

State of South Carolina  
In The Supreme Court

RECEIVED

MAR 30 2018

S.C. SUPREME COURT

Certiorari to Richland County  
DeAndrea Benjamin, Court Judge

Casel Lewis,

Petitioner

v.

State of South Carolina

Respondent

---

Appendix

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Casel Lewis #259254  
Richland C.I. BA-134  
P.O. Box 2039  
Richland S.C. 29936

Pro Se

Exhibit

1

(Declaratory Judgment)

STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND

) In The Court of Common Pleas  
) Fifth Judicial Circuit

Casey Lewis #259254,

Case No. \_\_\_\_\_

Petitioner,

v.

DECLARATORY JUDGMENT

State of South Carolina,

Respondent.

2015 FEB 20 PM 3:03  
JEANETTE W. HARRIS  
CLERK OF COURT  
RICHLAND COUNTY  
FILED

COMES NOW, the Petitioner Casey Lewis #259154, pursuant to the South Carolina Code of Laws § 15-53-10 through § 15-53-20. Respectfully motions this Honorable Court to make A Declaratory Judgment declaring the Statutory Constructions of the S.C. Code of Law § 16-3-20, as it was Codified in the Year "1999" as opposed to its current reading Codified in the Year "2010."

On February 1, 1999, the Petitioner was indicted for the offense of murder under South Carolina Code of Laws § 16-3-10. The Petitioner argues that the statute for the offense of murder during the time of the commission of the offense in "1999" reads verbatim in its most pertinent parts in-regards to the sentence range allowed to be imposed on a defendant convicted of this offense is the following:

§ 16-3-20. punishment for Murder: Separate Sentencing Proceedings to Determine Whether sentence should be death or Life Imprisonment.

- A) A person who is convicted or pleads guilty to murder must be punished by death, by imprisonment for life, or by a mandatory minimum term of imprisonment for thirty years.

On June 23, 1999 the Petitioner was convicted of and sentenced to murder under statute § 16-3-20 in the County of Williamsburg by presiding Judge Honorable James E. Brogdon. Judge James E. Brogdon ruled not to sentence Petitioner to death, although it is a punishment allowed under § 16-3-20. Judge James E. Brogdon ruled not to sentence Petitioner to life imprisonment, although it was a punishment allowed under § 16-3-20. Instead Judge James E. Brogdon determined and ruled to sentence Petitioner to a determinate number of years of fifty-five (55) years of imprisonment in the South Carolina Department of Corrections. See Exhibit #1(A).

The statute § 16-3-20 allows for only three punishments. Those punishments must be the following: Death, imprisonment for life and or a mandatory minimum term of imprisonment for thirty (30) years. This statute § 16-3-20 is clear and unambiguous with outlining the punishment parameters of the offense of murder. When a statute is clear and unambiguous the doctrine of "Statutory Construction" controls. In the South Carolina Court, the Courts must strictly construe criminal statutes against the states and in favor of the defendant. See Williams v. State, 306 S.C. 89-91, 410 S.E.2d 563-564(1991); State v. Prince, 335 S.C. 466-472, 517 S.E.2d 229-232(Ct.App.1999). However, the Cardinal Rule of Statutory construction is that the Court must ascertain and effectuate the intent of the legislature and interpreting a statute the court must give their plain and ordinary meaning without resorting to a tortured construction which limits or expands the statute's operation. Mid-state Auto Auction of Lexington Inc. v. Altman, 324 S.C. 65-69, 476 S.E.2d 690-692(1996); Rowe v. Hyatt, 321 S.C. 366-369, 468 S.E.2d 649-50(1996).

The Court has stated they would give statutory provisions a reasonable Construction consistent with the purpose of the statute. That the words of the statute must be given their plain and ordinary meaning without resorting to subtle or forced Construction to limit or expand the statute's operation. See Jackson v. Charleston County Sch. Dist., 316 S.C. 177-181, 447 S.E.2d 859-861 (1994).

