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SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM WILLIAMSBURG COUNTY  
Hon. R. FERRELL COCHRAN, JR., CIR. COURT JU.

John Arthur James, III,

APPELLANT.

v.

THE STATE,

RESPONDENT.

Unpublished Op. No. 2021-UP-023  
APPELLATE CASE NO 2018-001080

PETITION FOR REHEARING

The above named Petitioner, respectfully  
move this Honorable Court for a "Rehearing." The  
Court of Appeals Affirmed Petitioner's Appeal on  
January 27, 2021.

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THIS MATTER IS CURRENTLY BEFORE THE COURT OF APPEALS UPON AN ACTION OF THE COURT THAT HAS THE EFFECT OF AFFIRMING THE PETITIONER'S APPEAL. THE COURT OVERLOOKED THE EVIDENCE IN THE VERY RECORD IS SUCH THAT THE JURY COULD HAVE FOUND THE DEFENDANTS GUILTY OF THE LESSER-INCLUDED OFFENSE, RATHER THE CRIME CHARGED.

<SEE GILMORE, 396 S.C. AT 77, 719 S.E.2D AT 690-91>  
IN REGARDS TO CLEARLY ERRONEOUS ERRORS, THIS "PETITION" IS NECESSARY TO SECURE AND TO MAINTAIN THE UNIFORMITY OF THE COURT OF APPEAL'S DECISION. ALSO, THE VERY FACT THAT IN PETITIONER'S APPEAL, [THIS] SHOWINGS OF CONSTITUTIONAL ISSUES ARE SO DIRECTLY INVOLVED.

IT IS PROPER FOR THE COURT TO RULE ON THE MOTION, AND SUCH A RULING DOES NOT VIOLATE THE PROHIBITION OF HYBRID REPRESENTATION OR THE FEDERAL OR STATE RIGHT TO ASSISTANCE OF COUNSEL SINCE THE APPELLATE DEFENDER'S OFFICE CLOSED [THIS] CASE.

WHEREFORE, PREMISES CONSIDERED, PETITIONER HEREBY RESPECTFULLY REQUEST A RETHEARING.

PETITIONER FOREVER PRAYS

SIGNED THIS 11 DAY OF  
Feb., 2021

John A. James III  
MR. JOHN ARTHUR JAMES 196033  
LES CORRECTIONAL INST  
990 WISNICKY HIGHWAY  
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COLUMBIA SC 290

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The South Carolina  
Court of Appeals  
c/o Hon. Clerk Kitchens  
P.O. Box 11629  
Cola. S. Carolina 29211

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