

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DARLINGTON COUNTY

Court of Common Pleas

Roger E. Henderson, Circuit Court Judge

RECEIVED

APR 16 2020

Case No.: 2018-001396

SC Court of Appeals

The State,

Respondent,

v.

Robert Len Gainey,

Appellant.

THE APPELLANT'S MOTION FOR REHEARING

The appellant, Robert Len Gainey, pursuant to Rule 221, SCA CR, moves the court to reconsider and modify its March 25th, 2020 opinion. In support of the motion, the appellant shows the following to the court:

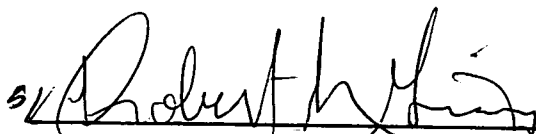
1. This court overlooked a decision which is controlling as authority in the following respects:
 - (a). Appellant's counsel failed to explain to appellant the meaning of the Ander's brief and notice, in violation of United States v. Santiago, 495 F.3d 27, 30 (2d Cir. 2007).
2. The decision which was overlooked requires a different decision than that rendered by the Court of Appeals.

13. The decision that should have been rendered is for Robert Len Gainey, appellant.

WHEREFORE, the appellant Robert Len Gainey, respectfully requests the Court to reconsider its 25th of March, 2020 opinion and rule in favor of the appellant.

April 10th, 2020.

Respectfully submitted,


Robert Len Gainey, SCDC # 377140
Appellant, Pro-se
McDougall Correctional Institution
1516 Old Gilliard Road
Ridgeville, South Carolina 29472

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THE APPELLANT'S MOTION FOR REHEARING

The appellant Robert Len Gainey, pursuant to Rule 221, SCACR, moves the court to reconsider and modify its March 25th, 2020^{RG} opinion. In support of the motion, the appellant shows ~~the court~~ the following to the court:

1. This court overlooked a decision which is controlling authority in the following respects:
 - (a). Appellant's counsel failed to explain to appellant the meaning of the Ander's brief and notice in violation of United States v. Santiago, 495 F. 3d 27, 30 (2nd Cir. 2007).
 - (b). The decision which was overlooked requires a different decision than that rendered by the Court of Appeals.

3. The decision that should have been rendered is For Robert Len Gainey, appellant.

WHEREFORE, the appellants Robert Len Gainey, respectfully requests the Court to reconsider its 25th of March, 2020 opinion and rule in favor of the appellant.

April 10th 2020.

Respectfully submitted,

s/ Robert Len Gainey

Robert Len Gainey, SCDC # 377140
McDougal Correctional Institution
1516 Old Gilliard Road
Ridgeville, South Carolina 29472.

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STATE OF SOUTH CAROLINA
COUNTY OF DARLINGTON

Robert Len Gainey, Appellant,

v.

State of S.C., Respondents.

In The Court of Common-Pleas
4th Judicial Circuit

Case No.: 2018-001396

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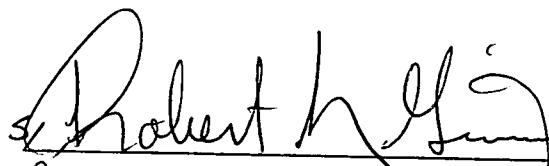
SC Court of Appeals

CERTIFICATE OF SERVICE

I did this date serve The Appellant's Motion For Rehearing by placing same in a United States Postal Service mail box, postage paid and addressed as follows:

Alan Wilson, Attorney General
Office of the South Carolina
Attorney General
Post Office Box 11549
Columbia, South Carolina 29211

This ~~10th~~ day of April, 2020.



Robert Len Gainey, SCDC# 377140
Appellant, Pro-se
McDonnell Correctional Institution
1516 Old Gilliard Road
Ridgeville, South Carolina 29472

April 10th 2020

The Honorable Kenneth A. Richstad
Clerk of the South Carolina Supreme Court
Post Office Box 11629
Columbia, South Carolina 29211

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APR 16 2020

SC Court of Appeals

Re: Robert Len Gainey v. State
Civil Action No.: 2018-001396

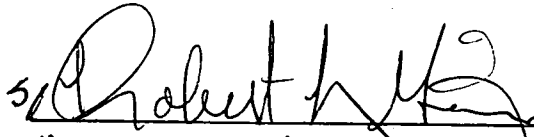
Dear Mr. Richstad:

I am enclosing the original and one copy of The Appellant's Motion For Rehearing in the above case for filing. I am also enclosing the following:

1. Proof of service of The Appellant's Motion For Rehearing on the Respondents;
2. A copy of the order which is to be challenged in the rehearing;
3. A request for a waiver of filing fees because this is the appeal of a criminal conviction.

Please file the enclosed and return file-stamped copies to me of everything.

With best wishes, I remain
Very truly yours,


Robert Len Gainey, SCOC # 377140
Appellant, Pro-se
McDougal Correctional Institution
1516 Old Gilliard Road
Ridgeway, South Carolina 29472.

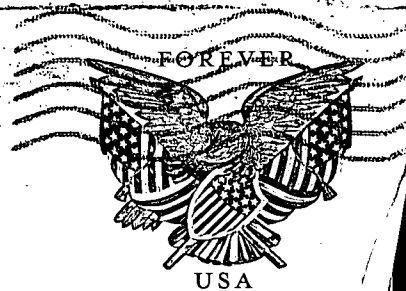
C. C.: Alan Wilson, Attorney General
Office of the Attorney General
Of South Carolina
Post Office Box 11549
Columbia, South Carolina 29211

P.S.: Please file a copy with
the Clerk of the Court of Appeals, also.

Robert Len Gainey, SCDC# 377140
McDougal Correctional Institution
1516 Old Billiard Road
Ridgeville, South Carolina 29472

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SC Court of Appeals

The Honorable Kenneth A. Richstad
Clerk of the South Carolina Supreme Court
Post Office Box 11629
Columbia, South Carolina 29211

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