As a matter of clarity the Petitioner, asks this Honorable Court to take judicial Notice that he was indicted under the "1998" and "1999" Year version of S.C. Code § 16-3-20, and the version of this statute varies significantly from the present day "2010" Year version of S.C. Code § 16-3-20. In its most pertinent parts, the "2010" Year version S.C. Code § 16-3-20, does allow a fifty-five (55) year sentence by virtue of the plain language of the Statute, for example it reads:

" A person who is convicted of or pleads guilty to murder must be punished by death or by a mandatory minimum term of imprisonment for thirty years to life."

The clause of "thirty to life" which is written in the "2010" version of the statute S.C. Code § 16-3-20, makes a fifty-five (55) year sentence constitutionally and statutorily permissible under the sentencing provision of the State. The clause of "thirty to life" is absent in the "1999" Year version of the statute § 16-3-20.

Therefore, the Petitioner contends that his fifty-five (55) year sentence is constitutionally and statutorily prohibited

under the "1999" sentencing provision of the statute in which Petitioner Casey Lewis #259254 was sentenced. The South Carolina Legislator's legislative intent in crafting the "1999" Year version in which Petitioner Casey Lewis #259254 was sentenced limits the determinate years of incarceration for the violation of the statute § 16-3-20 to one specific term of years that being thirty (30) years mandatory incarceration. The S.C. Legislator's legislative intent in crafting the "2010" Year version of Title § 16-3-20 was to expand and broaden the determinate number of years of incarceration for violation of this statute to any number of years between thirty (30) years to the natural life expiration of the violator. This is a very distinctive and significant variation between the "1999" Year version in which Petitioner Casey Lewis #259254 was sentenced and the "2010" year version of Title § 16-3-20. The Petitioner respectfully asks this Honorable Court to take Judicial Notice on this point pursuant to S.C. Rules of Crim. Proc., Rule 201, See Berkely County School Dist. v. South Carolina Dept. of Revenue, 382 S.C. 334, 679 S.E.2d 913, 247 Ed.Law Rep., 481 S.C. July 06-2009 (No:26682).

The Petitioner moves this Court to declare on the record that the Petitioner's conviction and sentence is limited to only the provisions outlined in the "1999" Year version of Title § 16-3-20. Additionally, the Petitioner seeks a declaratory ruling that the meaning of Title § 16-3-20 clause "must be punished by death, by life imprisonment or by a mandatory minimum term of imprisonment for thirty (30) years." Is to mean exactly as it is written and that any determinate number of years above thirty (30) years can not be legally imposed by a South Carolina Court.

There is at least eight hundred (800) South Carolina convicted individuals currently serving a term of incarceration or parole who are impacted by the resolution of the Statutory Construction of this particular Penal Statute. It is foreseeable that this issue will be raised to this Court again repetitively and postured in the same manner. Therefore, it is in the best interest of Judicial Economy and for the sake of public interest to resolve the controversy in this case at this time. See Pond Place partners, Inc. v. Poole, (S.C.App.2002) 351 S.C. 1, 567 S.E.2d 881; Holden v. Campbell, (S.C.1997) 326 S.C. 208, 486 S.E.2d 1; Graham v. State Farm Mut Auto, Inc. Co., 319 S.C. 69-71, 459 S.E.2d 844-845-46 (1995); Lennon v. S.C. Coastal Council, 330 S.C. 414-415, 498 S.E.2d 906 (Ct. App.1998).

Petitioner asserts that it is within the authority of the Courts to review Criminal Statutes brought forth under Declaratory Judgment. See Rainey v. Haley, 404 S.C 320, 745 S.E.2d 81, S.C. June 12, 2013 (No.2012-211048-27269); Stardancer Casino Inc. v. Stewart, 347 S.C. 377, 556 S.E.2d 357, S.C. Nov 9, 2001 (No:25335).

WHEREFORE, the Petitioner asks this Honorable Court to make a ruling on each issue outlined in this Declaratory Judgment.

