

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM PICKENS COUNTY
The Honorable J. Cordell Maddox, Jr., Circuit Court Judge

Appellate Case No. 2015-000210

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FEB 05 2018
SC Court of Appeals

THE STATE,APPELLANT,

v.

ARTHUR M. FIELD,RESPONDENT.

Unpublished Opinion 2017-UP-455, filed December 6, 2017

RETURN TO MOTION ON PETITION FOR REHEARING

Respondent Arthur M. Field, by any through his attorney J. Todd Rutherford, objects to Appellant State of South Carolina’s petition for rehearing of the unanimous opinion of this Court in. State v. Field, Unpub. Op. No. 2017-UP-455 (S.C. Ct. App. filed December 6, 2017). Respondent respectfully requests Appellant’s Petition be denied for the reasons set forth in this Court’s legal analysis and legal conclusion.

In the case at bar, Petitioner argues this Court overlooked facts previously presented should be re-examined despite a thorough, well-reasoned, and unanimous decision. Surely Petitioners are not suggesting this *entire* Court overlooked material facts. As the court held in Heritage

Communities, “[The] Court can find no material fact or principle of law that has been either overlooked or disregarded, and therefore, the petition filed by ...Appellants is denied.” Harleysville Group Ins. v. Heritage Communities, Inc., 2013-001281, (#27698), (S.Ct. 7/26/17) (rehearing denied).

The Order signed restricted Field’s egress from “home confinement except” to meet with attorney, doctor visit religious service”. These are constitutional rights afforded any prisoner. No evidence of any other egress from GPS monitored home confinement was presented by the State despite numerous opportunities to do so. The record clearly reflects Respondent’s bail bondsman verified Field’s continued compliance with the GPS home confinement at all times. The trial court heard Petitioner’s argument as to their overly and overtly delayed Motion to Reconsider and rejected such argument.

Judge Maddox stated that the object of his sentencing and the goals of sentencing had been fully achieved, even after considering the effects of the credits awarded by him. Judge Maddox repeated his statement at the hearing held November 1, 2017 at which Petitioner was present and fully aware.

To the extent necessary, all other issues raised by Respondent are preserved, including, but not limited to this petition for rehearing as the underlying Appeal violates and breaches the express and implied terms of the contractual Plea Agreement which precludes any appeal by the State for any reason in this matter. *U.S. v. Guevera*, 941 F.2d 1299,1299 (4th Cir. 1991), recently affirmed in *U.S. v. Zuk*, 16-4727(4th Cir. 10/24/2017).

WHEREFORE, it is respectfully requested the Petition for Rehearing be denied and this Court’s decision be Affirmed.

Respectfully submitted,

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Assistant Attorney General

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ATTORNEY FOR RESPONDENT

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PROOF OF SERVICE

I certify that I have served the *Return to Motion on Petition for Rehearing* by depositing a copy in the United States Mail, postage prepaid, on February 5, 2018, addressed to Appellant's address on record.

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February 5, 2018

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: State v. ARTHUR M. FILED,
Appellate Case No. 2015-000210

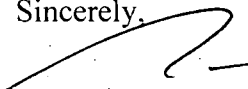
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Dear Ms. Kitchings:

Enclosed for filing in the above matter are the following:

- (1) Original plus six (6) copies of the *Return to Motion on Petition for Rehearing*.
- (2) Proof of Service of the above items to Petitioners.

Sincerely,



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Columbia, South Carolina
February 5, 2018