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MAY 28 2013

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

CERTIORARI TO LEXINGTON COUNTY
COURT OF COMMON PLEAS
THE HONORABLE R. KNOX McMAHON, CIRCUIT JUDGE

S.C. SUPREME COURT

CASE NO. 2006-CP-32-4563

LINWOOD CARSON, JR., 263672.....PETITIONER,

v.

STATE OF SOUTH CAROLINA.....RESPONDENT.

MOTION TO SUPPLEMENT APPENDIX

NOW COMES THE PETITIONER TO MOVE THIS HONORABLE COURT FOR AN ORDER GRANTING THE PETITIONER THE RIGHT TO SUPPLEMENT THE APPENDIX FOR APPELLANT REVIEW. THE PETITIONER WOULD LIKE TO FILE (1-31) EXHIBITS, THAT GOES ALONG WITH CASE (NO. 2006-CP-32-4563), WHICH THESE DOCUMENTS CLEARLY SHOW HOW THE PETITIONER'S DUE PROCESS RIGHTS WHERE VIOLATED. BECAUSE THE PETITIONER'S PCR ATTORNEY (MS. ELIZABETH A. ZECK) FILED A TIMELY MOTION TO ALTER AND AMEND ON HIS BEHALF MARCH, 15 2010, THEY NEVER HEARD ANYTHING ELSE REGARDING THAT MOTION FROM THE COURT NOR RESPONDENT'S ATTORNEY. THE PETITIONER WROTE HIS ATTORNEY (MS. ZECK) ON SEVERAL OCCASIONS FOR UPDATES ON INQUIRING THE STATUS OF THAT MOTION SHE HAD FILED WHICH AT THAT POINT SHE HAD STOPPED COMMUNICATING ALL

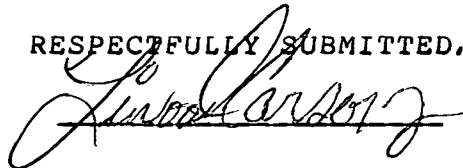
TOGETHER. UP UNTIL THE CLERK OF COURT (MS. BETH A. CARRIGG) FORWARD HER A COPY OF THE PETITIONER'S PRO SE MOTION TO COMPLY WITH ESTABLISHED LAWS, WHICH SHE ALREADY HAD A COPY CAUSE HE HAD ALSO FORWARDED HER ONE ASKING HER TO FILE ON HIS BEHALF "JANUARY 11 2013". AS WELL HE HAD SERVED ALL OTHER PARTIES THAT THIS MATTER CONCERNED, EVEN THE S.C. SUPREME COURT CLERK (MR. DANIEL SHEAROUSE). WHICH IS THE COPY INCLUDED IN EXHIBITS ! THESE DOCUMENTS IN EXHIBITS ALSO SHOW THE PETITIONER TRYING TO KEEP A COMMUNICATING LINE AN THAT HIS MOTION TO COMPLY WITH ESTABLISHED LAW WAS TIMELY FILED BY HIM PRIOR TO THIS FEBRUARY, 25 2013 RULING, BUT HIS ATTORNEY (MS. ELIZABETH ZECK) FAILED TO MOVE FORWARD WITH THE MOTION ON HIS BEHALF, RAISING THE ISSUE IN THE MATTER. WHICH SHE SHOULD HAVE DONE THE MOTION LITIGATION HERSELF AND PUSHED IT FORWARD, BUT MORE SO WHEN THE CLERK OF COURT DENIED HIM FROM DOING IT PRO-SE. THATS IF SHE HAD HIS BEST INTEREST AT HEART !

BESIDES THE FACT HE HAD ASKED HER TO DO IT, AND IT WAS HER DUTY AS HIS ATTORNEY TO DO IT. INEFFECTIVE COUNSELING, AS THE LETTER IN EXHIBITS DATED FEBRUARY, 8 2013. SHE SENT TO THE CLERK OF COURT (MS. BETH CARRIGG), A LETTER, INDICATING A STORY, AS WELL SUPPORTS PETITIONERS ARGUMENT OF ISSUE . MS. ZECK'S FAILED TO TAKE PROPER ACTION WITH THE PETITIONER'S MOTION TO COMPLY WITH ESTABLISHED LAW, ALLOWED THE ATTORNEY GENERAL'S OFFICE (MR. JOHN W. WHITMIRE) TO FILE THEIR RETURN FOR SUMMARY JUDGEMENT THREE (3) YEARS LATER. UPON THE PETITIONER'S OWN MOTION TO COMPLY WITH ESTABLISHED LAW, BECAUSE THE PETITIONER'S ATTORNEY NEGLECTED TO READ SCRCP MANUAL AND FOLLOW UP ON HIS CASE. THE RESPONDENT'S ATTORNEY (MR. WHITMIRE) FILED HIS RETURN FEBRUARY, 5 2013 "PUTTING HIM IN DEFAULT", AND HIS ARGUMENT BEFORE THE COURT AT

