

Dear Clerk of Court of the South Carolina Supreme Court,

Enclosed with this letter is a true copy of
Petitioner's Petition For Rehearing, The Certificate of Service, as
well as a copy of the UnConstitutional Stipulation
I would like the Courts to review.

Sincerely,

Lois Hobb

Date: 1/26/18

RECEIVED

JAN 30 2018

S.C. SUPREME COURT

The Supreme Court of South Carolina

Lord Byron Slater, Petitioner

RECEIVED

JAN 30 2018

v.

State of South Carolina, Respondent.

S.C. SUPREME COURT

Appellate Case No. 2017-002426

Lower Court Case No. 2014-CP-10-05357

Petition For Rehearing

Introduction

The above-named Petitioner who's a Pro-se litigant would respectfully ask this Court to grant a petition for rehearing pursuant to Rule 221, SCACR, based upon the following facts or points of law which the Court may have overlooked, misapprehended or misconstrued.

I.

On January 17, 2018 this Court dismissed the Petitioner's application, for failure to show that there is an arguable basis for asserting that the determination by the Lower court was improper.

II.

Petitioner submits the court overlooked or misapprehended that the stipulation that stipulated what the Forensic Pathologist would have testify to if she were called to testify at trial with out the Petitioner's consent was a Due Process rights, as well a Confrontation Clause rights violation. Further more, the unconstitutional stipulation removed the State of its burden of proof by stipulating the Corpus Delicti in a murder prosecution. see U.S. v. Williams, 632 F.3d 129, 133-34 (4th Cir. 2011) Also see the attached Stipulation

Trps 298 line 1-25, 299 line 1-17

III.

The Corpus Delicti in a Murder Prosecution consist of two elements (1.) The death of a human being, and (2.) The criminal act of another in causing the death.

Petitioner submits that the Court overlooked that the Forensic Pathologist was the only witness that could attest that some one died, and that the death was by homicide, therefore without the Forensic Pathologist being present at trial, any testimony pertaining to the death of decessae was in admissible hearsay.

IV.

Moreover, in finding that Petitioner failed to show that there is an arguable basis for asserting that the determination by the Lower court was improper. The Court overlooked the Petitioner who was 19 at the time, came from a background of poverty, and without an education was at the mercy of a defense counsel that allowed an innocent young man at the time, to be convicted for a crime he didn't commit. Testimony was introduced at trial by the State through a SLED agent that the bullet removed by the Forensic Pathologist was a silver tip hollow point nickel plated bullet, and was confirmed to be fired from Petitioners handgun. Trial counsel defense was that his client killed victim, but there was no malice. See Trial transcript pg 111 line 9-25, 112 line 1-22. The Forensic Pathologist who perform the autopsy on decessae removed a yellow metal jacketed bullet, but wasn't present at trial due to an unconstitutional stipulation. The yellow metal jacketed bullet clears the Petitioner of the shooting death of the decessae, and it will be a Fundamental Miscarriage of Justice to disregard a clear cut Due Process rights, as well as a Confrontation Clause rights violation that resulted

in the Petitioner being convicted for a crime he didn't commit.

V.

Petitioner submits the Court may have overlooked, misapprehended, or misconstrued the fact that there is an arguable basis for asserting that the determination by the Lower Court was improper. The Lower Court was in error when it disregarded that the Unconstitutional stipulation deprived Petitioner of a fair trial in violation of Petitioner's Due Process rights. The Unconstitutional stipulation was also a Confrontation Clause rights violation. The Unconstitutional stipulation removed the state of its burden of proof, therefore violating Petitioner's Due Process rights to a fair trial. Trial counsel was in violation for agreeing to an Unconstitutional stipulation that waived Petitioner's Confrontation Clause rights without Petitioner's consent. The Trial judge abused his discretion when the trial court allowed the state to stipulate the Corpus Delicti in a murder prosecution, as well as in error for not conducting a hearing to determine whether or not the Petitioner consented to waive his right to confront the Forensic Pathologist.

Conclusion

Based upon the foregoing, the Petitioner would respectfully ask the Court to grant the Petition for rehearing

The Supreme Court of South Carolina

Lord Byron Slater, Petitioner

v.

State of South Carolina, Respondent

Appellate Case No. 2017-002426

Lower Court Case No. 2014-CP-10-05357

Certificate of Service

I certify that a true copy of the Petition for Rehearing
was served/Sent to the Supreme Court of South Carolina

Clerk of Court P.O. Box 11330, Columbia, SC, 29211

The SC Attorney Generals Office / PCR Division

P.O. Box 11549, Columbia, SC, 29211-1549

Lord Slater

Lord Byron Slater #279992

MccI F4 A177

386 Redemption Way

McCormick, SC, 29899

Date: 1/26/18

Exhibit (A)⁵.

1 We'll take one more witness prior to the
2 morning break.

3 MR. DUTREMBLE: Prior to the witness being
4 called, Your Honor, I have a stipulation that's
5 been entered into.

6 THE COURT: All right, sir.

7 MR. DUTREMBLE: If I could have it marked,
8 I'll read it, Your Honor.

9 (State's Exhibit Number 35, stipulation,
10 marked for identification and received in
11 evidence.)

12 MR. DUTREMBLE: Thank you. May I publish,
13 Your Honor?

14 THE COURT: Yes, sir.

15 MR. DUTREMBLE: Ladies and gentlemen, the
16 State of South Carolina by and through its
17 undersigned attorney, and the defendant, by and
18 through his undersigned attorney, hereby stipulate
19 and agree, one, if Doctor Kim Collins were called
20 to testify, she would testify that she is a
21 Forensic Pathologist at The Medical University of
22 South Carolina in Charleston, South Carolina.

23 Two, that on February 4th, 2001, she was
24 called upon to perform an autopsy on the body of
25 Sharone Middleton who died on February 3rd, 2001.

Exhibit (A) 6.

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1 Three, that on February 4th, 2001, she
2 performed the autopsy on Sharone Middleton to
3 determine the cause of his death.

4 Four, that after examining the body of
5 Sharone Middleton, she determined that he suffered
6 two indeterminate range penetrating and
7 perforating gunshot wounds to the chest.

8 Five, that she would testify in her expert
9 medical opinion to a reasonable degree of medical
10 certainty Sharone Middleton died as a result of
11 the two gunshot wounds to the chest.

12 And it is stipulated the 13th day of
13 November, 2001, signed by myself and by Mr.
14 Pennington.

15 THE COURT: That stipulation is specifically
16 made a part of the record.

17 MR. DUTREMBLE: Thank you, Your Honor.

18 If Your Honor please, we would next call
19 Detective Widmer to the stand.

20 THE COURT: All right, sir. Is this a
21 lengthy witness?

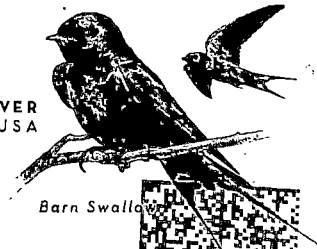
22 MR. DUTREMBLE: He's not very lengthy, Your
23 Honor.

24 MR. PENNINGTON: Your Honor, we may need to
25 take up that matter I discussed in chambers.

Lord Slater #279992
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386 Redemption Way
McCormick, SC, 29899

Clerk of Court
Supreme Court of South Carolina
P.O. Box 11330
Columbia, SC, 29211

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JAN 26 2017

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