

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Clifton Newman, Circuit Court Judge

\_\_\_\_\_  
Case No. 2016-002144  
\_\_\_\_\_

**RECEIVED**  
FEB 15 2018  
SC Court of Appeals

City of Columbia.....Appellant,

v.

Robert S. Bruce.....Respondent.

\_\_\_\_\_  
**APPELLANT'S  
PETITION FOR REHEARING**  
\_\_\_\_\_

Appellant City of Columbia ("City") hereby petitions the Court for a rehearing of Unpublished Opinion No. 2018-UP-039, which was filed on January 31, 2018. For purposes of preserving the issues set out below in the event of further appellate proceedings, Appellant hereby requests rehearing on the following grounds:

1. The Court's decision overlooked or failed to address the important factual differences that distinguish Bruce's case from the cases relied on in the Court's order. In each of

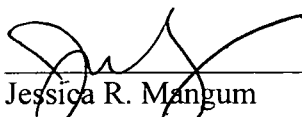
the cases cited by the Court, the defendant was entitled to credit for time served in pretrial detention on his initial charge because the time served on the subsequent charge related to the initial charge in some way. In *Blakeney v. State*, the defendant was in jail on a second offense when a “hold” was placed on him for the first offense. *Blakeney v. State*, 339 S.C. 86, 88, 529 S.E.2d 9, 10-11 (2000). The South Carolina Supreme Court found he was entitled to credit for time served on the first offense from the date the hold was placed. *Id.* In *Allen v. State*, the defendant’s bond was revoked on his first set of charges when he was arrested on a subsequent set of charges. *Allen v. State*, 339 S.C. 393, 396, 529 S.E.2d 541, 542 (2000). The South Carolina Supreme court found he was entitled to credit for time served on the first offense because he was “clearly in custody on all charges...” *Id.* In Bruce’s case, there is no such connection between the time served in pretrial detention on the subsequent offense and the credit for time served on the initial offense.

2. The Court’s decision misapprehended the application of S.C. Code § 24-13-40 as it relates to credit for time served in pretrial detention on one offense when the time in question is served on a subsequent unrelated offense. Because the statute narrowly applies to computing time for a singular offense and a singular sentence, it is erroneous to apply the statutory requirements to multiple offenses or multiple sentences.

3. The Court’s decision overlooked or failed to address that the decision below should be reversed because the circuit court’s interpretation of S.C. Code § 24-13-40 leads to results so absurd they could not have been intended by the Legislature. Under the circuit court’s interpretation, the defendant who commits one crime and the defendant who commits multiple crimes over a short period ultimately serve the same amount of time.

4. The Court’s decision overlooked or failed to address that the decision below should be reversed because it stands in contravention to the public policy of this state. The circuit court ‘s

interpretation of S.C. Code § 24-13-40 rewards a defendant who commits multiple crimes over a short period of time by mandating that he receive credit for any time served on any charge while his initial charge is pending.



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Attorney for Appellant City of Columbia

February 15, 2018

Columbia, South Carolina

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APPEAL FROM RICHLAND COUNTY  
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City of Columbia.....Appellant,

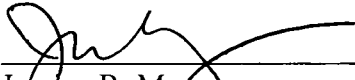
v.

Robert S. Bruce ..... Respondent.

**PROOF OF SERVICE**

The undersigned hereby certifies that she served a copy of the APPELLANT'S PETITION FOR REHEARING upon the Attorney for the Respondent by placing a copy in the United State mail, first class postage prepaid to her at her office as indicated below on this 15<sup>th</sup> day of February, 2018.

Jessica Sturgill, Esquire  
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Fifth Circuit Public Defender's Office  
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Columbia, South Carolina 29202

  
\_\_\_\_\_  
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February 15, 2018

Attorney for Appellant



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February 15, 2018

**VIA HAND DELIVERY**

The Honorable Jenny Abbott Kitchings  
Clerk, SC Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

**RECEIVED**  
FEB 15 2018  
SC Court of Appeals

RE: City of Columbia v. Robert S. Bruce  
Appellate Case No. 2016-00214

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of Appellant's *Petition for Rehearing* along with the *Proof of Service* in the above referenced matter. Please return the extra copies to the courier of this letter.

By copy of this letter, I am serving these documents on counsel for the Respondent.

Please let me know if you have any questions or if I can be of any further assistance.

Sincerely,

Jessica R. Mangum  
Assistant City Attorney

JRM/jlh  
Enclosures as Stated

cc: Jessica Sturgill, Esquire