

STATE OF SOUTH CAROLINA

In The Court of Appeals

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OCT 05 2017
SC Court of Appeals

APPEAL FROM SUMTER COUNTY

Ferrell Cotheran Jr., Court of Common Pleas

Appellate Case No. 2017-001112
Trial Court Case No. 2017-CP-43-00569

Robert Wazney, Appellant,

v.

Sharon Wazney a/k/a Sharon Chobassole, Respondent.

PETITION FOR REHEARING

October 3, 2017

/s/



ROBERT WILLIAM WAZNEY
000 Wisacky Hwy.
Bishopville, SC 29010
Indigent, Pro se, Appellant

DECLARATION

ROBERT WAZNEY, being duly sworn, deposes and says:

" MEMORANDUM

1. I am the Appellant in this case, Appellate case Number 2017-001112, Trial Court Case No. 2017-CP-43-00569.

2. This is an action for Rehearing.

3. I am in receipt of the Appellate Courts Order, attached as page 4 of this Motion, which is filed September 20, 2017 and which Order I received on, attached as page 5 of this Motion, September 29, 2017, dismissing my appeal.

4. Pursuant Rule 221 SCAGR, I move the Court to reconsider its opinion in denying my application for In Forma Pauperis. In support of my Motion, I show the following to the Court:

The Court has overlooked material facts in the record in the following respects:

- (a) I do not have the money to pay for the Proceedings in the Court of Appeals;
- (b) The suit I served is against the person who has control of my assets and she will not give me money to sue her;
- (c) My assets are frozen by the Sumter County Family Court who denies me any monetary relief;
- (d) The Court of Appeals has approved my In Forma Pauperis for appeals collateral to this matter in the recent past;

5. The Material facts that:

- (a) I do not have the money to pay for these proceedings;
- (b) The Respondent has control of my assets;
- (c) My assets are Court Frozen and will not release them; and

because I do not have money, it denies me access to the Courts which is a fundamental right and where certain fundamental rights are involved, the constitution requires that an indigent be allowed access to the Courts, Martin v. State, 321 S.C. 533, 471 S.E.2d 134, and offends due process because it operates to foreclose my opportunity to be heard. U.S.C.A. Const. Amend. 14, Little v. Streater 452 U.S. 1 (1981). Which

requires a different decision from that rendered by the Court of Appeals.

6. Notwithstanding I was served this Order Friday September 29, 2017, the prison Law Library closed early Friday September 29, 2017 due to an officer assault. The Prison Law Library is closed over the weekend, and has remained closed as of the date of this Motion leaving me with no alternative but to submit this Motion without pages 4 and 5 as I am afforded no provisions to make legal copies or access to legal materials to perfect my papers.

7. If any, regarding any new matters mentioned above, where good cause appears for the consideration of such new matters, a Court has discretion to do so for the first time on a petition for rehearing. Mounts v. Uyeda, 227 Cal.App.3d 111; Hunt v. County of Shasta, 225 Cal.App.2d 432 (1990).

8. The decision should have been rendered in favor of the Appellant.

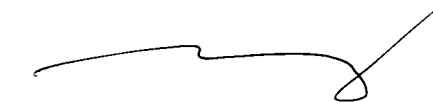
CONCLUSION

WHEREFORE, I respectfully request the Court to reconsider its opinion and rule in favor of me, the Appellant, granting In Forma Pauperis in the interest of justice."

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and understanding.

October 3, 2017

/s/



ROBERT WILLIAM WAZNEY
990 Wisacky Hwy.
Bishopville, SC 29010
Indigent, Pro se, Appellant

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v.

Sharon Wazney a/k/a Sharon Chobassole, Respondent.

CERTIFICATE OF SERVICE

The Undersigned hereby certifies that true copies of Petition For Rehearing have been properly served by depositing the same in the prison mail system, addressed to Land Parker & Welch, PA., PO Box 138, Manning SC 29102; James C. Campbell, Clerk of Court, 215 N. Harvin Street, Sumter SC 29150, postage prepaid on October 3, 2017.

/s/



ROBERT WILLIAM WAZNEY
990 Wisacky Highway
Bishopville, SC 29010
Indigent, Pro se, Appellant



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Robert Wazney
990 Wisacky Highway
Bishopville, S.C. 29010

October 3, 2017

Jenny Abbott Kitchings, Clerk
SC Court of Appeals
1220 Senate Street
Columbia, SC 29201

Re: 2017-001112; trial court no. 2017-CP-43-00569

Dear Ms. Kitchings:

Please find enclosed for filing with the Court of Appeals:

Petition For Rehearing.

Very truly yours,

Robert Wazney

Encls.

cc: doj
US Sup Ct Cf. Jus.
Clerk, US Sup; Ct.
File
Clerk, SC Sup. Ct.
File

ROBERT WAZNEY

Lee Correctional Institution

990 Wisacky Highway 363679 F21139

Bishopville, SC 29010

COLUMBIA SC 2900

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SC Court of Appeals

Clerk, SC Court of Appeals

PO Box 11629

Columbia, SC 29211

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