



The Supreme Court of South Carolina

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December 21, 2017

Mr. Gernaris Hamilton
4453 Jenwood Street
Ladson, SC 29456

Re: Gernaris Hamilton v. Henry Scott
Appellate Case No. 2017-001007

Dear Mr. Hamilton:

This responds to your motion to amend which was faxed to this Court yesterday. Since Rules 52 and 59 of the South Carolina Rules of Civil Procedure (SCRCP) are inapplicable to this appellate proceeding,¹ this motion has been construed as a petition for rehearing.

Please be advised that no petition for rehearing is "allowed from an order denying a petition for a writ of certiorari under Rule 242" of the South Carolina Appellate Court Rules. Rule 221(a), SCACR. Therefore, no action will be taken on your petition for rehearing.

As to your concerns about the voting procedure, I have enclosed the order of this Court which explains the procedure governing the issuance of an order granting or

¹ Rule 81, SCRCP (the SCRCP applies to trial court civil proceedings).

denying a petition for a writ of certiorari under Rule 242, SCACR.

Very truly yours,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

CLERK

Enclosure (Order of the Supreme Court of South Carolina dated January 20, 2016)

cc: Bruce Alan Berlinsky, Esquire

The Supreme Court of South Carolina

RE: Grants or Denials of Petitions for Writs of
Certiorari Under Rules 242, 243 and 247 of the South
Carolina Appellate Court Rules

ORDER

Under Rule 242(a) of the South Carolina Appellate Court Rules (SCACR), a writ of certiorari to review a decision of the South Carolina Court of Appeals will only be issued upon the concurrence of two members of this Court. Further, under Rule 243(j), SCACR, a writ of certiorari to review a post-conviction relief case will only be issued upon the concurrence of two members of this Court. Additionally, under Rule 247(h), SCACR, a writ of certiorari to review an order in an Access to Justice Post-Conviction DNA Testing Act (DNA Testing Act) case will only be issued upon the concurrence of two members of this Court. In the past, the results of a vote under these rules have been reflected by an order signed by the Court. We now change this practice.

Based on the vote of the Court on a petition for a writ of certiorari filed under Rule 242, 243 or 247, SCACR, the Clerk or a Deputy Clerk of this Court shall issue an order on behalf of the Court either denying or granting the petition. If the petition is granted in whole or part, the order shall indicate the questions that will be considered. The votes of the individual justices will not be revealed.

In addition, in those post-conviction relief or DNA Test Act cases that are pending before the Court of Appeals, the Clerk or a Deputy Clerk of the Court of Appeals shall issue an order on behalf of the panel either denying or granting the petition based on the vote of the panel under Rule 243(l) or 247(h), SCACR. If the petition is granted in whole or part, the order shall indicate the questions that will be considered. The votes of the individual judges will not be revealed.

s/Costa M. Pleicones C.J.

s/Donald W. Beatty J.

s/John W. Kittredge J.

s/Kaye G. Hearn J.

Columbia, South Carolina
January 20, 2016