

State of South Carolina
In The Court of Appeals
Appeal from Lexington County
Court of Common Pleas
R. Knox McMahon, Circuit Court Judge



Appellate Case No. 2018-000491

Appellant's Motion for Rehearing

The State, Respondent
Vs.
Peter Lynn Coffey, Appellant

Here comes the Appellant, Peter Lynn Coffey, pursuant to S.C.A.C.R. Rule 221 moves this Honorable Court to reconsider its Dismissal of Appellant's Appeal, submitted June 1, 2020 – Filed June 17, 2020. In support of Appellant's petition, the Appellant will show the following to the court. 1) Appellant asserts that this court has over looked the fact that the State witness, Carl Coleman, received immunity for his testimony related to his drug sales to the deceased. The prior drug dealing showed that Coleman was a dangerous individual, who had no moral, who had a reason or motive to lie about talking to Mr. Coffey approximately at 2:00am instead of the deceased, to protect himself from being investigated for drugs or hide any knowledge he may have had about decedent's murder or to keep from becoming a suspect in the decedent's murder.

By the State witness, Carl Coleman, receiving immunity for his drug deals and for his testimony without cross-examination, basically allowed Coleman to point Appellant as the perpetrator in this crime. Carl Coleman previous drug sales to the decedent was relevant evidence under Rule 401 S.C.R.E. and the trial Judge erred for not allowing the drug dealing evidence to the decedent in trail.

Bias, prejudice or any motive to misrepresent my be shown to impeach the witness under Rule 608(c) S.C.R.E. "proof of bias is almost always relevant because the jury as finder of fact and weigher of credibility has been entitled to asses all evidence which might bear on the accuracy and truth of a witness testimony. State vs. McEachern 731 S.E. 2d 604 July 18, 2012 399 S.C. 125.

Furthermore, refusing to allow this cross-examination violated Appellant's constitutional right to present a complete defense, U.S. Const. Amends VI, XIV.

"The Constitution guarantees criminal defendants a meaningful opportunity to present a complete defense." Holmes vs. South Carolina, 547 U.S. 319.

The ruling that this evidence was irrelevant was arbitrary and infringed on Appellant's due process rights see Id 547 U.S. 331.

In this instant case, we have a drug dealer testimony, who lacks integrity, who was given immunity. The defense wasn't allowed to cross-examine the witness, the state had no motive, and DNA evidence showed the involvement of persons other than Appellant in the decedent's murder. Exclusion of this evidence significantly reduces Appellant's ability to put a complete defense.

The trial Judge erred when he did not allow the cross-examination of Carl Coleman. This was an abuse of discretion – “abuse of discretion occurs when a trial court ruling is based on error of law.” State vs. Pittman 647 S.E. 2d 144 (2007).

2) Appellant states the Appeal Court overlooked the importance of the trial court not allowing the drug dealing information in trial for purpose of impeachment requires a different decision from that rendered by the Court of Appeals.

3) The decision that should have been rendered for Appellant is to reverse Appellant's conviction and remand this case for a new trial.

Conclusion:

For the foregoing reasons, Appellant prays this Honorable court grants this motion for rehearing.

Respectfully Submitted,

Peter L. Coffey

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Honorable Jenny Kitchens, Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

July 1, 2020

RE: Peter Lynn Coffey #226897
Vs.
State of South Carolina

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SC Court of Appeals

Dear Clerk,

Please find enclosed a copy of Appellant's Motion for Rehearing in above mention case and certificate of service. Also I am appraising this court that I did not receive this court of dismissal until June 23, 2020 in case of time limit issue.

Thank You,
Sincerely,

Peter L. Coffey
Peter L. Coffey

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