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Dec 07 2022

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

On Petition for Writ of Certiorari to Greenville County

The Honorable Edward W. Miller, Trial Judge
The Honorable Perry H. Gravely, PCR Judge

Appellate Case No. 2021-001436

RONNIE C. SWOFFORD,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

**MOTION TO AMEND RETURN TO PETITION FOR WRIT OF CERTIORARI
PURSUANT TO *AUSTIN V. STATE***

On November 28, 2022, the undersigned filed with this Court Respondent's return to petition for writ of certiorari pursuant to *Austin v. State*. The undersigned has since noticed, upon review of the return, that it contains four typographical errors. In moving to amend the return, the undersigned would show as follows:

1. In Respondent's amended return, which is being filed in conjunction with this motion, the undersigned has made the following changes from the original filed on November 28:
 - a. On the ninth page, changed the description of a witness from "a trace evidence examined" to "a trace evidence examiner";
 - b. On the tenth page, changed a summary of a witness's description of the crime

scene so as to clarify that the witness testified that he saw blood near a phone line at the crime scene rather than a phone near the phone line;

- c. On the twentieth page, changed an “is” to an “if” in order to correct a summary of the solicitor’s direct examination of a witness; and
 - d. On the twenty-first page, changed “sincere” to “insincere” in order to clarify that Respondent’s argument is that there is good reason not to conclude that witnesses’ references to a substance on the wall at the crime scene as “blood” were made without sincerity.
2. Respondent submits that it is clear from the context that the words and phrases as originally given were typographical errors and that the amendments do not alter the substance of Respondent’s arguments.
 3. Counsel for Petitioner notified Respondent by email today that Petitioner has no objection to the motion.

WHEREFORE, Respondent prays that the Court would allow Respondent to withdraw the original return to the petition for writ of certiorari pursuant to *Austin v. State* and substitute in its place the accompanying amended return, and that the Court would consider the amended return as timely.

Respectfully submitted,

December 7, 2022

s/Taylor Zane Smith
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