

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

ORIGINAL

ANTHONY MARQUISE MARTIN,

RECEIVED  
PETITIONER

AUG 02 2019

V.

STATE OF SOUTH CAROLINA,

S.C. SUPREME COURT

RESPONDENT

APPELLATE CASE NO 2016-002458

Appeal from Aiken County

Honorable Robert E. Hood, Circuit Court Judge

Opinion No. 27900

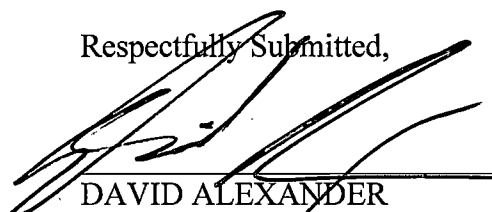
RETURN TO PETITION FOR REHEARING

The State's petition for rehearing makes repeated reference to the rules of evidence and gives elaborate hearsay arguments concerning the time petitioner's mother dropped him off in Atlanta. None of these arguments were made at the PCR hearing. When petitioner questioned trial counsel about his failure to ask about a specific time, the Attorney General made no objection. App. 501, l. 10 – 503, l. 8. At the end of the hearing, when the Attorney General was given a chance to make argument and asked if she had anything further, she replied, "Nothing." App. 515, l. 25 – 516, l. 1. The time to make objections and arguments based on the rules of

evidence was at the hearing, not in a petition for rehearing after a unanimous decision by this Court.

This Court correctly realized that an alibi has little force without a specific time. The distance between Augusta and Atlanta made the necessity of a specific time in petitioner's case even more important. The glaring omission of this all-important question by trial counsel—especially when his strategy at trial was alibi—was readily apparent. Trial counsel admitted that petitioner's mother had given him a specific time and this information was in his file. Had petitioner's mother's testimony been that she dropped him off that morning in Japan, no specific time would be needed. But the 150 mile distance, as pointed out by this Court in footnote one of the opinion, made asking a question about the specific time mandatory. This Court's unanimous decision is manifestly correct and the State's petition for rehearing should be denied.

Respectfully Submitted,



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DAVID ALEXANDER  
Appellate Defender

This 2nd day of August, 2019.

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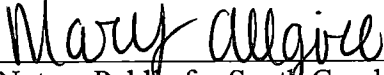
RESPONDENT

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a copy of the Return to Petition for Rehearing in the above-entitled case has been served upon Megan Harrigan Jameson, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and Anthony Marquise Martin, #345836, at Tyger River Correctional Institution, 200 Prison Road, Upper Yard, Enoree, SC 29335-9308, this 2nd day of August, 2019.

  
David Alexander  
Appellate Defender  
ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO BEFORE  
ME this 2nd day of August, 2019.

 (L.S)  
Notary Public for South Carolina  
My Commission Expires: May 12, 2027.