

Petition for Rehearing

THE STATE OF SOUTH CAROLINA
South Carolina Court of Appeals

Appellate Case No. 2019-000531

RECEIVED

OCT 09 2019

SC Court of Appeals

APPEAL FROM MARION COUNTY
Court of Common Pleas

Michael G. Nettles, The Honorable Judge for Marion County

Case No. 2018CP3300564

Mullins Municipal Court c c c c c c c c c c c c c..... Respondent

VS.

David Joe Washington c c c c c c c c c c c c c..... Appellant

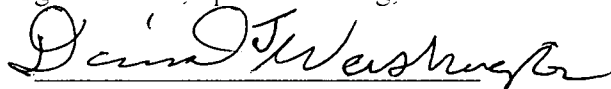
PETITION FOR REHEARING

David Joe Washington, being duly sworn, deposes and says:

1. I hereby move for a rehearing of this case based on the fact that I asked the Mullins Police Department for a copy of the body camera from Officer Inman on 7/23/2018 and they sent an audio not video to me.
2. The traffic stop on 07/13/2018 at 9:58 am they had ample time to send the body cam video showing IF my seatbelt was or was not on at the time.
3. The Plaintiff, David Joe Washington, ask the court three weeks before the hearing to receive the video of the traffic stop.
4. The Plaintiff, David Joe Washington, ask the court in the same motion to review the past two months of Officer Inman's traffic stops.
5. The Plaintiff, David Joe Washington, has been having trouble with the Mullins Police Department after he filed a law suit on 09/22/2009, over ten years ago.
6. Also, the plaintiff's rights under Title 5 of the Freedom of Information Act under the US States Code Section 552-1 in the same motion were violated, also *Brady v. Maryland*, 373 U.S 83, by withholding material exculpatory evidence.
7. Also the Plaintiff was violated Under Title 6 of the Civil Rights Act of 1964.

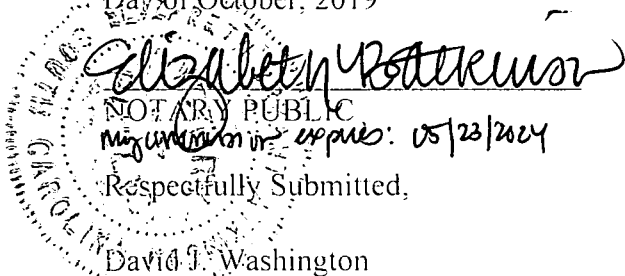
8. Title 42 Chapter 21. All persons within jurisdiction of the United States shall have the same rights in every state.
9. The Plaintiff ask for reasons why this case cannot be granted to him.
10. The plaintiff request that all evidence the court has been presented with against him be furnished for his review.
11. The Plaintiff ask the court for Two Million Dollars for all the violations that have been put forth against him and for the distressed this has caused him mentally, physically and financially.
12. This case was filed on 04/16/2019 in the South Carolina Court of Appeals and was overlooked by the court this is a violation under the 14th Amendment.
13. This case was dismissed on 07/31/2019 the court of Appeals for South Carolina sent this case back down to a lower court on 09/03/2019 that is also a violation.
14. The Court of Appeals for South Carolina sent the plaintiff a letter for rehearing on 09/03/2019.
15. The Plaintiff will show the court that all the allegations in this case are true.

WHEREFORE, for all of the reasons set forth above, this petition for a rehearing should be granted and, upon rehearing, the motion to dismiss this appeal should be denied.



David J. Washington

Sworn to before me this 7th
Day of October, 2019



Respectfully Submitted,

David J. Washington
3204 Badger Road
Mullins, SC 29574

(843) 331-6669

October 7, 2019

Copy to:

Mullins Municipal Court

151 E. Front Street
Mullins, South Carolina 29574

Court of Common Pleas

103 North Main Street

Post Office Box 295

Marion, South Carolina 29571

Affidavit of Service:

David J. Washington, being duly sworn, deposes and says that on October 7, 2019 he mailed the within petition for rehearing to the following addresses:

Mullins Municipal Court

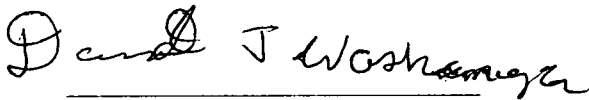
151 E. Front Street
Mullins, South Carolina 29574

Court of Common Pleas

103 North Main Street

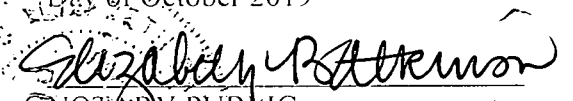
Post Office Box 295

Marion, South Carolina 29571



David J. Washington

Sworn to before me this 7th
Day of October 2019


NOTARY PUBLIC
my commission expires: 10/23/2021


FORM 7
PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[In The Supreme Court]

APPEAL FROM MARION COUNTY
Court of Common Pleas

Case No. 2019-000531

David J. Washington,

Appellant,

v.