Respectfully Submitted

  
Casey Lewis #259254

Sworn to before me this <sup>5th</sup> day of February 2015.

  
Notary Public for South Carolina

My Commission Expires:

My Commission Expires  
March 5, 2018

VED

FEB 04 2015

ROOM

Exhibit

2

Transcript Lines

3-5

1 MR. BROWN: This is the State versus  
2 Casey Lewis. Indictment 99-GS-45-0018.

3 Mr. Lewis wants you to review his sentence  
4 under the belief or the conclusion that his  
5 sentence was unconstitutional. The statute as  
6 listed when he was convicted, stated that it  
7 carried death, life or a mandatory minimum of 30  
8 years. And he believes that his, I believe, his  
9 55-year-sentence does not fall within the  
10 parameters of that.

11 Your Honor, just for the court's records,  
12 I have asked Mr. Carraway to be here, because he  
13 represented him at trial. Mr. Carraway is  
14 present, but Mr. Lewis says he is representing  
15 himself pro se.

16 THE COURT: Okay.

17 MR. BROWN: And we are here today on my  
18 motion to quash. Your Honor, if it pleases the  
19 court, I will just address this on two separate  
20 points. There are two merits of quashing this  
21 motion. The first is, that the -- any appeals to  
22 sentences under the South Carolina Rules of  
23 Criminal Procedure and Appellate Court Rules,  
24 dictate that this must be filed within 10 days.  
25 We are now approaching about 12 years out.

Exhibit

3

(Judge Young's order)

Pg 2 paragraph 1

STATE OF SOUTH CAROLINA  
COUNTY OF WILLIAMSBURG

) IN THE COURT OF GENERAL SESSIONS  
) THIRD JUDICIAL CIRCUIT  
) CASE NO.: 1999-GS-45-0018

State of South Carolina,

v.

Casey Lewis,

Defendant.

ORDER

13 SEP 12 PM 12: 58  
STATE OF SOUTH CAROLINA  
COURT  
WILLIAMSBURG, S.C.

This matter comes before the Court by way of a "Motion to Modify and Correct Sentence Pursuant to S.C. RCP Rule 29(b), Rule 60(b)1, Rule 60(b)3, Rule 60(b)4 and §Title 17-23-110" (sic), filed February 11, 2013, with the Williamsburg County Clerk of Court. Mr. Lewis pled guilty before the Honorable James E. Brogdon on June 23, 1999 and was sentenced on that date to fifty-five (55) years for Murder, thirty (30) years for Armed Robbery, and five (5) years for Use of a Weapon During the Commission of a Violent Crime. The sentences on all charges were to be served concurrently. The State was served at the Office of the Attorney General on or about July 23, 2013. The Third Circuit Solicitor's Office filed a response to the motion on August 17, 2013 after receiving a copy of the motion from the Office of the Attorney General. A hearing was convened before this Court on 12 September 2013 at the Williamsburg County Courthouse in Kingstree, SC. Present at the hearing was Mr. Tyler Brown, Assistant Solicitor, on behalf of the State, Mr. Casey Lewis, *Pro Se*. Legrande Carraway, Esq. of the Williamsburg County bar was present as standby counsel for Mr. Lewis. This Court has reviewed the filings of each party and the arguments made at the hearing in making its decision.

The substance of the argument by Mr. Lewis is that the sentence he received for the charge of Murder was illegal as it relates to the statutory scheme under which he was sentenced.

13 WJH

Mr. Lewis alleges that pursuant to the 1999 version of the statute under which he was sentenced, the only permissible sentences were death, imprisonment for life, or a term of imprisonment of thirty (30) years. See S.C. Code Ann. § 16-3-20 (1999) ("A person who is convicted of or pleads guilty to murder must be punished by death, by imprisonment for life, or by a mandatory minimum term of imprisonment for thirty years."). Accordingly, it is his position that a sentence of fifty five (55) years is illegal. Though captioned as a motion pursuant to Rules 29(b) and 60(b)1-4 SCRPC, this Court finds this motion is the type properly brought under S.C. Code Ann. § 17-27-20(1)&(3).

