

The State of South Carolina
In The Court of Appeals

The State, Respondent

v.

Anthony D. Wilder, Petitioner
In Propria Persona.

In The Court of Appeals

Motion for Rehearing

Case No. 2016-001697

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SEP 25 2018

SC Court of Appeals

Pursuant to Rule 221(a), SCACR, I Anthony D. Wilder now come before The Court of Appeals for a Rehearing according to Rule 242(c), SCACR.

The Court stated, "after careful consideration of the entire Appendix the Petition for Writ of Certiorari is denied." However, the Court fail to address the issues inside Petitioner's petition, explaining why the court deny a novel question of law and substantial constitutional issues. Petitioner now ask the court for a Rehearing on those issues summarized in the following:

1) Did the PCR court error in not ruling and explaining on whether Appellate Counsel was ineffective assistance of counsel for not raising issue properly preserve for appeal. Where trial counsel made an objection to the admittance of a mask marked State's Exhibit No. 104, a pair of gloves marked State's Exhibit No. 105, and pair of gloves marked State's Exhibit No. 106 when the collection officers did not identify this evidence and trial judge overruled the ob-

jection.

Petitioner is entitled to review on issues properly preserve for appeal, denial of review is denial of due process. This is a procedural due process violation and denial of effective assistance of counsel.

2.) Did the PCR court error in not ruling on the 59(e) motion and explaining on whether trial counsel was ineffective assistance of counsel in failing to object to the admittance of state's evidence a mask marked State's Exhibit No. 113, and a glove mark State's Exhibit No. 114 when there was a missing link in the chain of custody.

This chain of custody issue points out erroneous admitted evidence due to a missing link that was a contributing factor to the jury's verdict, and also cumulative to the above and following issue. This is a constitutional violation under due process of law and denial of effective assistance of counsel.

3.) Did the PCR court error in not ruling on the 59(e) motion and explaining on whether trial counsel was ineffective assistance of counsel for failing to object to the admittance of State's evidence when the chain of custody was not established, where the custodian of property and evidence was not identify at the evidence compound.

This issue corroborates the above two issue showing the continuous erroneously admittance of evidence through a incomplete chain of custody. This ongoing erroneous admitted evidence is what the state use to support its argument of "overwhelming evidence" and "fruits of the event". (emphasis added) The court failure to review this issue is a procedural due process violation, with the issue itself constituting a due process violation and denial of effective assistance of counsel.

4) Did the PCR court error in ruling that had Petitioner had a Biggers hearing Petitioner would not had prevail, where trial counsel was ineffective assistance of counsel for failing to timely object to unreliable in-court identification.

The PCR court claimed trial counsel not requesting for a Biggers hearing was harmless error, based on the record ID would have come. The ID based on the record the PCR court is referring to is the erroneously admitted DNA evidence Petitioner rebut and dispute on in the above chain of custody issues. The PCR court ruling and trial counsel failure to object is in error and bias, constituting constitutional violations under due process of law and denial of effective assistance of counsel.

5) Did the PCR court error in ruling, SCRE Rule 702 does deal with reliability.

The Court of Appeals on Direct Appeal ruled that Trial Counsel argument was misplace because Rule 702 had nothing to do with reliability of evidence, denying Appellate Brief. However, contrary to the Court of Appeals ruling, the PCR court ruled that Rule 702 does deal with reliability, directly conflicting with the Court of Appeal prior ruling. Here is a conflicting question of law the court fails to address, also a procedural and substantive due process violation.

Due to these Sixth Amendment violations of the United States Constitution and Article I, § 14 of the South Carolina Constitution, and Fourteenth Amendment violations of the United States Constitution and Article I, § 3 of the South Carolina Constitution. Petitioner asks the court for a Rehearing in the foregoing matter.

Sincerely, Anthony D. Wilder

The State of South Carolina
In The Court of Appeals

In The Court of Appeals
Bill of Pains and Penalties No:
2016-001697

State of South Carolina
Respondent

vs

Anthony D. Wilder
Ex Relatone
Petitioner

Certificate of Service

I, Anthony D. Wilder, hereby certify that service of the follow-
ing memorandum of law; ~~motion for rehearing~~ has been made
upon the South Carolina Court of Appeals on this 20 day of
Sept 2018, via McCormick Correctional Institution
mailroom.

Anthony D. Wilder
all rights reserved UCC 1-103 1-308

Subscribed and Sworn to before me
this 20 day of Sept, 2018.

Dee Kuslerman

Notary Public for South Carolina

My Commission Expires: 9-30-26

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SC Court of Appeals

September 20, 2018

South Carolina Court of Appeals
40 PO Box 11629
Columbia, SC [29211]

RE: Motion for Rehearing
Case No. 2016-001697

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SC Court of Appeals

Dear Clerk,

Enclosed for filing is a Motion for Rehearing in reference to the above matter, along with the certificate of service.

Please return to me a clock-stamped copy of the enclosed motion at your earliest convenience.

Sincerely, Anthony D. Wilder
Anthony D. Wilder 328282
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899

Anthony D. Wilder 328282
McCormick Correctional Institution
386 Redemption Way
McCormick, SC 29899

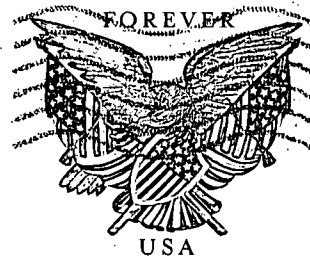
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SC Court of Appeals

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