Mullins Municipal Court,

Respondent.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Mullins Municipal Court by depositing a copy of it in the United States Mail, postage prepaid, on March 25, 2019, addressed to Mullins Municipal Court 151 E. Front Street Mullins, SC 29574. It was signed for pick up on April 3, 2019 by Eddie Edwards.

April 22, 2019

s/ David J. Washington
David J. Washington
3224 Badger Road
Mullins, South Carolina 29574
(843) 331-6669
Appellant

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OCT 09 2019

SC Court of Appeals

FORM 8
LETTER TO THE APPELLATE COURT CLERK
FILING THE NOTICE OF APPEAL

March 25, 2019

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

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211]

RE: David J. Washington, Appellant vs. Mullins Municipal Court, Respondent,
Case No. 2018-CP-33-00564

Dear Ms. Kitchings [Mr. Shearouse]:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondent[s].
- (2) A copy of the order[s] [judgment] which is [are] to be challenged on appeal.
- (3) This appeal is being filed with the Appellate Court because . . . (see Rule 203(d) for when an appeal can be filed with the Supreme Court).]

Sincerely,
David J. Washington
3204 Badger Road
Mullins, South Carolina 29574
(843) 331-6669
Appellant

cc: Mullins Municipal Court
151 E. Front Street
Mullins, South Carolina 29574
(843) 464-0707
Respondent

MULLINS
320 N MAIN ST
MULLINS
SC
29574-9998
4561000574
03/25/2019 (800)275-8777 2:03 PM

Product Description	Sale Qty	Final Price
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First-Class Mail Letter	1	\$0.55
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(Domestic)
(MULLINS SC 29574)
(Weight 0 Lb 0.50 Oz)
(Estimated Delivery Date)
(Wednesday 03/27/2019)

Certified	1	\$3.50
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(@USPS Certified Mail #)
(70180360000192361610)

Return Receipt	1	\$2.80
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(@USPS Return Receipt #)
(9590940306785196480287)

Affixed Postage	1	(\$0.55)
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(Affixed Amount \$0.55)

Total		\$6.30
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Cash		\$20.00
Change		(\$13.70)

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OFFICIAL USE

Certified Mail Fee	\$3.50
Extra Services & Fees (check box, add fee)	\$2.80
☐ Return Receipt (hardcopy)	\$0.00
☐ Return Receipt (electronic)	\$0.00
☐ Certified Mail Restricted Delivery	\$0.00
☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00

Postage \$0.55

Total Postage and Fees \$8.85

Sent To Mullins Municipal Court
Street and Apt. No. or PO Box No.
151 E. First Street
City, State, ZIP+4®
Mullins SC 29574

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

03/25/2019 09:26:00 0000 0960 8700

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LATTA SC 29565

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10/07/2019

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City, State, ZIP+4®

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Certified Mail Fee \$3.50

Extra Services & Fees (check box, add fee)

☐ Return Receipt (hardcopy) \$2.80

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55

Total Postage and Fees \$6.85

8562 9211 0000 0622 8702

LATTA
115 W MAIN ST
LATTA, SC 29565-9998
454860-0565
(800)275-8777
10/07/2019 11:42 AM

Product	Qty	Unit Price	Price
First-Class Mail® Letter (Domestic)	1	\$0.55	\$0.55
(MULLINS, SC 29574)			
(Weight: 0 Lb 0.80 Oz)			
(Estimated Delivery Date)			
(Wednesday 10/09/2019)			
Certified (USPS Certified Mail #)			\$3.50
(70182290000011762341)			
Return Receipt (USPS Return Receipt #)			\$2.80
(9590940223756249075390)			
Affixed Postage (Affixed Amount: \$0.55)			(\$0.55)
First-Class Mail® Letter (Domestic)	1	\$0.55	\$0.55
(MARION, SC 29571)			
(Weight: 0 Lb 0.80 Oz)			
(Estimated Delivery Date)			
(Wednesday 10/09/2019)			
Certified (USPS Certified Mail #)			\$3.50
(70182290000011762358)			
Return Receipt (USPS Return Receipt #)			\$2.80
(9590940250179063389308)			
Affixed Postage (Affixed Amount: \$0.55)			(\$0.55)
Total:			\$12.60

