

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM HORRY COUNTY
Court of Common Pleas
Post-Conviction Relief

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Oct 01 2020

William H. Seals, Jr., Circuit Court Judge

SC Court of Appeals

Appellate Case No.: 2018-000214

Hector Cases-Carreras #363117,..... Petitioner,

vs.

State of South Carolina,Respondent.

PETITION FOR REHEARING

The Petitioner received an Order from the Court filed September 22, 2020 denying the Petitioner's Petition for Writ of Certiorari. The Petitioner respectfully requests that the Court rehear this case for the following reasons:

Petitioner is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Horry County Clerk of Court. Petitioner was indicted at the May 2014 term of the Horry County Grand Jury for trafficking in illegal drugs (heroin), 28 grams or more (2014-gS-26-02133). David J. Canty, Esq. represented Petitioner through a preliminary hearing. Dean N. Mureddu, Esq. represented Petitioner thereafter. David P. Caraker, of the Fifteenth Circuit Solicitor's Office prosecuted the case. On February 23, 2015, Petitioner pled guilty to the lesser-included offense of trafficking in heroin, between 4 and 14 grams, first offense. The

Honorable Michael G. Nettles sentenced Petitioner to imprisonment for the term of 18 years.

Petitioner did not appeal his plea or sentence.

Petitioner made three arguments in support that his guilty plea was not freely, voluntarily, knowingly and intelligently given.

- A. That the Petitioner doesn't speak English and had difficulty understanding his attorney as well as understanding the plea.
- B. That the Petitioner was coerced into accepting the plea offer because it was his understanding that if he was to accept the plea, the charges would be dismissed against his daughter-in-law.
- C. That he felt that counsel was not prepared to try the case and he was forced into taking the plea.

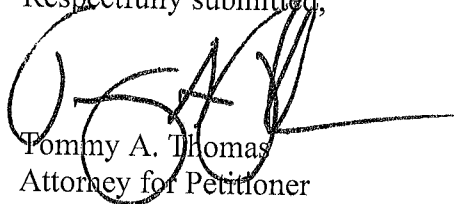
Petitioner argues that he had difficulty communicating with his attorney. That on the occasions that he met with Counsel he had to take his wife along to assist in interpreting. Even with her assistance, he had difficulty understanding what was happening and it was difficult for his wife to translate the legal terms. This culminated in the Petitioner being unable to understand all of the terms prior to accepting his plea. Defense Counsel admitted that an interpreter was not present at the most significant meetings. A Certified interpreter was not provided at any of the meetings with Defense Counsel. The Petitioner testified at Post Conviction that he did not enter his plea freely and voluntarily, nor intelligently or knowingly.

The Petitioner also testified that he was forced into accepting the plea because of a threat that his daughter-in-law would be prosecuted if he did not accept the plea.

Lastly, when Petitioner appeared in Court, he believe it was to go over the discovery and evidence against him. This turned out to be that his case was set for trial.

For the above reasons, the Petitioner would respectfully request that the case be reheard and his Petition for Writ of Certiorari be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tommy A. Thomas', written over a horizontal line.

Tommy A. Thomas
Attorney for Petitioner
P.O. Box 88
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(803) 732-5507

October 1, 2020

William Frederick Schumacher, IV
Attorney for Respondent
P.O. Box 11549
Columbia, SC 29211-1549

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William H. Seals, Jr., Circuit Court Judge

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Hector Cases-Carreras #363117,..... Petitioner,

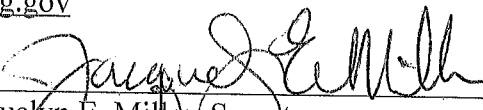
vs.

State of South Carolina,Respondent.

CERTIFICATE OF SERVICE

I, Jacquelyn E. Miller, Paralegal to Tommy A. Thomas, Attorney for the Petitioner,
hereby certify that I emailed a Petition for Rehearing, to:

William Frederick Schumacher, IV, Esq.
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211-1549
wfschumacher@scag.gov


Jacquelyn E. Miller, Secretary
Tommy A. Thomas, Attorney for Appellant
P.O. Box 88
Irmo, SC 29063
(803) 732-5507

Irmo, South Carolina
October 1, 2020

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SC Court of Appeals

Jackie Miller

From: Jackie Miller
Sent: Thursday, October 1, 2020 10:43 AM
To: 'bschumacher@scag.gov'
Subject: Hector Cases-Carreras v. State
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SC Court of Appeals

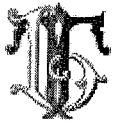
Jackie Miller

Paralegal to Tommy Thomas, Esq.

Tommy A. Thomas, PC

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THOMAS LAW



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SC Court of Appeals

V. Clare Allen, Deputy Clerk
S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: Hector Cases-Carreras #363117 v. State of South Carolina
Appellate Case No.: 2018-000214

Dear Sir or Madam:

Enclosed please find an Petition for Rehearing and Certificate of Service.

Thank you and please feel free to contact me should you have any questions.

Yours truly,

Tommy A. Thomas,
Attorney at Law

TAT/jem
cc: William Frederick Schumacher, IV., Esq.-via email
Hector Cases-Carreras #363117

TOMMY A. THOMAS, P.C.

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