

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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DEC 10 2018

SC Court of Appeals

Appeal from Horry County  
Steven H. John, Circuit Court Judge

State of South Carolina

Respondent,

v.

Ardon P. Cato, II,

Petitioner

Appellate Case No. 2016-002081

REPLY TO STATES RETURN ON  
PETITION FOR RETHEARING

Other Counsel on Record:  
Atty Gen. A. McCrory Wilson  
P.O. Box 11549  
S.C. Atty Gen. Office  
Columbia, S.C. 29211

Ardon P. Cato, II, #316535  
Evans C.I. FSB 267  
610 Highway 9 West  
Bennettsville, S.C. 29512

Pro Se Petitioner

Jimmy A. Richardson  
P.O. Box 1276  
Conway, S.C. 29526

Respondents

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## AUTHORITIES

State v. Gagnon, 2013 Order Granting New Trial Based on After-Discovered Evidence, Case No. 06-65-26-0594

State v. Spann, 334 S.C. 618, 513 S2d 98

Jamison v. State, S.C. Court of Appeals, Unpublished Opinion No. 2012-UP-437

Jamison v. State, S.C. Supreme Court, 2014 Opinion No. 27454

## CONSIDERATION

I, Arden P. Cato, II, respectfully asks this Court to carefully review and consider my Petition for Rehearing, for which it will stand as my Reply.

These are (3) three careful notes for consideration by this Court:

- 1.) Please give a S.C. Court of Appeals detailed clarification of Jamison v. State, S.C. Court of Appeals

Unpublished Opinion No. 2012-UP-437, Jamison v. State, Supreme Court, 2014 Opinion No. 27454, and State v. Spann, 334 S.C. 618, 513 S2d 98, concerning Rule 29(b) S.C.R.Crim.Pro. Motions for New Trial Based on After-Discovered Evidence after guilty pleas, in reference to the Petition for Rehearing in this case, by way of an opinion in Petitioner Cato's favor.

- 2) Please give a S.C. Court of Appeals definitive ruling that the SLED Ballistic Report in this case is erroneous, and regarding those errors in light of the After-Discovered Evidence presented, Cato's convictions are null and void at best, and/or require the grant of a new trial at the very least.
- 3) Please give a S.C. Court of Appeals decision insuring the consistency of rulings and established law by Circuit Court Judge Steven H. John in State v. Gagnon, 2013 Order Granting New Trial Based on After-Discovered Evidence, Case No. 06-GS-26-0594 and Petitioner Cato's After-Discovered Evidence, wherein both cases the new evidence was obtained in similar fashion, and should be ruled on in similar fashion.

### CONCLUSION

Pursuant to Rule 220(b), (2) S.C.A.C.R. and State v. Johnson, 376 S.C. 8, 654 S2d 835 (2007), (when determining whether an error of law exist in a criminal case... it is necessary to consider the merits of the

case). Petitioner Cato is respectfully requesting that the points distinctly stated in Petitioners Final Brief, and clarified in Petition for Rehearing that are necessary to the decision, that fairly arose upon the record of this Court, be addressed in detail for a just decision in Petitioners favor, the reason for the Courts decision.

12-5-18

Date

Respectfully Submitted

Ardon P. Cato, II

Ardon P. Cato, II #316535

Evans C.I. FSB 267

610 Highway 9 West

Bennettsville, S.C. 29512

Pro Se Petitioner

STATE OF SOUTH CAROLINA  
In The Court of Appeals

Appeal from Horry County  
Court of General Sessions

Steven H. John, Circuit Court Judge

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State of South Carolina

Respondent,

v.

Arden P. Cato, II

Petitioner

PROOF OF SERVICE

I certify that I have served the Reply to the State's Petition on Petition for Rehearing on Atty. Gen. A. McCray Wilson P.O. Box 11549, Jimmy A Richardson, Solicitor P.O. Box 1276 Conway, S.C. 29526, and S.C. Court of Appeals P.O. Box 11629 Columbia, S.C. 29211, by depositing a copy of it in US mail, postage prepaid on Dec. 5, 2018.

12-5-18

Date

Arden P. Cato, II

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610 Highway 9 West  
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SC Court of Appeals

December 5, 2018

S.C. Court of Appeals  
J. A. Kitchings, Clerk  
P.O. Box 11629  
Columbia, S.C. 29211

Dear Clerk,

Enclosed is my Reply to the State's Return on my Petition for Rehearing. I recieved the State's return at Evans C.I. mailroom on Dec. 4, 2018. My Reply is being filed in a timely manner.

I am respectfully requesting this Court to hold me to less stringent standards due to my inability to have adequate access to resources and materials necessary to file in perfect form/format. I am in alignment with the S.C. Rules of Court to the best of my pro se. abilities.

Thank you in advance for your kind consideration,

Respectfully Submitted,

Arden P. Cato, II

Ardon P. Cato, II, #  
Evans C.I. FSB 26  
610 Highway 9 West  
Bennettsville, SC 295

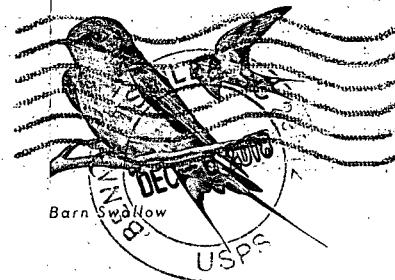
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