

South Carolina Supreme Court  
Honorable Daniel E. Shearouse, Clerk of Court  
Post Office 11330  
Columbia, SC 29211

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OCT 12 2017

S.C. SUPREME COURT

October 6 2017

**RE: Steven Littlejohn, Petitioner v. State of South Carolina,**  
**Respondent, Appellant Case No. 2017-001054**

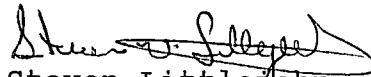
Dear Clerk,

Please find enclosed an Original copy of my Petition for Rehearing with Exhibits and Proof of Service on the Respondent's Counsel of record, S.C. Attorney General's Office.

Also, Please find enclosed a Self-Addressed Stamped Envelope containing the cover and Proof of Service of Service in the above captioned case to be "Clocked-date-Stamped", filed by your office and clocked in copy of the same returned to me pursuant to Rule 602 SCACR, As soon as feasible.

With Kind Regards...I Am.

Respectfully Submitted,

  
Steven Littlejohn  
SCDC No. 321946

CC: Valerie Giovanoli

**ENCLOSURES:**

Petition for Rehearing w/ Proof  
Exhibit(s)  
Self-Addressed Stamped Envelope

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COLUMBIA, SC

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

APPEAL FROM CHEROKEE COUNTY

The Honorable mark Hayes, II

Case No. 2015-CP-11-0242

Appellant Case No. 2017-001054

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OCT 12 2017

S.C. SUPREME COURT

Steven Littlejohn,

PETITIONER,

vs.

State of South Carolina,

RESPONDENT.

PETITION FOR  
REHEARING

Steven Littlejohn,  
TCI SA-124  
1578 Clarence Coker Hwy.  
Turbeville, SC 29162  
(PETITIONER PRO-SE)

S.C. Attorney General's Office  
Valerie G. Ginvanoli  
P.O. Box 11549  
Columbia, SC 29211  
(COUNSEL FOR RESPONDENT)

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TURBEVILLE, SC

The Appellant comes before this Honorable Court with this Petition for Rehearing Pursuant to SCACR 221 (a) claiming that this Court has "Overlooked" or "Misapprehended" material facts and changed material evidence that is pertinent to Appellant's case.

Appellant was convicted and sentenced on 5-21-07 for this drug charge Appellant Petitioned the Court for PCR on Aug. 17 2007, A Record was perfected based on the transcripts Appellant s Specifically raised the issue of "There being a 5 year plea offer", Appellant mentioned this without objection or refute by the (Respondent, S.C. Attorney General's Office). This hearing was held before the Honorable Kenneth E. Good on April 8 2008, the Court denied Appellant's Petition with Prejudice on August 6 2008. The Appellant filed a timely Notice of Appeal, His Appeal was perfected in the S.C. Supreme Court on June 24 2009. On September 9 2009 Respondent filed a Motion to the Supreme Court trying to get the record purged and cleansed of the "5 years mentioned", Appellant filed his issue relating to the 5 year offer that was raised and preserved for Appellant review. On January 21 2010 This Court (S.C. Supreme Court) allowed the change and went on to deny (5) of Appellants issues. Futher this Court called the change from 5 to 15 a "Scrivener's Error" and "Not relevant to the issue remaining before this Court."

The Appellant would contend that this Court has misapprehended the issues by appellant and would futher claim that this change was improper and the State was without remedy due to the fact that this issue was never raised and ruled upon by the lower Court. Therefore it is not preserved for review. Lastly, A conflict arose in the determination of this issue before this Court.

1. The Issue was not preserved and this Court was in error in allowing this change to be made that was a material fact in this case at bar.
2. Some Justices participation created a conflict of Interest. Due to their previous ruling on the same case/issue.
3. This Court erred in ruling on some of the issues and waiting to rule at a later date preventing this Court from applying the Cumulative Error Analysis to all the issues as a whole.
4. This Court allowed the Application of SCACR 224 after it had been placed in Reserve and was used to change a Material Fact in this case.
5. This Court allowed Respondent to petition this Court concerning issue(s) that could have been raised at the PCR Hearing and the Respondent Procedurally Defaulted any right to raise that claim.

