

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT.

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S.C. SUPREME COURT

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Certiorari to the Court of Appeals  
Appeal from Lexington County  
Eugene C. Griffith, Jr., Post-Conviction Relief Judge  
\_\_\_\_\_

WILLIAM BRUCE JUSTICE,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2022-001680

\_\_\_\_\_  
MOTION TO FILE SUPPLEMENTAL APPENDIX  
\_\_\_\_\_

Pursuant to Rule 212 of the South Carolina Appellate Court Rules (SCACR), the undersigned counsel requests leave to file a third supplemental appendix in the above captioned case containing Petitioner's criminal history report which reflects Petitioner was convicted of a parole revocation in 2013. In support of this motion, counsel submits the following:

1. This is an appeal from the denial of an application for post-conviction relief involving a parole revocation. Petitioner submits the revocation procedure was unlawful. Respondent suggests the matter is moot since Petitioner is no longer incarcerated and contends there were no constitutional violations.

2. The South Carolina Court of Appeals held the matter is moot. Justice v. State, Op. No. 2022-UP-186 (S.C. Ct. App. filed May 4, 2022).

2. The South Carolina Court of Appeals held the matter is moot. Justice v. State, Op. No. 2022-UP-186 (S.C. Ct. App. filed May 4, 2022).

3. Following the denial of his petition for rehearing, Petitioner filed a petition for writ of certiorari with this Court. This Court granted certiorari by order dated May 23, 2023. The brief of petitioner was filed on June 30, 2023. The brief of respondent was filed on July 27, 2023.

4. One of the primary issues before this Court is whether the underlying issues are moot. As discussed in the briefs, one of the exceptions to the mootness doctrine is if an individual is suffering collateral consequences. See Curtis v. State, 345 S.C. 557, 568, 549 S.E.2d 591, 596 (2001) (“[I]f a decision by the trial court may affect future events, or have collateral consequences for the parties, an appeal from that decision is not moot, even though the appellate court cannot give effective relief in the present case.”).

5. As can be seen from the briefing, there remains a question as to whether Petitioner is suffering collateral consequences as a result of his parole revocation. Petitioner’s criminal history record, produced by the South Carolina Law Enforcement Division (SLED) and attached hereto as Exhibit A, answers that question as it shows Petitioner was convicted of a parole revocation in 2013.

6. Petitioner’s criminal history record was not part of the lower court record and, consequently, was not included in the appendix previously filed with this Court pursuant to Rule 243(f), SCACR. The appendix does not contain information regarding collateral consequences as the issue of alleged mootness did not arise until Petitioner was released from prison while this matter was pending before the Court of Appeals.


7. As such, the undersigned now seeks approval from this Court to supplement the appendix with Petitioner’s criminal history record.

8. Undersigned counsel has prepared a third supplemental appendix to include Petitioner's redacted criminal history report, which is being filed simultaneously with this motion.

9. Undersigned counsel has consulted with counsel for the state, Matthew C. Buchanan, who neither opposes nor consents to this request.

WHEREFORE, undersigned counsel requests leave to file a third supplemental appendix in this case containing Petitioner's criminal history report.

Respectfully submitted,

  
Lara M. Caudy  
Appellate Defender

Taylor D. Gilliam  
Attorney at Law

ATTORNEYS FOR PETITIONER

This 8th day of August, 2023