

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

JUL 01 2021

SC Court of Appeals

The State, Respondent,

v.

Johnnie Lee McKnight, Appellant.

Appellate Case No. 2019-000219

Appeal From Hampton County
Carmen T. Mullen, Circuit Court Judge

Unpublished Opinion No. 2021-UP-220
Submitted May 1, 2021 - Filed June 16, 2021

APPELLANT'S
PETITION FOR REHEARING

Chief Appellate Defender Robert Michael Dudek, of
Columbia, and Johnnie Lee McKnight, pro se, both for
Appellant.
Attorney General Alan McCrory Wilson and Senior
Assistant Deputy Attorney General Melody Jane Brown,
both of Columbia, for Respondent.

INDEX

	Page
Certificate of Counsel	1
Question Presented	1-2
Statement of the Case	2
Arguments	
I. The Court Of Appeals should have held that the Circuit Court was required to conduct an on-the-record analysis and balancing test pursuant to Rule 404(b), and Rule 403, SCRE. State v. Spears, 403 S.C. 247, 742 S.E.2d 878 (2013), State v. King, 416 S.C. 92, 784 S.E.2d 252 (2016), State v. King, 424 S.C. 188, 818 S.E.2d 204 (2018).	2
Conclusion	2

Certificate of Counsel

Petitioner certifies that the Appeal was made and finally ruled upon by the Court of Appeals on June 16, 2021.

Question Presented

1. Did the Court of Appeals err in holding that the appeal be dismissed after review pursuant to *Anders v. California*, 386 U.S. 738 (1967)?

Statement Of The Case.

On June 29, 2021, Johnnie Lee McKnight brought this action after the Court of Appeals dismissed his appeal and appellate counsel's motion to be relieved was granted. The Court of Appeals overlooked a decision which is controlling authority.

The Court of Appeals affirmed the judgment of the circuit court. State v. Johnnie Lee McKnight, Op. No. 2021-UP-220 (S.C. Ct. App. filed June 16, 2021). The petitioner seeks a rehearing to review that decision.

Argument

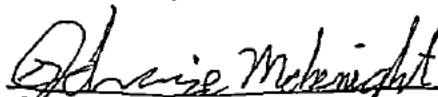
I. The Court of Appeals should have held that the circuit court was required to conduct an on-the-record analysis and balancing test pursuant to Rule 404(b), and Rule 403, SCRE. State v. Spears, 403 S.C. 247, 742 S.E.2d 878 (2013), State v. King, 416 S.C. 92, 784 S.E.2d 252 (2016), State v. King, 424 S.C. 188, 818 S.E.2d 204 (2018).

Conclusion

For the reasons stated, the petitioner asks the court to grant the petition for rehearing.

Respectfully submitted,

This 29th day of June 2021.


Johnnie Lee McKnight, pro se, #268238
Lieber Correction Institution EB-27
P.O. Box 205
Ridgeville, S.C. 29472

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

JUL 01 2021

SC Court of Appeals

The State, Respondent,

v.

Johnnie Lee McKnight, Appellant.

Appellate Case No. 2019-000219

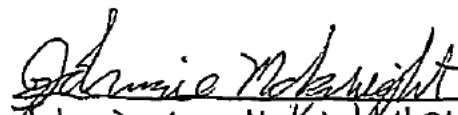
Appeal From Hampton County
Carmen T. Mullen, Circuit Court Judge

Unpublished Opinion No. 2021-UP-220,
Submitted May 1, 2021 - Filed June 16, 2021

Certificate of Service

I, Johnnie Lee McKnight, certify that I served an Appellant's Petition For Rehearing on the Court of Appeals by depositing a copy of the same in the Institutional Mailbox to be delivered via the United States First Class Postage Certified Mail on June 29, 2021, addressed to the Deputy Clerk Claire Allen, ~~1000~~ Senate Street, P.O. Box 11629, Columbia, S.C. 29201, and to Attorney General Alan McCrory Wilson, 1000 Assembly Street, Columbia, S.C. 29201.

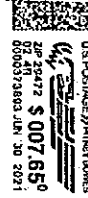
This 29th day of June 2021


Johnnie Lee McKnight #268238
Lieber Correctional Institution EB-27
136 Wilborn Avenue
P.O. Box 205
Ridgeville, S.C. 29472

Johnnie Lee McKnight #268238
Lieber Correctional Institution, Edisto B-2
136 Wilborn Avenue
P.O. Box 205
Ridgeville, S.C. 29472



7019 0160 0000 1748 2927



RECEIVED
JUN 30 2021

RECEIVED
JUL 01 2021
SC Court of Appeals

ATTN: Deputy Clerk, Claire Allen
S.C. Court of Appeals
1220 Senate Street
P.O. Box 11629
Columbia, S.C. 29211

-Legal Mail-