

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

The Honorable Robert E. Hood, Circuit Court Judge

Appellate Case No. 2016-002367

RECEIVED

JAN 31 2020

SC Court of Appeals

Cedric L. Woods#265789,.....Appellant.

v.

State of South Carolina,.....Respondent.

RULE 221(a) MOTION FOR REHEARING

The Appellant request he be granted a rehearing per Rule 221(a).

The Appellant believes his case still has merit and that it would be of significant importance post Gentry in decisions of due process concerning notice, in defining excesses of jurisdiction when due process is violated, and the consequences thereof.

There are mitigating circumstances that have effected the Appellant's ability to comply with procedure and he respectfully ask that this be taken into account here. The Appellant suffered a serious and debilitating stroke in which he lost nearly all of his eye sight and much of his mobility. While he has regained some of his sight and mobility and can see enough to read slowly, he is still must rely on others to assist in writing as he is unable to this for himself

Due to being moved repeatedly for medical reasons since his stroke he no longer has a complete copy of his trial transcript, but he has tried with his limited resources to obtain a copy in which to comply. He has written to his counsel for the PCR action of which this Appeal originated, and after some time, the letter was returned unopened and was marked that the attorney was no longer at the address that was on his stationery.

The Transcript of Record from this PCR, Case No. 2014-CP-02-00784, held September 21, 2016, (see page 6 attached here) shows in lines 17 to 23 that the State

prepared copies of Appellant's trial transcript for the Court and Appellant's attorney, Mr. Lance Boozer, Esq., for the PCR action now on appeal. It also indicates that the transcript is 541 pages in length.

After this letter to Mr. Boozer was returned, Wood and his family members have tried unsuccessfully to find an address, including inquiries at the mailroom and law library here at ACI.

It has taken nearly six years to get this far in this process. The Appellant, like all pro se litigants, have very little resources with which to work with and this process is daunting and is overwhelming. The Appellant would not likely have continued the pursuit of a new trial to this extent had he not felt deeply that he has been wronged and that he is justified in this pursuit. There appears to be no res judicata in jurisdiction matters and Woods could conceivably refile another appeal or habeas action, but due to his health and the number of years he has vested in this process he prays that this Court reinstate his case and if possible, assist him in obtaining a copy of his trial transcript.

A copy of the caption page and page 6 of the PCR record is attached. Please note: Mr. Boozer was counsel for Woods and Mr. Miller was for the State. This was not correct on the caption page.

Respectfully submitted,

Cedric L. Woods, #265789

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1 STATE OF SOUTH CAROLINA

CIRCUIT COURT
2014-CP-02-00784

2 COUNTY OF AIKEN

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4 CEDRIC L. WOODS,
Applicant,

5

-vs-

TRANSCRIPT OF RECORD

6

7 STATE OF SOUTH CAROLINA,
Respondent.

8

9

Post-Conviction Relief Hearing

10

Heard on Wednesday, September 21, 2016

11

Aiken, South Carolina

12

13 BEFORE:

14

THE HONORABLE ROBERT E. HOOD

15

16

17 APPEARANCES:

Counsel on Behalf of the Applicant:
David W. Miller, Esq.

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Counsel on Behalf of the Respondent, State of SC:
Lance S. Boozer, Esq.

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23

Cheri L. Young, RPR
Circuit Court Reporter
P O Box 5232
Aiken, SC 29803-5232

24

25

1 The Thompson case lays out a pretty straight forward
2 framework of how this has to happen. And under Thompson
3 Mr. Woods is entitled to have this Court render a judgment
4 of did it involve a sexual offense or not. However,
5 Thompson also makes it clear that any determination by the
6 Court of whether he would have to register upon his
7 release from incarceration would merely be advisory
8 because there's no way for the Court to know what the law
9 is going to be at the time that he is released from
10 incarceration.

11 THE COURT: Okay.

12 MR. MILLER: So the issue of whether or not he has to
13 register is not ripe. But the issue of whether or not his
14 crimes for which he was convicted involve a sexual or
15 attempted sexual offense is ripe for this Court to
16 adjudicate.

17 Your Honor, I have prepared, and Mr. Boozer also has
18 a copy, the transcript of the trial in its entirety. And
19 that transcript is -- we actually had to get it from the
20 PCR appellate appeal file but it is a true and accurate
21 copy of the entire trial transcript. It is some 541
22 pages. And I have that here for -- to hand up to the
23 Court. And I also have a copy of State versus Thompson
24 which was a March 2016 case from the Supreme Court. It
25 talks about the procedure to use in this.

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PROFF OF SERVICE

I here by certify that I have on this, the 28th day of January, 2020, placed a copy of my Rule 221(a) Motion for a Rehearing in the U. S. P. S. to both this Court and the Attorney General for South Carolina.

Respectfully submitted

Cedric L. Woods, #265789

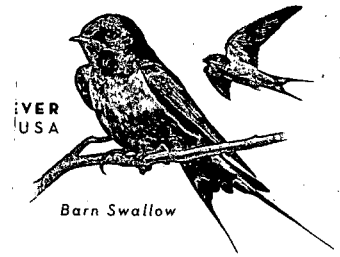
Cedric L. Woods, #265789

Prose

Cedric L. Woods, #265789
ACI - F3A-22
PO Box 1151
Fairfax, SC 29827

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