The State argued at the hearing that this motion was untimely, that any claim that there was "newly discovered" evidence was without merit as the "evidence" in this matter was simply a new interpretation of a statute by Mr. Lewis, and that the motion itself was without merit as a plain reading of the statute clearly indicates that a sentence of more than thirty (30) years is permissible but that no sentence of less than thirty (30) years may be imposed upon conviction or guilty plea under the statute.

This Court finds that the motion is untimely and must be dismissed. Post-Trial motions following a trial in the Court of General Sessions generally must be filed within ten days of the imposition of the sentence. See Rule 29(a) SCCrimP. In the case of newly discovered evidence, a Post-Trial motion must be made within one (1) year of the discovery of the alleged newly discovered evidence, or within one year of the date upon which that evidence "could have been ascertained by the exercise of reasonable diligence." Rule 29(b) SCCrimP. Similarly, under the Uniform Post Conviction Procedures Act, in order to be timely a Petition for relief must be filed within one year of the imposition of a sentence or the remittitur from an appellate court, or, in the case of alleged newly discovered evidence, the Petition must be filed within one year of the date

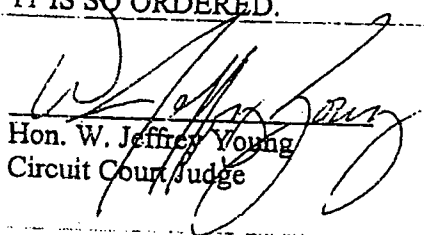
WJA 2013

on which the evidence could have been discovered by the exercise of reasonable diligence. S.C. Code Ann. §17-27-45(1976, as amended). In this matter, there is no evidence which qualifies as "newly discovered" under the Rules of Criminal Procedure or the Uniform Post Conviction Procedures Act. The alleged newly discovered evidence is a statute that was in existence and available prior to as well as on the date of conviction and imposition of the sentence. This Court finds that this does not amount to newly discovered evidence under any definition of the term. The sentence in this matter was imposed on June 23, 1999. This action was filed on February 11, 2013. Accordingly, this Court finds that this action is untimely and therefore must be dismissed with prejudice.

Next, this Court finds that the allegations made in this action are without merit and must be dismissed with prejudice. A plain reading of the statute under which Mr. Lewis was sentenced clearly indicates that an individual may be sentenced to a term of imprisonment for no less than thirty (30) years and up to life. The sentence of fifty five (55) years handed down to Mr. Lewis in this case is within the range contemplated by the statute and is therefore legal and permissible. Accordingly, this Court finds that this ground is without merit and must be dismissed with prejudice.

THEREFORE, this Court hereby dismisses this action with prejudice as untimely and without merit.

IT IS SO ORDERED.

  
Hon. W. Jeffrey Young  
Circuit Court Judge

September 12, 2013  
Kingstree, South Carolina

3 of 3

Exhibit

4

(Judge Young's 59(e)  
order)

STATE OF SOUTH CAROLINA  
COUNTY OF WILLIAMSBURG

) IN THE COURT OF GENERAL SESSIONS  
) THIRD JUDICIAL CIRCUIT  
) CASE NO.: 1999-GS-45-0018

State of South Carolina,

v.

Casey Lewis,

Defendant.

**ORDER**

2013 OCT 24 AM 10:22  
CLERK OF COURT  
WILLIAMSBURG  
SOUTH CAROLINA

This matter comes before the Court by way of a "Motion to Alter or Amend Judgment Pursuant to Rule 59(e) [SCRCP]," filed on or about September 23, 2013. Mr. Lewis appeared before this Court on 12 September 2013 at the Williamsburg County Courthouse in Kingstree, SC. Present at the hearing was Mr. Tyler Brown, Assistant Solicitor, on behalf of the State, Mr. Casey Lewis, *Pro Se*. Legrande Carraway, Esq. of the Williamsburg County bar was present as standby counsel for Mr. Lewis. This Court has reviewed the filings of each party and the arguments made at the hearing in making its decision.

