

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM SUMTER COUNTY  
Court of General Sessions  
Roger M. Young, Circuit Court Judge

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FEB 15 2019

S.C. SUPREME COURT

Appellate Case No. 2016-001264

The State,..... Respondent

v.

Larry Durant,..... Appellant.

**Petition to Argue Against Precedent**

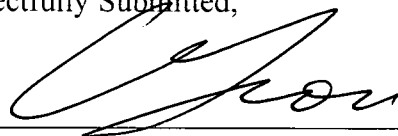
By written order dated January 11, 2019, this Court granted Pastor Durant’s petition to certify this case from the Court of Appeals because the primary issue in this appeal is Pastor Durant’s request to overrule *State v. Wallace*, 384 S.C. 428, 683 S.E.2d 275 (2009). Pursuant to Rule 217, SCACR, Pastor Larry Durant now moves this Court for an order allowing him to argue against precedent, including but not limited to this Court’s opinion in *Wallace* and opinions following *Wallace*. Additionally, the Court of Appeals opinion in *State v. Wallace*, 364 S.C. 130, 139, fn. 2, 611 S.E.2d 332, 337, fn. 2 (Ct. App. 2005) identifies opinions that are inconsistent with the traditional interpretation of Rule 404(b), SCRE and *State v Lyle*, 125 S.C. 406, 118 S.E. 803 (1923).

IT IS SO MOVED.

(signature on the next page)

Respectfully Submitted,

By



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*Attorney for Pastor Larry Durant*

February 12, 2019.

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**Certificate of Service**

I certify that I have served this pleading on the State of South Carolina by placing a copy in the United States Mail, postage prepaid, on the date reflected below, addressed to:

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February 12, 2019