

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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Jun 13 2024

APPEAL FROM SPARTANBURG COUNTY  
Court of Common Pleas  
Hon. G.D. Morgan, Circuit Court Judge

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S.C. SUPREME COURT

Lower Court Case No. 2018-CP-42-03680  
Appellant Case No. 2023 – 001011

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Stepheno Alston ..... Petitioner,

v.

The State of South Carolina..... Respondent.

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**MOTION TO SUPPLEMENT RECORD**

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**To: Mr. Mark R. Farthing, Asst. Att’y. General, Attorney for Respondent.**

Petitioner-Appellant, Stepheno Alston, proceeding as Pro-se, hereby moves before this Court pursuant to Rule – 212(b) of the South Carolina Rule of Appellate Practice and Rule – 201 of the South Carolina Rule of Evidence. This motion is made seeking Petitioner-Appellant’s desire to supplement the record and/or to take judicial notice of the one document/exhibit or other material in the above-entitled cause for setting forth the principal matter contained in his Amended Petition for Writ of Certiorari and Appendix for the reviewing court to which this appeal is being taken, to be part of the record on appeal. In support of this Motion, Petitioner-Appellant apprises this Court of the following facts and legal principles:

1. On June 17, 2011, Petitioner-Appellant was indicted by a Spartanburg County Grand Jury for trafficking in cocaine. (See App. pp. 283 – 284). Then on or about March 18 – 20, 2013, Petitioner-Appellant’s indictment was amended during his trial proceedings right before

the State's closing argument by the State. (See Exhibit – 1).

2. On April 20, 2022, Petitioner-Appellant would present at his PCR hearing testimony evidence, (see App. p. 453, Ln. 3 – 11), that challenges the amendment of his indictment by the State.
3. On January 25, 2024, Petitioner-Appellant's court-appointed Appellant Counsel, Kathrine H. Hudgins filed with this Court a Petition for Writ of Certiorari and Appendix. After refusing to raise Petitioner-Appellant's issue about his indictment being amended by the State during his trial proceedings. Inasmuch as, Ms. Hudgins did not include in the Appendix, Petitioner-Appellant's amended indictment by the State.
4. This motion seeks to supplement the record in his Appendix, pursuant to Rule – 212(b), SCACR, and Rule – 201, SCRE, because it sets forth the principal matter that's contained in his Amended Petition for Writ of Certiorari. (See Attached Amended Petition for Writ of Certiorari).
5. Petitioner-Appellant would like this Court to issue an Order instructing Appellant Defense to resubmit to this Court an Amended Appendix that contains the amended indictment, pursuant to Rule – 212(c), SCACR, and is to be served on the Respondent a bound appendix as provided by Rule – 267(d), SCACR.
6. Petitioner-Appellant makes this motion request in good faith and not for the purpose of delay.
7. Good cause exists for the granting of this motion to supplement the record, for the reasons stated above.

**WHEREFORE**, grounds for this motion are discussed within the attached memorandum of law. Petitioner-Appellant, Stepheno Alston prays that this Court will admit this document to be considered in determining whether or not to grant certiorari in this case.

**DATED: June 13, 2024**



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**Stepheno Alston, # 357159, Pro-se  
Ridgeland Correctional Institution  
P.O. Box # 2039  
Ridgeland, S.C. 29936**