Movant presents no new legal or factual arguments sufficient to compel this Court to amend its Judgment of 12 September 2013.

THEREFORE, this Court hereby DENIES the Motion to Alter or Amend Judgment.

**RECEIVED**

JAN 17 2014

BRCI  
MAILROOM

IT IS SO ORDERED.

Hon. W. Jeffrey Young  
Circuit Court Judge

Oct 22  
September 22, 2013  
Sumter, South Carolina

A CERTIFIED TRUE COPY

Sharon W. Staggers  
SHARON W. STAGGERS

Exhibit

5

(S.C Appeals Court order)

# The South Carolina Court of Appeals

The State, Respondent,

v.

Casey Lewis, Appellant.

Appellate Case No. 2014-000144

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## ORDER

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Respondent has filed a motion to dismiss this appeal, contending Appellant failed to timely serve the notice of appeal from the denial of the untimely post-trial motion in the Court of General Sessions. After careful consideration of the parties filings, the motion to dismiss is granted. Although a timely and proper Rule 59(e), SCRCF motion would toll the time for the filing of a notice of appeal, Appellant's Rule 59(e), SCRCF motion was not proper in the Court of General Sessions. Thus, the motion did not toll the time for the filing of the notice of appeal. Appellant received written notice of the entry of the denial of his post trial motion on September 12, 2013, and he did not serve the notice of appeal until January 24, 2014. Accordingly, Appellant did not timely serve the notice of appeal and this appeal is dismissed. *See* Rule 203(b)(1) (providing Appellant has only ten days from written receipt of the order on a post-trial motion to serve the notice of appeal); Rule 263(b), SCACR ("The time prescribed by these Rules for performing any act *except the time for serving the notice of appeal under Rules 203 and 243* may be extended or shortened by the appellate court . . . ." (emphasis added)).

  
FOR THE COURT

Columbia, South Carolina

**FILED**  
5/14/14

Exhibit

6

(Mrs. Benjamin's order)  
Common Pleas

STATE OF SOUTH CAROLINA  
 COUNTY OF RICHLAND  
 IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2015-CP-40-01104

Casey Lewis #259254

State of South Carolina

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: \_\_\_\_\_

Attorney for :  Plaintiff  Defendant or  Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);  Other \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other \_\_\_\_\_

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court:

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk : The motion to dismiss is granted due to res judicata. The same issues in this case regarding the Defendant's sentence were heard and ruled by Judge Hood on September 12, 2013.

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge MB

Judge Code 2161

Date 2-1-16

For Clerk of Court Office Use Only

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this 5 day of Feb, 2016 to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter \_\_\_\_\_

Clerk of Court Jeanette W. McBride

SCANNED

# Exhibit

7

Both orders from  
Appeal Court

(Dismissal and Rehearing)

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

Casey Lewis, Appellant,

v.

The State, Respondent.

Appellate Case No. 2016-000442

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Appeal From Richland County  
DeAndrea G. Benjamin, Circuit Court Judge

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Unpublished Opinion No. 2017-UP-451  
Submitted November 1, 2017 – Filed December 6, 2017

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**AFFIRMED**

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Casey Lewis, of Ridgeland, pro se.

Attorney General Alan McCrory Wilson, Chief Deputy  
Attorney General W. Jeffrey Young, and Senior Assistant  
Attorney General Thomas Parkin C. Hunter, all of  
Columbia, for Respondent.

