

STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

The Honorable L. Casey Manning, Circuit Court Judge

S.C. Supreme Court

Appellate Case No. 2012-213495

Daniel Brown, Petitioner,

v.

State of South Carolina, Respondent.

MOTION TO COMPEL PETITIONER TO SUPPLEMENT APPENDIX

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, counsel for Respondent moves for this Court to compel Petitioner to supplement the Appendix in this case. In support of this motion, Respondent would present the following facts:

1. Petitioner filed the Petition for Writ of Certiorari and Appendix in this matter on August 7, 2013.
2. This Court has granted Respondent's request for an extension of time in which to file the Return to Petition for Writ of Certiorari. The Return is due on October 23, 2013.
3. In reviewing this case, Respondent notes the Appendix does not contain the

sentencing sheet for Indictment No. 2007-GS-40-6132. This Sentencing Sheet was part of the record before the post-conviction relief court and Respondent must be able to reference it in the Return to Petition for Writ of Certiorari.

4. Inasmuch as the sentencing sheet is relevant and pertinent material under Rule 243(f), SCACR that should be included in the Appendix, counsel moves this Court to compel Petitioner to include the same in a Supplemental Appendix.

WHEREFORE, as the Appendix is incomplete, counsel for Respondent requests this Court: (1) grant the motion to compel Petitioner to supplement the Appendix and (2) hold time limits for the filing of the Return to Petition for Writ of Certiorari in abeyance until the motion is ruled upon.

Respectfully submitted,

ALAN WILSON
Attorney General

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Assistant Attorney General
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By: Megan E. Harrigan
ATTORNEYS FOR RESPONDENT

October 18th, 2013



ALAN WILSON
ATTORNEY GENERAL

October 18, 2013

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

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OCT 18 2013
S.C. Supreme Court

Re: **Daniel Brown v. The State of South Carolina**
Appellate Case No. 2012-213495

Dear Mr. Shearouse:

Enclosed for filing are the original and six (6) copies of Respondent's Motion to Compel Petitioner to Supplement Appendix.

Sincerely,

Megan E. Harrigan
Assistant Deputy Attorney General

MEH/ko

Enclosures

cc: Wanda H. Carter, Esquire, Appellate Defense
Trisha Allen, Victim's Services