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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

CERTIORARI TO CHARLESTON COUNTY
Grace Gilchrist Knie, Post-Conviction Relief Judge

Appellate Case No: 2018-001839

Calvin Terrell Williams,

Petitioner,

v.

State of South Carolina,

Respondent.

PETITION TO FILE A SECOND SUPPLEMENTAL APPENDIX

Counsel for Respondent the State of South Carolina hereby moves before this Court to supplement the appendix previously filed in this post-conviction relief appeal, pursuant to Rules 243(f), and Rule 212(b) of the South Carolina Appellate Court Rules, to include a complete set of the records from the Spartanburg County Clerk of Court regarding Petitioner's underlying conviction. In support of this motion, counsel shows the following:

1. On May 6, 2018, Petitioner Calvin Terrell Williams, through counsel, filed and served his petition for writ of certiorari and accompanying appendix in this post-conviction relief appeal. However, this appendix improperly omitted the complete general sessions records regarding the underlying conviction from the Spartanburg County Clerk of Court that accompanied Petitioner's

application¹ and were part of the lower court record. See Rule 243(f), SCACR (requiring the entire lower court record to be including in the appendix).

2. After filing and serving this appendix, undersigned counsel for Respondent notified counsel for Petitioner that the clerk's records for the conviction upon which Petitioner was convicted were not included in the appendix and, as they were before the lower court, must have been included in the appendix pursuant to Rule 243(f), SCACR.

3. On August 14, 2019, counsel for Petitioner served and filed a petition to file a supplemental appendix and a supplemental appendix, including only the indictment for bank robbery (2015-GS-42-2312). However, this appendix still did not include a complete set of the clerk's records for the underlying conviction, which accompanied the application as evidenced in the public index for the underlying case.

4. Rule 243(f), SCACR, is non-discretionary and requires the appendix include the entire lower-court record. In this case, that includes the entire set of clerk's records from Petitioner's underlying conviction, as these were attached to the application for post-conviction relief and were provided to and before the post-conviction relief court prior to the evidentiary hearing.

5. The omission of these documents from the appendix was an error and undersigned counsel now seeks to supplement the appendix to include the full set of clerk's records for the

1 See Spartanburg County Public Index for the underlying post-conviction relief action, Calvin Terrell Williams v. State, 2018-CP-42-00057: <https://publicindex.sccourts.org/Spartanburg/PublicIndex/CaseDetails.aspx?County=42&CourtAgency=42002&Casenum=2018CP4200057&CaseType=V&HKey=8483809068110112555586726688971051111164866746977889810411884988554701027611611089778350531078852> (last accessed Mar. 7, 2023).

underlying conviction that were attached to the application and provided by the Spartanburg County Clerk of Court and were before the post-conviction relief court in compliance with Rule 243,(f), SCACR. See proposed Second Supplemental Appendix (attached).

6. While Rule 243(f), SCACR, is not discretionary and these records should have been included pursuant to the appellate court rules, undersigned counsel also notes that during the oral argument before this Court, these general sessions records were repeatedly referenced and are directly relevant to the issues at hand in this appeal.

7. As these records were before the lower court, the appendix shall include these records pursuant to Rule 243(f), SCACR.

WHEREFORE, Respondent prays that this Court will allow Respondent to file a Second Supplemental Appendix containing the complete set of general sessions records from the underlying conviction being challenged in this post-conviction relief appeal; accept the filing of Respondent's Second Supplemental Appendix; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

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ATTORNEYS FOR RESPONDENT

March 7, 2023

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CERTIFICATE OF SERVICE

Pursuant to Rule 262(b)(3), SCACR, the undersigned hereby certifies a true copy of Respondent's Petition to Supplement the Appendix and proposed Second Supplemental Appendix has been served upon the Petitioner by sending a copy via mail, addressed to:

Taylor Davis Gilliam, Esquire
S.C. Commission on Indigent Defense
P.O Box 11589
Columbia, SC 29201

This 26th day of September, 2022.

s/ Megan Harrigan Jameson

Megan Harrigan Jameson
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