

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

App. Case No. 2016-001819

RECEIVED
AUG 19 2019
SC Court of Appeals

William David Wooten,

Petitioner,

V.

State of South Carolina,

Respondent.

RETURN TO AMENDED PETITION FOR REHEARING

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. Respondent filed its Return to Petitioner for Rehearing on July 8, 2019. Petitioner served Respondent with the Amended Petitioner for Rehearing on August 8, 2019, to which Respondent now makes this Return to Amended Petitioner 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 amended petition for rehearing on this Court’s denial of the petition for writ of certiorari.

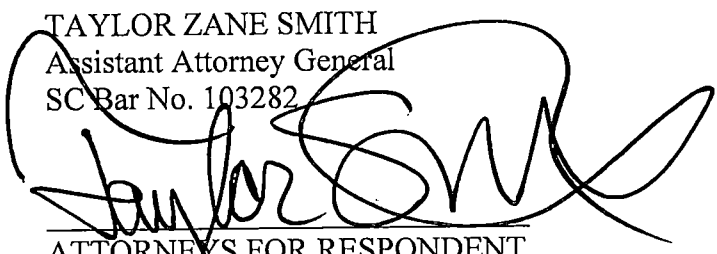
Petitioner’s Amended Petition for Rehearing, which was served upon Respondent on August 8, 2019, on this Court’s denial of the petition for writ of certiorari should be barred by Rule 221, SCACR, and should be denied.

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

August 19, 2019

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

Appellate Case No. 2016-001819

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STATE OF SOUTH CAROLINA,

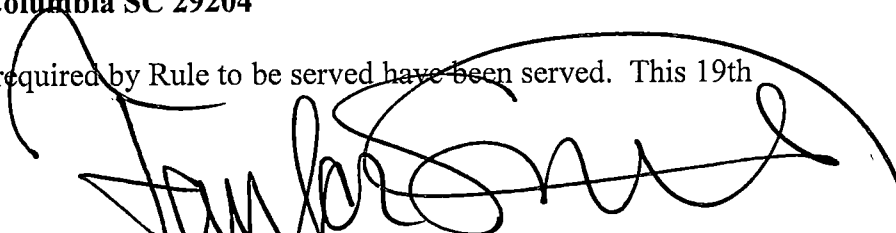
Respondent.

CERTIFICATE OF SERVICE

I, Taylor Z. Smith, certify that I have today served the within **Return to Amended Petition for Rehearing** upon Petitioner 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 19th day of August, 2019.



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

August 19, 2019

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

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SC Court of Appeals

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

Sincerely,

Taylor Z. Smith
Assistant Attorney General
SC Bar #103282

TZS/ch

cc: Tara D. Shurling, Esquire
Trisha Allen, Victim Services