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May 31 2023

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to York County

Honorable R. Scott Sprouse, Circuit Court Judge

TRAVIS HUTCHINSON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2022-000752

SUPPLEMENTAL APPENDIX

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ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA)

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IN THE COURT OF COMMON PLEAS

COUNTY OF YORK

DAVID HAMILTON

D.C.P. & GS

SIXTEENTH JUDICIAL CIRCUIT

TRAVIS HUTCHINSON

YORK COUNTY, SC

CASE NO.: 2020-CP-46-00338

Applicant,)

v.)

AMENDED**POST CONVICTION RELIEF**

STATE OF SOUTH CAROLINA,)

APPLICATION

Respondent.)

Applicant, by and through his undersigned attorney, hereby amends his application for Post-Conviction Relief filed January 29, 2020. This amended complaint adopts and includes all grounds in the original application. Applicant further alleges as additional grounds regarding his claim of ineffective assistance of counsel as to Devon R. Nelson as follows:

1. Prior to the guilty plea, Applicant's counsel failed to explain the details of the Applicants guilty plea and sentencing and the elements of each offense.
2. Applicant's counsel failed to provide a copy of the states evidence to the Applicant
3. Applicant's plea counsel, failed to discuss a defense strategy with applicant or to properly review evidence with Applicant.
4. Applicant's counsel failed to meet with the Applicant a sufficient number of times to review the evidence.

5. Applicant's counsel failed to move to withdraw the guilty plea when the solicitor enhanced the Possession Cocaine and the PWID Heroin charge from a 2nd to a 3rd offense.
6. Applicant's counsel failed to request a continuance as Applicant stated to the court that he was just "coming down off of heroin" (page 12) and the Applicant was unable to voluntarily waive his rights and enter a guilty plea.
7. Applicant's counsel failed to object and to move to withdraw the guilty plea when the solicitor recommended a sentence for the Applicant after informing the defense and the court there was no negotiation or recommendation as reflected in the sentencing sheets (page 23).
8. Applicant's counsel failed to notify the solicitor that the defendant had accepted the states offer of 2 years incarceration at a meeting witnessed by the Applicants wife Latisha Williams and failed to contact the Applicant regarding a deadline for the offer (page 27).
9. Furthermore, the Applicant requests that he be permitted to Amend his PCR application to conform to the evidence presented at the PCR hearing should any new or unaddressed issues arise during the course of the hearing that have not been specifically addressed in the Application. See Simpson v. Moore, 367 S.C. 587, 627 S.E.2d 701 (2006).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'OLA JOHNSON', is written over a horizontal line.

OLA JOHNSON

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This 31 day of March, 2022.