

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Pickens County  
Edward W. Miller, Circuit Court Judge

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App. Case No. 2016-001819

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**RECEIVED**

JUL 08 2019

SC Court of Appeals

William David Wooten,

Petitioner,

V.

State of South Carolina,

Respondent.

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RETURN TO PETITION FOR REHEARING

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This matter is before the Court based on an appeal from the denial of an Application for Post-Conviction Relief by the Honorable Edward W. Miller in an Order of Dismissal, which was filed on October 6, 2015, and an Order Denying Motion to Alter or Amend, which was filed on July 25, 2016. A Notice of Appeal was filed on Petitioner's behalf on September 2, 2016. The Petition for Writ of Certiorari was filed on February 8, 2017, and Respondent filed its Return to Petition for Writ of Certiorari on August 4, 2017. In an Order filed on October 30, 2017, the South Carolina Supreme Court transferred the case to the South Carolina Court of Appeals, pursuant to Rule 243(l), SCACR. In an Order filed on June 7, 2019, this Court denied Petitioner's petition for a writ of certiorari. Petitioner then filed a Petition for Rehearing on June 24, 2019, and the Court requested by letter that Respondent file this Return to Petition for Rehearing.

Rule 243(l), SCACR, by which the South Carolina Supreme Court transferred this case to the Court of Appeals, provides that "[r]eview of any final decision of the Court of Appeals shall

be by a petition for a writ of certiorari under Rule 242, SCACR.” Pursuant to Rule 221, SCACR: “No petition for rehearing shall be allowed from an order denying a petition for a writ of certiorari under Rule 242, SCACR.” Rule 242 governs discretionary appellate review, and is akin to Rule 243, which is concerned with review of post-conviction relief actions. Rule 221’s prohibition against the filing of a petition for rehearing after the issuance of an order denying a petition for a writ of certiorari under Rule 242 should likewise apply in this case and prohibit this petition for rehearing on this Court’s denial of the petition for writ of certiorari.

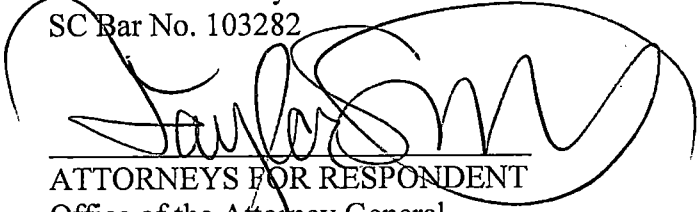
Petitioner’s Petition for Rehearing, which was filed on June 24, 2019, on this Court’s denial of the petition for writ of certiorari should be barred by Rule 221, SCACR, and should be denied.

Respectfully submitted,

ALAN WILSON  
Attorney General

TAYLOR ZANE SMITH  
Assistant Attorney General  
SC Bar No. 103282

By:

  
\_\_\_\_\_  
ATTORNEYS FOR RESPONDENT  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211

July 8, 2019

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Pickens County  
Edward W. Miller, Circuit Court Judge

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Appellate Case No. 2016-001819

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WILLIAM DAVID WOOTEN,

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V.

STATE OF SOUTH CAROLINA,

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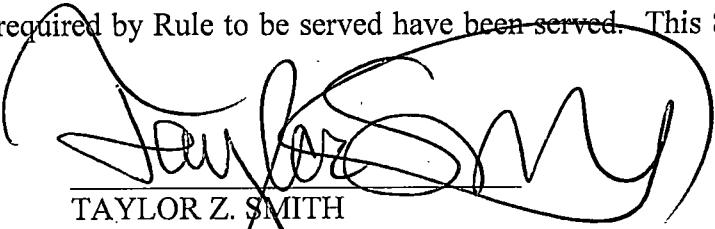
**CERTIFICATE OF SERVICE**

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I, Taylor Z. Smith, certify that I have today served the within **Return to Petition for Rehearing** upon Respondent by depositing a copy of the same in the United States mail, postage prepaid, addressed to:

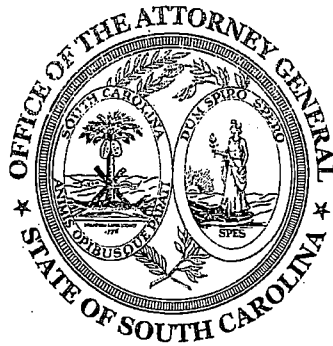
**Tara Dawn Shurling, Esquire  
3614 Landmark Drive; Suite A  
Columbia SC 29204**

I further certify that all parties required by Rule to be served have been served. This 8<sup>th</sup> day of July, 2019.



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TAYLOR Z. SMITH  
Assistant Attorney General  
S.C. Bar # 103282  
Office of Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3737  
ATTORNEY FOR RESPONDENT



ALAN WILSON  
ATTORNEY GENERAL

July 8, 2019

**RECEIVED**  
JUL 08 2019  
SC Court of Appeals

The Honorable Jenny A. Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**Re: William David Wooten v. State of South Carolina**  
**Appellate Case No. 2016-001819**  
**Lower Court Case 2012-CP-39-1196**

Dear Ms. Kitchings:

Attached is the original and six (6) copies of the **Return to Petition for Rehearing** in the above referenced case for filing in your office.

Sincerely,

Taylor Z. Smith  
Assistant Attorney General  
SC Bar #103282

TZS/ch

cc: Tara Dawn Shurling, Esquire  
Trisha Allen, Victim Services