rule 240. The Appellant filed the petition for rehearing under Rule 221. The petition for rehearing was in accordance with Rule 240.

The Motion to rehear petition to reinstate was due to particularity the points that were supposed to have been overlooked or misapprehended by the court. The Respondent complained that the Appellant failed to provide 2 documents as stated below in the Supplemental Record on Appeal:

- a. Request for refund from Tommy J. Bellamy Submitted March 20, 2015
- b. Letter from Dana B. Fogner to Tommy Bellamy dated October 8, 2014

1. On May 7, 2017, the Appellant filed the Supplemental Record on Appeal. The documents listed above were included in the Supplemental Record on appeal along with 3 other documents that the Respondent requested in their complaint.

2. The documents in the Supplemental Record and the Second Amended Record on Appeal contain corrections of all exhibits, orders and any documents in the Appellant's possession. These matters were previously designated and included in the designation of matter under Rule 209 and 210. The Supplemental Record on Appeal and the Second Amended Record on Appeal comply with the requirements of Rule 267. The Supplemental Record on Appeal complies with Rule 211(b), SCACR

The Appellant petition the court to compel the Respondent to provide the court with a copy of the documents that they claim are the improper documents that the Appellant has provided. The Appellant's Motion to rehear was denied by the South Carolina Court of Appeals on July 12, 2017.

Pursuant to Rule 221 © of the South Carolina Appellate Court Rule, the Appellate Court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal. The action of the Court on the Respondent's Motion to dismiss was denied. The Appellants petition to reinstate was denied, finally deciding the Appellant's appeal.

Pursuant to Rule 242©, the Court shall not send the remittitur to the lower court or administrative tribunal until the time to petition for a Writ of Certiorari has expired. The Appellant's Motion to rehear was denied by the Court of Appeals on July 12, 2017, the Appellant petition for Writ of Certiorari is submitted on July 14, 2017, within the time to petition. Pursuant to Rule 221© the Court of Appeals shall not send the remittitur until notified that the petition has been denied. If the writ is granted by the Supreme Court, the Court of Appeals shall not send the remittitur.

Respectfully Submitted


Tommy J. Bellamy

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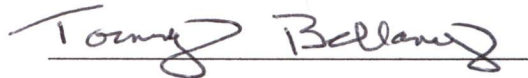
Tommy J. Bellamy-----Appellant

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PROOF OF SERVICE

The undersigned hereby certifies that the DEFENDANT MOTION FOR WRIT OF CERTIORARI will be hand delivered to the Respondent's Attorney at Emma Ruth Brittain, Attorney at Law 1314 Professional Drive Myrtle Beach, South Carolina, 29577 on this date July 17, 2017.



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