

STATE OF SOUTH CAROLINA  
In the Supreme Court

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APPEAL FROM SUMTER COUNTY  
Maite Murphy, Circuit Court Judge

S.C. SUPREME COURT

Case No. 2017-002098  
COA App. Case No.: 2015-000884

The State,

Respondent,

v.

ROBERT WAZNEY,

Appellant.

MOTION TO ALTER OR AMEND JUDGMENT  
Pursuant Rule 59(e) SCRCP

Executed this 30<sup>th</sup> day of October, 2017

/s/

ROBERT WAZNEY  
990 Wisacky Highway  
Bishopville, SC 29010  
Misconvicted Felon  
803-428-2800

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DECLARATION

ROBERT WAZNEY, Appellant, being duly sworn deposes and says:

" MEMORANDUM

1. I am a misconvicted prisoner in the State of South Carolina. I am in ~~the~~ middle of a divorce where my wife had obtained an attorney without my knowledge prior to false accusations which have me wrongfully imprisoned and which whom I believe is associated with the bringing of those accusations.

2. The marital estate is worth Approximately \$800,000.00 and I have not been permitted to access any portion of my assets to obtain defense counsel for the criminal or divorce cases because they are spousal controlled and have been frozen by the Family Court, forcing me to use inferior counsel for criminal and appellate representation and no counsel for divorce proceedings.

3. I have asked the Supreme Court of South Carolina for an extension of Time to File A Writ of Certiorari regarding my misconviction because the transcripts for my criminal trials are erroneous for both the mistrial held in March 2015 and trial held in April 2015 such as where I said things during trial which do not appear in the record regarding the evidence which was not shown to me until after I got to prison, evidence which proves my innocence, that the jury did not see. I need the extra time to prepare such writ because of my heavy workload from the divorce action, inferior appellate counsel, and my conditions of confinement, but the Supreme Court of South Carolina has denied my request for Extension of Time to File A Writ of Certiorari (see pp. 5 thru 8) which I received on October 24, 2017.

4. In this case, the Courts conducting of an Anders review notwithstanding there are meritorious claims in my brief presenting special and important circumstances, such as where the favorable evidence was suppressed depriving me of a fair trial and where there are errors in the record, justifying certiorari review, therefore the Supreme Court of South Carolinas holding based on State v. Lyles is not proper law.

CONCLUSION

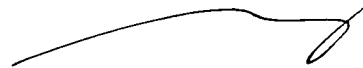
5. I request the Supreme Court of South Carolina to alter or amend its judgment, reinstate my case, grant my extension of time, and any other relief the Court deems fit and proper in the interest of justice.

6. In support of the foregoing claims of this Motion To Alter Or

Amend Judgment Pursuant Rule 59(e) SCRCP, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and understanding. "

Executed this 30<sup>th</sup> day of October, 2017.

/s/



ROBERT WAZNEY  
990 Wisacky Highway  
Bishopville, SC 29010  
Misconvicted Felon  
803-428-2800

# The Supreme Court of South Carolina

The State, Respondent,

v.

Robert William Wazney, Petitioner.

Appellate Case No. 2017-002098

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## ORDER

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The South Carolina Court of Appeals dismissed the appeal in this matter after conducting a review pursuant to *Anders v. California*, 386 U.S. 738 (1967).<sup>1</sup> Petitioner has now filed a motion seeking an extension to file a petition for a writ of certiorari with this Court.

In *State v. Lyles*, 381 S.C. 442, 673 S.E.2d 811 (2009), this Court held that it "will no longer entertain petitions for writs of certiorari where the Court of Appeals has dismissed an appeal after conducting an *Anders* review." Accordingly, the motion for an extension is denied.

  
C.J.  
FOR THE COURT

Columbia, South Carolina

October 16, 2017

cc: Alan McCrory Wilson, Esquire  
John Benjamin Aplin, Esquire  
Ernest Adolphus Finney, III, Esquire  
David Alexander, Esquire  
Mr. Robert William Wazney, 00363679  
The Honorable Jenny Kitchings

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<sup>1</sup> Before the Court of Appeals, the Appellate Case Number is 2015-000884.

The Supreme Court of South Carolina  
DANIEL E. SHEAROUSE, CLERK OF COURT  
POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211

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ROBERT WILLIAM WAZNEY, 00363679  
LEE CORRECTIONAL INST.  
990 WISACKY HIGHWAY  
BISHOPVILLE SC 29010

29010-177590



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# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
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1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

October 17, 2017

The Honorable James C. Campbell  
Sumter County Judicial Center  
215 North Harvin Street  
Sumter SC 29150-4974

## REMITTITUR

Re: The State v. Robert William Wazney  
Lower Court Case No. 2014GS4300317, 2015GS4300333, 2015GS4300334  
Appellate Case No. 2015-000884

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

Enclosure

cc: Robert William Wazney, 00363679  
Alan McCrory Wilson, Esquire  
David Alexander, Esquire  
John Benjamin Aplin, Esquire  
Ernest Adolphus Finney, III, Esquire



**South Carolina Court of Appeals**

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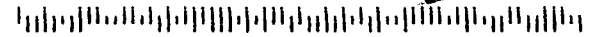
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The State;

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ROBERT WAZNEY,

Appellant.

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CERTIFICATE OF SERVICE  
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The undersigned hereby certifies that true copies of the MOTION TO ALTER OR AMEND JUDGMENT Pursuant Rule 59(e) SCRPC were properly served by depositing the same in the prison mail system, postage prepaid, addressed to J.B. Aplin, Rembert Dennis Bldg, 1000 Assembly Street, room 519, Columbia S.C. 29201; and Don Beatty, PO Box 3543, Spartanburg S.C. 29304 on Oct-Nov 30, 2017.

/s/

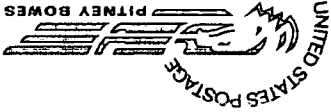
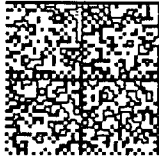
  
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ROBERT WILLIAM WAZNEY  
Lee Correctional Institution  
F21139 363679  
99C Wisacky Highway  
Bishopville, SC 29010

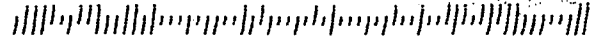


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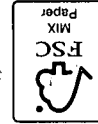


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