THAT POINT, SHOULD NOT HAVE BEEN ENTERTAINED AT ALL, IT SHOULD HAVE BEEN DISMISSED FOR BEING UNTIMELY FILED WITH THE HONORABLE COURT, "UNTIMELY SERVED ON PETITIONER." WHICH WAS A VIOLATION OF THE PETITIONER'S DUE PROCESS RIGHTS SEE ARTICLE I § 3 S.C. CONSTITUTION, AND THE 14th AMENDMENT TO THE U.S. CONSTITUTION. THE PETITIONER WOULD LIKE FOR HIS APPELLATE ATTORNEY HE OR SHE TO ADDRESS THESE ISSUES CONCERNING THESE DOCUMENTS IN HIS PETITION FOR WRIT OF CERTIORARI THAT'S BEFORE THIS HONORABLE COURT ON HIS BEHALF, WHICH HE HAD ALSO ADVISED HIS PCR ATTORNEY (MS. ZECK) TO FILE AND ADDRESS HIS MOTION TO COMPLY, BUT SHE FAILED TO DO SO. PETITIONER FURTHER POINTS OUT THAT THE ATTORNEY FOR THE RESPONDENT NEVER MOTIONED THE COURT FOR THESE MOTIONS TO BE DISMISSED UNDER HUDSON V. HUDSON 290 S.C. 215, 349 S.E.2d. 341 (1986). S.C. RULES OF CIVIL PROCEDURE RULE 240 (C)-240 (G) SHOULD APPLY. BECAUSE RESPONDENT'S ATTORNEY ABANDONED HIS MOTION WHICH WAS HIS RETURN AND ACCORDING TO RULE 227 OF S.C. RULES OF CIVIL PROCEDURES, COUNSELOR HAD THIRTY (30) DAYS TO FILE HIS RETURN TO ASK FOR SUMMARY JUDGEMENT WITH THE COURT, COUNSELOR WAS ALSO IN VIOLATION OF RULE 240 (E) OF S.C. RULES OF CIVIL PROCEDURE. WHICH SHALL APPLY TO RETURNS. FAILURE OF A PARTY TO TIMELY FILE A RETURN MAY BE DEEMED A CONSENT, BY THAT PARTY TO RELIEF SOUGHT IN THE MOTION OR PETITION. DAVIE V. STATE 381 S.C. 601, 617, 675 S.C.2d. 416, 424 (2009). THIS WAS A MOTION, THE RETURN ALSO RULE 240 (G) OF S.C. CIVIL PROCEDURE SHOULD APPLY. FAILURE OF THE MOVING PARTY TO PERFORM ANY ACT REQUIRED BY THIS RULE MAY BE DEEMED AN ABANDONMENT OF THE MOTION OR PETITION IN THIS CASE, IT WAS ABANDONMENT OF THE MOTION "THE RETURN". THREE (3) YEARS LATER SHOULD NOT BE ACCEPTABLE IN THIS CASE. AS THE PETITIONER ALSO

STATES IN HIS MOTION TO COMPLY, HIS ATTORNEY HAD ABANDONED HIS CASE, CAUSE SHE HAD STOPPED COMMUNICATING WITH HIM, IN REGARDS TO HIS INQUIRING ABOUT THE STATUS OF HER MOTION AND FILING HIS MOTION TO COMPLY WITH LAWS. PURSUANT TO THE PROVISIONS OF SECTION 4 ARTICLE V OF THE PRESENT DAY SOUTH CAROLINA CONSTITUTION, THE SOUTH CAROLINA SUPREME COURT JUSTICE ORDER, THAT UPON FILING BY ANY PARTY OF A POST-TRIAL MOTION, IN JURY OR NON-JURY ACTION UNDER 50, 52, 59, OR 60 (A) SCRPC, THE PARTY SHALL WITHIN (10) DAYS PROVIDE A COPY OF THE TRIAL JUDGE, BUT NO LATER THAN (60) DAYS AFTER THE FILING MOTION. THE CHIEF JUDGE FOR ADMINISTRATIVE PURPOSE IN EACH CIRCUIT SHALL ASSURE COMPLIANCE WITH THIS ADMINISTRATIVE OF THE SUPREME COURT. SO HOW COULD THEY JUST IGNORE THESE LAWS ? AND VIOLATE NY DUE PROCESS RIGHTS AT THE SAME TIME !

