

THE STATE OF SOUTH CAROLINA

In The Supreme Court

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas

Jocelyn Newman, Fifth Judicial Judge

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APR 07 2022

S.C. SUPREME COURT

Case No. 2020-CP-40-3207

Timothy Green 324607 Petitioner

v

State of South Carolina

Respondent

PETITION FOR REHEARING

Yasmeen E Klein

SC Attorney General's Office

PO Box 11549

Columbia SC 29211-1549.

Attorney for Respondent.

THE STATE OF SOUTH CAROLINA

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APPEAL FROM RICHLAND COUNTY

Jocelyn Newman, Fifth Judicial Judge

Timothy Green 324607

Appellant

✓

State of South Carolina

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Record on APPEAL

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Petitioner has filed a petition for rehearing. Therein, there is quoted at length much of the testimony set forth in the transcript of record. Some of the important parts of the testimony are not set out. The burden of the petition is that this Court fell into grievous error as to a few important matters of the fact in the opinion filed.

The first alleged error is Petitioner argues he had not discovered that the murder weapon was not tested for any forensic analysis until counsel's case log sheet revealing that the state did not test the murder weapon brick for DNA forensic eight days before appellant schedule to go to trial.

As to the first alleged error the Petitioner now says which was not said in the Explanation submitted to the Court. On 8/2/07 Petitioner received his discovery from counsel. See PCR trans DA 70. Also Plea trans pg 11 lines 22-25

Defense's case log records three instances of incomplete discovery dated 9/13/07 a meeting w/ Don Girndt where it is stated the case was reviewed along with photos and that I do not have all the photos from Clay Nichols. Then again on 10/5/07 defense met w/ Don Girndt at RCSO to view evidence and learned the State had not tested the alleged murder weapon for fingerprints. Then again on 10/8/07 defense's case log records that the DNA report from victim is still missing and also shoe print analysis is missing from forensic file. 1

On 10/11/07 at 3:03 a voicemail from Will Bryant that the State wants to try this case either the week of Oct 15th or 22th making the instances of incomplete discovery all within a month of the proposed trial date. The defense knowingly withheld this information from the petitioner which would have greatly influenced the Petitioner's decision to not enter a plea. This

also questions why would the defense advise the Petitioner to plea guilty knowing that all evidence had not been submitted or completed.

The defense's case log proves that there was incomplete evidence in petitioner's discovery and that the prosecutor was planning to proceed with trial without first disclosing all evidence.

Upon request, Petitioner ask this court thereby to grant a rehearing.

March 29, 2022

Timothy Green

Timothy Green #324607