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**PER CURIAM:** Casey Lewis appeals the circuit court's dismissal of his declaratory judgment action, arguing the circuit court erred by (1) incorrectly applying the doctrine of res judicata and (2) failing to analyze and determine the legislative intent and statutory interpretation of section 16-3-20 of the South

Carolina Code (Supp. 1999), as opposed to the 2010 codification. We affirm pursuant to Rule 220(b), SCACR, and the following authorities:

1. As to whether the circuit court erred by dismissing the action on res judicata grounds: *S.C. Dep't of Transp. v. Horry County*, 391 S.C. 76, 81, 705 S.E.2d 21, 24 (2011) ("Declaratory judgment actions are neither legal nor equitable; therefore, the standard of review depends upon the nature of the underlying issues."); *Eagle Container Co. v. County of Newberry*, 379 S.C. 564, 568, 666 S.E.2d 892, 894 (2008) ("The determination of legislative intent is a matter of law." (quoting *Charleston Cty. Parks & Recreation Comm'n v. Somers*, 319 S.C. 65, 67, 459 S.E.2d 841, 843 (1995))); *Catawba Indian Nation v. State*, 407 S.C. 526, 536, 756 S.E.2d 900, 906 (2014) ("Determining the proper interpretation of a statute is a question of law, and [appellate courts] review[] questions of law de novo." (quoting *Town of Summerville v. City of North Charleston*, 378 S.C. 107, 110, 662 S.E.2d 40, 41 (2008))); *Judy v. Judy*, 383 S.C. 1, 8, 677 S.E.2d 213, 217 (Ct. App. 2009) ("When claims arising out of a particular transaction or occurrence are adjudicated, res judicata bars the parties to that suit from bringing subsequent actions on either the adjudicated issues or any issues that might have been raised in the first suit."); *Catawba*, 407 S.C. at 538, 756 S.E.2d at 907 ("Res judicata may be applied if (1) the identities of the parties are the same as in the prior litigation, (2) the subject matter is the same as in the prior litigation, and (3) there was a prior adjudication of the issue by a court of competent jurisdiction."); *Judy*, 383 S.C. at 10, 677 S.E.2d at 218 ("[I]dentity of the subject matter of the two suits rests not in their forms of action or the relief sought, but rather, in the combination of the facts and law that give rise to a claim for relief."); *Nunnery v. Brantley Constr. Co.*, 289 S.C. 205, 209, 345 S.E.2d 740, 743 (Ct. App. 1986) ("A dismissal 'with prejudice' indicates an adjudication on the merits and, operating as *res judicata*, precludes subsequent litigation to the same extent as if the action had been tried to a final adjudication.").

2. As to whether the circuit court analyzed and determined the legislative intent and statutory interpretation of section 16-3-20 as codified in 1999: *Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (ruling an appellate court need not review remaining issues when its determination of a prior issue is dispositive of the appeal).

**AFFIRMED.<sup>1</sup>**

**WILLIAMS, THOMAS, and MCDONALD, JJ., concur.**

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.

# The South Carolina Court of Appeals

Casey Lewis, Appellant,

v.

The State, Respondent.

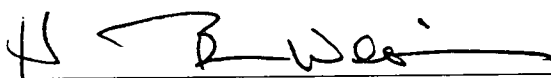
Appellate Case No. 2016-000442

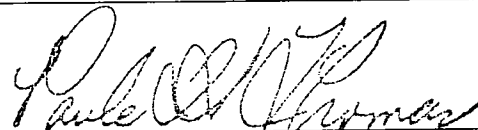
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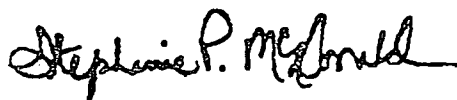
## ORDER

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After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

  
\_\_\_\_\_ J.

  
\_\_\_\_\_ J.

  
\_\_\_\_\_ J.

Columbia, South Carolina

cc:

Casey Lewis, 259254

Alan McCrory Wilson, Esquire

T. Parkin C. Hunter, Esquire

W. Jeffrey Young, Esquire

The Honorable DeAndrea G. Benjamin

**FILED**

February 23, 2018