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Nov 12 2024

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Greenville County

Honorable Grace Gilchrist Knie, Circuit Court Judge

MARQUAL DEVINE GRIFFIN,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2024-000091

MOTION TO AMEND THE PETITION FOR
WRIT OF CERTIORARI AND APPENDIX

Counsel for Marqual D. Griffin respectfully requests leave to serve and file an Amended Petition for Writ of Certiorari and an Amended Appendix in this case. In support of this motion, undersigned counsel would show this Court:

1. On September 24, 2024, undersigned counsel filed and served the Petition for Writ of Certiorari and Appendix in the above-captioned case.
2. The Petition for Writ of Certiorari referred to State's Exhibit #23 and State's Exhibit #8, trial exhibits which were made exhibits at the PCR hearing. The Appendix index noted that State's Exhibit #23 and State's Exhibit #8 were to be transported to this Court.
3. Due to technical difficulties playing the above-mentioned exhibits, the parties referred to the exhibits by their trial exhibit numbers at the PCR hearing. Undersigned counsel

inadvertently also referred to the exhibits this way in the Petition for Writ of Certiorari and in the Appendix index.

4. After filing the Petition for Writ of Certiorari and Appendix, Petitioner was informed that the Greenville County Clerk's Office indicated to this Court that the exhibits were designated as Court's Exhibit #1 and Court's Exhibit #2 by the PCR hearing court reporter.
5. Counsel has confirmed with the Greenville County Clerk of Court's Office that Court's Exhibit #1 (trial: State's Exhibit #23) and Court's Exhibit #2 (trial: State's Exhibit #8) are in possession of the Greenville County Clerk of Court's Office, and that these copies of the trial exhibits are able to be played.
6. Therefore, for clarity, undersigned counsel seeks to amend the Petition for Writ of Certiorari and the Appendix index solely so that references to State's Exhibit #23 are changed to Court's Exhibit #1 and references to State's Exhibit #8 are changed to Court's Exhibit #2.
7. Counsel also respectfully requests this Court issue a new transportation order, for Court's Exhibit #1 and Court's Exhibit #2.
8. Counsel has spoken with opposing counsel for the State, Senior Assistant Deputy Attorney General Melody Brown about this matter, and opposing counsel has graciously consented to the filing of this motion to amend the Petition for Writ of Certiorari and Appendix, and consented to the simultaneous filing of such an Amended Petition for Writ of Certiorari and Amended Appendix.
9. Contemporaneously with the filing of this motion, counsel is filing an Amended Petition for Writ of Certiorari and an Amended Appendix.

WHEREFORE, the undersigned would respectfully request that this Court: (1) grant the motion to amend the Petition for Writ of Certiorari and Appendix and (2) accept the Amended Petition for Writ of Certiorari and Amended Appendix as filed with this motion.

Respectfully submitted,



Handwritten signature of Joanna K. Delany in black ink, written over a horizontal line.

Joanna K. Delany
Appellate Defender

ATTORNEY FOR PETITIONER

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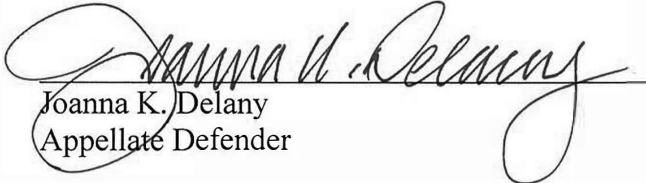
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RESPONDENT

APPELLATE CASE NO. 2024-000091

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion to Amend the Petition for Writ of Certiorari and Appendix and true copies of the Amended Petition for Writ of Certiorari and the Amended Appendix in the above-referenced case have been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 12th day of November, 2024.


Joanna K. Delany
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR PETITIONER