

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM FLORENCE COUNTY  
General Sessions Court  
William H. Seals, Jr., Circuit Court Judge

RECEIVED

Case No. 2013-GS-21-01353  
Appellate Case No. 2015-000235

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AUG 23 2017  
SC Court of Appeals

The State,

Respondent,

v.

Bryant Christopher Gurley,

Appellant.

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PETITION FOR REHEARING

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Pursuant to Rule 221 of the South Carolina Appellate Court Rules, appellant respectfully files this petition for rehearing of the decision of the Court of Appeals filed August 9, 2017, Opinion No. 2017-UP-342, and in support of this petition says as follows:

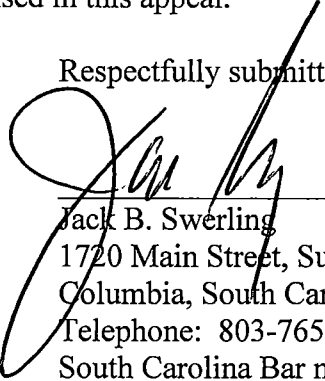
Appellant appealed his conviction for committing a lewd act on a child. He raised multiple issues on appeal, one of which (Issue 2) had multiple sub-parts. The Court of Appeals reversed the conviction, finding error in the admission of a video recording of a forensic interview of the complaining witness (Issue 1), and finding error with respect to one aspect of the argument that the state erred in qualifying the child's counselor as an

expert and in admitting the testimony of the counselor (Issue 2). The Court, however, did not reach all of appellant's claims of error contained in Issues 2, 3, 4, and 5.

It is expected that the state will seek rehearing in this Court and *certiorari* review in the South Carolina Supreme Court of the issues decided in appellant's favor in this appeal. In the event this Court or the Supreme Court should address those issues and reach a different conclusion than that reached in the Court's decision, appellant seeks to obtain a full review and determination of the remaining issues and supporting arguments asserted in his briefs in the Court of Appeals. To that end, appellant respectfully asks this Court to rehear its decision, address the remaining issues and arguments contained in the Final Brief of Appellant and Final Reply Brief of Appellant (both incorporated herein by reference), and reverse on those additional grounds.

For all the reasons set forth in the argument of Issues 2, 3, 4, and 5 of appellant's briefs, appellant respectfully asks this Court to rehear its decision, decide the remaining issues, and reverse on all the grounds raised in this appeal.

Respectfully submitted,



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Attorneys for Appellant

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PROOF OF SERVICE

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I certify that I have served the Petition for Rehearing, by mail, postage prepaid, to Assistant Attorney General Jennifer Ellis Roberts, Office of the Attorney General, P.O. Box 11549, Columbia, South Carolina 29202, on August 23, 2017.



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August 23, 2017

**VIA HAND-DELIVERY**

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

FILED  
AUG 23 2017  
SC COURT OF APPEALS

RE: The State v. Bryant Christopher Gurley  
Appellate Case No.: 2015-000235

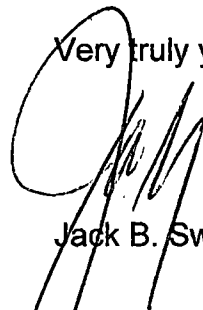
Dear Ms. Kitchings:

Enclosed for filing is the Petition for Rehearing, along with Proof of Service, in the above referenced matter.

By copy of this letter, I am serving Jennifer Ellis Roberts, Assistant Attorney General, with a copy of same.

If you have any questions, do not hesitate to contact me.

Very truly yours,



Jack B. Swerling

JBS/kas  
Enclosure

cc: Jennifer Ellis Roberts, Assistant Attorney General  
Katherine Carruth Goode, Esquire  
Bryant C. Gurley #00362856  
Kenrick K. Gurley