#### ANALYSIS

Our Federal Fourth Circuit Court of Appeals has ruled in Bostick v. Stevenson 589 F.3d. 120 Ca4 (S.C.) 2009, and since the decision in Marlar, which was decided on November 5 2007- Thus, it is regularly and consistently followed rules of State Appellant Procedure that - After November 5 2007 - "The State Supreme Court will not address issues, even in PCR, Unless First presented to and ruled upon by the trial court see Smith v. State 2012 WL 335620 \*6 (Ct. app 2012)

When the Appellant at PCR argued several times that he was offered (5) years without any objection by the State, and the Plea Transcripts were put into the record with No Objection by the State it became part of the Record (T.Tr. p. 78 lines 7-13) and the central issue before the PCR Court was the (5)

and receiving (15) years as it relates to the I.A.C. and only when the case goes up on appeal, after the submission of the Writ of Certiorari, The State only then tries to petition this Court to cleanse the record. Interestingly, The Court granted the States motion and five (5) Justices signed the Order (Toal, C.J.; Plicones, J.; Beatty, J.; Kithredge, J.; Hearn, J.) Later, When the Appellant filed his reconsideration Motion concerning the allowance of this material Change three of the Five Original Justices signed the denial (Kithredge, J.; Beatty, J.; Hearn, J.) who allowed the error to take place ruled on a Motion that created a Conflict of Interest with them.

Secondly, as discussed in Coleman v. Thompson 501 U.S. 722 (1991) Because State Court Rules of Error Preservation prevented the State Supreme Court from addressing the Claim as presented, since the same "Claim" was not presented to or passed upon by the State PCR Judge. When the Transcripts were prepared long before the hearing and the Transcripts were put into the record at PCR without Objection, it became apart of the record. It was Improper for this Court to entertain it.

Further, As the State was successful in purporting a Blanton lie and was allowed to amend the record to reflect that I (Appellant) used a Reserved Rule, when it was the Respondent who used the Reserved Rule (SCRCR 224) to change a Material fact. Then Claiming on the Conditional Order of Dismissal that Appellant had used this when it was clearly Respondent who Petitioned the Court to amend the 5 to 15 years. Compare Matthew v. Evatt 105 F.3d. 907, Washington v. State 478 S.E.2d. 833.

As our Federal Court of Appeals sets out and discussed on Washington referred in Matthew v. Evatt SUPRA Successive PCR would be entertained and allowed in a circumstance when the State purports and perpetrates a falsehood upon this Court.

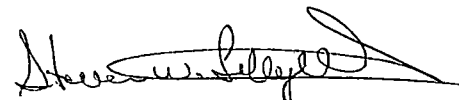
This case sets forth a stitimate problem in our Judicial Process on the State being allowed to petition for changes to suit them and this Court simply Rubber-Stamping anything by the State without any evidence or allowance for a suffiecient challenge to a record that "They" the State Produces. In SHort, an Order of Dismissal is prepared by and to the benefit of the drafters (South Carolina Attorney General's Office). This process by virtue is creating a situation of the State being able to cleanse and change the record without supporting evidence. It should be noted that the Appellant was represented by counsel at PCR and Appeal and could not and did not use this Rule 224 SCACR as argued by the Respondent because Hybird Representation is not allowed. Appellant's evidence is irrefutable. As to the Stitimate problem a petitioner, Who is Represented by counsel at all venues, and when a denial is had, The Opposing party prepares the Order, In most situations an Applicant would by nature of the Judicial Process. In this Case, When the Applicant filed his 52(b) to correct the Applicant to Respondent as it concerns (who) petitioner to have the 5 changed to 15 years the Court overlooked the issue in it's Entirety.

The ending results is inhibiting Federal Review of a valid claim from this Court to the Fourth Circuit Court of Appeal. In Short, This Court allowed Respondent to falsify the Record, without evidence over Appellant's Objections to use a Rule 224 and procedure that was placed in Reserve by this Honorable Court, When the issue was preserved to be able to be Objected to, This Court is simply acting as a Rubber Stamping Mechanism for the State.

**CONCLUSION**

The Appellant Prays that this Court Correct the reference in the Conditional Order of Dismissal of an obvious error page 5 of 9 (from Applicant to Respondent as an issue at PCR). That this Court **Reverse** it's previous ruling that the reference of (5) was a material fact and change it back from (15) to (5) years as to allow State Appellant Review and allow the Appellant if necessary to take it up for Federal Habeas Corpus Review (U.S.C.A. §§ 2254) based on the evidence presented.

Respectfully Submitting,

  
Steven Littlejohn

This 6 Day of October 2017.

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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

APPEAL FROM CHEROKEE COUNTY

The Honorable Mark Hayes, II

Case No. 2015-CP-11-0242

Appellant case No. 2017-001054

Steven Littlejohn,

PETITIONER,

vs.

State of South Carolina,

RESPONDENT.

PROOF OF SERVICE

I certify that I have served my PETITION FOR REHEARING AND ATTACHMENT(s) on the Respondent's Counsel of record: S.C. Attorney General's Office, Valeris Garcia Ginvanoli, Post Office Box 11549, Columbia, SC 29211 by depositing the same in the United States Mail, Postage Prepaid on this.

