

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM PICKENS COUNTY
Court of General Sessions

Honorable J. Cordell Maddox Jr., Circuit Court Judge

Case No.: 2015-000211

The State,

Appellant,

v.

Fredrick Scott Pfeiffer,

Respondent.

Unpublished Opinion 2019-UP-130, Filed March 28, 2018

Return to Appellant's Petition for Rehearing

Respondent objects to the Appellant's Petition for Rehearing. The Court's one sentence Per Curium Order succinctly and correctly disposed of this matter. As appellant points out, Rule 59(f) SCRCP and Rule 29(a) SCRCrimP are worded practically identically and therefore the reasoning in *Collins Music Co. V. IGT*, 353 S.C. 559, 579 S.E.2d 524 (Ct. App. 2002) applies to this matter. The trial court noted in the order appealed from and this Court recognizes by its opinion that Respondent's second motion to reconsider was based on an issue that came to light only after the first motion was

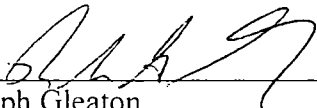
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SC Court of Appeals

heard and ruled on. Therefore this Court's reasoning is correct and no further hearing is needed.

Respondent also objects based on the arguments in his brief and made at oral argument. Those are; 1) that the State waived its right to appeal, 2) that the second motion was timely made because it was made within ten (10) days of the imposition of the sentence after the first motion to reconsider, 3) that if this Court adopts a strict reading of Rule 29(a) SCRCrimP means that appellants appeal was filed late and should be dismissed as such, 4) that the State created the issue and therefore may not complain of it. Respondent has fully briefed these issues and refers to his final brief for those arguments.

For these reasons Respondent requests that this Court deny the Appellant's Petition for Rehearing.

Respectfully submitted,



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Attorneys for Respondent

April 23, 2018

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM PICKENS COUNTY
Court of General Sessions

Honorable J. Cordell Maddox Jr., Circuit Court Judge

Case No.: 2015-000211

The State,

v.

Fredrick Scott Pfeiffer,

Appellant **RECEIVED**
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Respondent.

AFFIDAVIT OF SERVICE
Return to Petition for Rehearing

I certify on this date, April 23, 2018, I served the Respondent's Return to Appellant's Petition for Rehearing in this action, dated April 23, 2018 on the Honorable Alan Wilson, S. Creighton Waters, and Brian T. Petrano by mailing it to him/her at his/her work address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows:

Honorable Alan Wilson
Brian T. Petrano
S. Creighton Waters
South Carolina Attorney General's Office
PO Box 11549
Columbia, SC 29211



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April 23, 2018

Jenny Abbot Kitchings, Clerk of Court
SC Court of Appeals
P.O. Box 11629
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RE: The State v. Fredrick Scott Pfeiffer
Case NO. 2015-000211

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the Respondent's Return to Appellant's Petition for Rehearing in the above-reference case for filing with your office.

Thank you for your assistance in this matter.

Cordially,

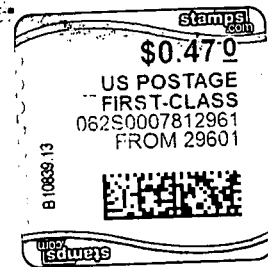
Ralph Gleaton

Enclosures

cc: Honorable Alan Wilson
S. Creighton Waters, Esquire
Brian T. Patrano, Esquire

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