RESPECTFULLY SUBMITTED,

A handwritten signature in cursive script, appearing to read "James Carson", written over a horizontal line.

BENNETTSVILLE, SC 29512

May 23, 2013.

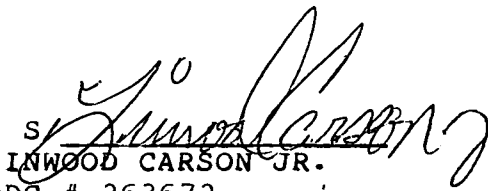
CERTIFICATE OF SERVICE

THE PETITIONER, PRO SE, WOULD HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF HIS MOTION TO "SUPPLEMENT APPENDIX", IS BEING SERVED ON ALL PARTIES THAT THIS MATTER CONCERNS, AND A CERTIFICATE OF SERVICE HAS BEEN FORWARDED VIA THE UNITED STATES POSTAGE, POSTAGE PREPAID AND ADDRESSED AS FOLLOWS THIS 23 DAY OF May, 2013, SEE EXHIBIT (1-31 LC.), WHICH THE PETITIONER ASK THIS HONORABLE COURT TO PLEASE FILE THIS MOTION AND EXHIBITS ON HIS BEHALF. THE PETITIONER ALSO ASK THAT HIS APPOINTED APPELLANT COUNSEL ADDRESS THESE ISSUES CONCERNING THESE DOCUMENTS, IN HIS PETITION FOR WRIT OF CERTIORARI. THE PETITIONER WOULD GREATLY APPRECIATE YOUR HELP CONCERNING THIS MATTER.

S.C. SUPREME COURT
HONORABLE DANIEL E. SHEAROUSE
CLERK OF COURT
P.O. BOX 11330
COLUMBIA, SC 29211

ATTORNEY GENERAL'S OFFICE
MR. JOHN W. WHITIRE, ESQ
P.O. BOX 11549
COLUMBIA, SC 29211

APPELLATE DEFENDER DIVISION
MR. ROBERT DUDEK
P.O. BOX 11589
COLUMBIA, SC 29211-1589

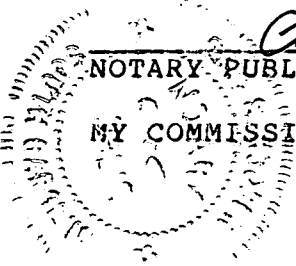

~~LINWOOD CARSON JR.~~
SCDC # 263672
EVANS C.I.
610 HWY 9 WEST
BENNETTSVILLE, SC
29512

SWORN AND SUBSCRIBED TO BEFORE ME

THIS 23rd DAY OF May, 2013.


NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES: Feb. 9th, 2020



Mr. Linwood Carson Jr. 263672
Evans Corr. Inst. Waxhaw #212
610 Hwy. ~~101~~ 19 West
Bennettsville, SC. 29512

May 23, 2013

SC Supreme Court
Honorable Daniel Shearouse
Clerk of Court
P.O. Box 11330
Columbia, SC. 29211

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S.C. SUPREME COURT

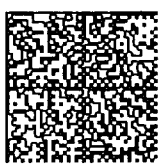
Dear Mr. Shearouse

I am writing your office, because the petitioner is sending your office a copy of his motion to Supplement the Appendix. Which the petitioner is sending one (1) Supplemental appendix, an (1-31) exhibits to be filed with your office. As of this date the petitioner has not been appointed a Counselor, so he's doing it himself! The petitioner is also sending a copy of these documents, to Counselor for the respondent, an one to the appellate office for the petitioner's appointed Counselor's viewing. On the above date, with a Certificate of Service, that he is asking the honorable Court to file on his behalf. And please forward the petitioner a face letter from your office along with these documents, that the petitioner is asking your office to forward him for his record and to verify that all the petitioner's documents have been filed in the order he forwarded them to the honorable Court to file on his behalf. The petitioner would greatly appreciate your help in this matter!

Respectfully Submitted
Linwood Carson Jr.

Mr. Lindsey Larson #7636172
Evans Corr. Inst. #712
110 Hwy. 9 West
Barnesville, Ga. 29512

South Carolina Supreme Court
Mr. David E. Sharouse, Clerk
123 Bowen's Street
P.O. Box 11330
Columbia, SC 29211



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