6 Day of October 2017.

*Steven Littlejohn*  
Steven Littlejohn  
TCI SA-124  
1578 Clarence Coker Hwy.  
Turbeville, SC 29162

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# The Supreme Court of South Carolina

Steven W. Littlejohn, Petitioner,

v.

State of South Carolina, Respondent.


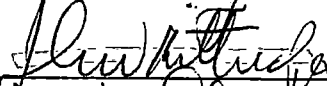

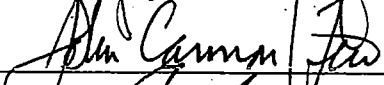

Appellate Case No. 2017-001054

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## ORDER

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Petitioner's motion to reconsider this Court's denial of his request for leave to file a Rule 52(b), SCRPC, motion, and the amended motion to reconsider are denied. In addition, because in the explanation required by Rule 243(c), SCACR, petitioner has failed to show that there is an arguable basis for asserting that the determination by the lower court was improper, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

	C.J.
	J.
	J.
	J.
	J.

Columbia, South Carolina

September 28, 2017

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# The Supreme Court of South Carolina

Steven W. Littlejohn, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2017-001054

Lower Court Case No. 2015CP1100242\

FILED IN THE OFFICE  
CLERK OF COURT  
2017 MAY 19 A 11: 03  
BRANDY W. MCBEE  
CHEROKEE COUNTY, SC

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## ORDER

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The request for leave to file a motion under Rule 52 of the South Carolina Rules of Civil Procedure with the circuit court is denied.<sup>1</sup>

  
\_\_\_\_\_  
FOR THE COURT C.J.

Columbia, South Carolina  
May 17, 2017

cc: Valerie Garcia Giovanoli, Esquire  
Steven W. Littlejohn, 321946  
The Honorable Brandy W. McBee

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<sup>1</sup> It does appear that the order denying the motion to reconsider does erroneously refer to the final order as being dated December 29, 2015. Instead, the final order is dated December 29, 2016, and was filed with the clerk of the circuit court on January 3, 2017. Because this error is so obvious, it is unnecessary for this Court to remand this case to the circuit court to correct this clerical error under Rule 60(a), SCRCP.

Exhibit No. 15

17. 1  
#6

# The Supreme Court of South Carolina

Steven W. Littlejohn, Petitioner,

v.

State of South Carolina, Respondent.

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## ORDER

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Petitioner has filed a petition for a writ of certiorari seeking review of the order of the circuit court denying his application for post-conviction relief. Prior to filing its return, the State seeks to correct a page of the guilty plea transcript and supplement the appendix with the corrected page. Petitioner has filed a return in opposition to the State's motion.

We hereby deny the petition for a writ of certiorari as to petitioner's *arguments* I, III, IV, V and VI. We reserve a ruling on petitioner's *argument* II until after the State has filed its return.

Because the portion of the transcript the State seeks to correct and include in the appendix is not relevant to the issue remaining before this Court, and the State seeks only to correct a scrivener's error in the transcript, we grant the motion to correct the record and file a supplemental appendix.

7

#6

IT IS SO ORDERED.

~~John A. ...~~ C.J.  
 J. ...  
 Donald W. Beatty J.  
 John ... J.  
 Kaye ... J.

Columbia, South Carolina

January 21, 2010

#

1 and, you know, I don't see how he could possibly forget that  
2 as important as that would have been to my case and to me too,  
3 certainly I would have taken that and it's just real strange  
4 how that appears on the transcript, uh, it doesn't speak well  
5 for procedures in terms of my rights, I feel like my  
6 procedural rights had been violated at least.

7 MR. FERGUSON: That's all the questions that I have of  
8 the witness. I I do want to ask Your Your Honor a a legal  
9 question. My assumption is that given the fact that the  
10 transcript has been filed with the Court that I don't need to  
11 to introduce it, but if for any reason I'm incorrect on that I  
12 would like to formally introduce the transcript of the plea.

13 ~~THE COURT: Well it -- it's already in the record.~~

14 MR. FERGUSON: Good. All right. Thank you, Your Honor.  
15 That that is the applicant's case in total.

16 THE COURT: All right. Thank you. You may step down,  
17 Mr. Littlejohn.

18 THE COURT: Oh are you -- excuse me. I'm sorry.

19 MS. PARSONS: Thank you.

20 CROSS-EXAMINATION BY MS. PARSONS:

21 Q. You're claiming today that your lawyer was ineffective?

22 A. Yes, ma'am.

23 Q. Would you have gone to trial but for the ineffectiveness  
24 of your lawyer?

25 A. I was not planning on going to trial. I said from the

Steven Littlejohn, 321946,  
TCI SA-124  
1578 Clarence Coker Hwy.  
Turbeville, SC 29162

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