Cash \$13.00
Change (\$0.40)

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USPS

10/07/2019

Certified Mail Fee \$3.50

Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55

Total Postage and Fees \$6.85

Self
 Mullins, Mun. Ct.
 Street and Apt. No. or PO Box No.
 City, State, ZIP+4

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for instructions

THE 9211 0000 0622 8702

LATTA
 115 W MAIN ST
 LATTA, SC 29565-9998
 454860-0565
 (800)275-8777
 10/07/2019 11:42 AM

Product	Qty	Unit Price	Price
First-Class Mail® Letter (Domestic) (MULLINS, SC 29574) (Weight: 0 Lb 0.80 Oz) (Estimated Delivery Date) (Wednesday 10/09/2019)	1	\$0.55	\$0.55
Certified (USPS Certified Mail #) (70182290000011762341)			\$3.50
Return Receipt (USPS Return Receipt #) (9590940223756249075390)			\$2.80
Affixed Postage (Affixed Amount: \$0.55)			(\$0.55)
First-Class Mail® Letter (Domestic) (MARION, SC 29571) (Weight: 0 Lb 0.80 Oz) (Estimated Delivery Date) (Wednesday 10/09/2019)	1	\$0.55	\$0.55
Certified (USPS Certified Mail #) (70182290000011762358)			\$3.50
Return Receipt (USPS Return Receipt #) (9590940250179063389308)			\$2.80
Affixed Postage (Affixed Amount: \$0.55)			(\$0.55)
Total:			\$12.60

Cash \$13.00
 Change (\$0.40)

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

RULE 221
REHEARING AND REMITTITUR

(a) Rehearing. Petitions for rehearing must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion, order, judgment, or decree of the court. A petition for rehearing shall be in accordance with Rule 240, and shall state with particularity the points supposed to have been overlooked or misapprehended by the court. No return to a petition for rehearing may be filed unless requested by the appellate court. Ordinarily, however, rehearing will not be granted in the absence of such a request. No petition for rehearing shall be allowed from an order denying a petition for a writ of certiorari under Rule 242, SCACR.

(b) Remittitur. The remittitur shall contain a copy of the judgment of the appellate court, shall be sealed with the seal and signed by the clerk of the court, and unless otherwise ordered by the court shall not be sent to the lower court or administrative tribunal until fifteen (15) days have elapsed (the day of filing being excluded) since the filing of the opinion, order, judgment, or decree of the court finally disposing of the appeal. If a petition for rehearing is received before the remittitur is sent, the remittitur shall not be sent pending disposition of the petition by the court. Where a petition for rehearing has been denied, the Court of Appeals shall not send the remittitur to the lower court or administrative tribunal until the time to petition for a writ of certiorari under Rule 242(c) has expired. If a petition for writ of certiorari is filed, the Court of Appeals shall not send the remittitur until notified that the petition has been denied. If the writ is granted by the Supreme Court, the Court of Appeals shall not send the remittitur.

(c) Rehearing of Motions. The appellate court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal.

Last amended by Order dated May 1, 2018.



91087

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

✓ V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

September 30, 2019

David Washington
3204 Badger Road
Mullins SC 29574

Re: David Washington v. Mullins Municipal Court
Appellate Case No. 2019-000531

RECEIVED
OCT 09 2019
SC Court of Appeals

Dear Mr. Washington:

The Court has construed your correspondence dated August 15, 2019, as a petition for rehearing. Upon reviewing your petition for rehearing, the following deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or this Court will not consider this petition for rehearing:

- Pursuant to Rule 221, SCAC, the petition for rehearing must be in accordance with Rule 240, SCACR. In compliance with Rule 240, SCACR, any request made directly to this Court must be done in the form of a motion.
- The required filing fee has not been submitted. The correct filing fee is \$50.00.
- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Mullins Municipal Court
Christy M. Gray