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JUN 30 2017

State of South Carolina
County of Richland
Robert James #261393
Appellant
V.
State of South Carolina
Respondent

~~IN SUPREME COURT~~ Carolina
SUPREME COURT
Appellate Case No:
2017-001174
Motion 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. Robert James alleges he's being held in custody unlawfully for the following reason.

1. INEFFECTIVE Assistance of PCR Counsel.
2. ERROR of Law. Committed by PCR Court Judge. violation of statute 17-27-80.

Procedural History

Appellant was indicted August 1999, two counts armed robbery, Assault with intent to kill, two counts of possession of a firearm during commission of a violent crime, two counts of Kidnapping, Criminal Sexual Conduct in the first degree (1999-GS-40-19299, 19300 - 19301, 44040 - 22843, 22844, 22845, 22846). Represented by John B. Shupper 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 a conclusion of law ruling on the 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 amount 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 their 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 a 59E Motion to alter or Amend Judgement Required by S.C Code ANN. 17-27-80 and Rule 52 A SCRPC.

PCR Counsel failed to 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 Claims was not final order.
Subject to certiorari review. Appellate
Court Rule 227(A)(17-27-80) Druitt 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 allegations without
making findings of facts on specific
allegations raised violating Statute and
Precluding appellate review. Code 1976 §
17-27-80 U.S.C.A. Const. Amend. 6th.

CONCLUSION

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

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COLUMBIA SC 290

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