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Aug 13 2025

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

On Petition for Writ of Certiorari to Marlboro County
Honorable George M. McFaddin, Jr., Post-Conviction Relief Judge

Appellate Case No. 2025-000136

Weldon W. Stewart, Jr., SCDC #295095,

Petitioner,

v.

State of South Carolina,

Respondent.

**REPLY TO PETITIONER'S RESPONSE TO RESPONDENT'S
MOTION TO HOLD APPEAL IN ABEYANCE AND
COMPEL SUPPLEMENTATION OF APPENDIX**

Petitioner filed his response to Respondent's Motion to Hold Appeal in Abeyance and Compel Supplementation of Appendix on August 11, 2025. Respondent now makes its reply as follows:

1. Petitioner concedes that the Appendix as filed is not in compliance with Rule 243(f)(1) of the South Carolina Appellate Court Rules.
2. Petitioner asserts that he does not have copies of the 2021 federal habeas records and that the "third party," Petitioner's wife Lori Stewart, cannot help him assemble the Appendix because of a hand injury.

3. Notably, upon the submission of Respondent's return on May 3, 2024, in the lower court, Petitioner was provided with a complete copy of the record. This record included the federal habeas filings from 2021, which were also submitted to the Marlboro County Clerk of Court and were conveyed to the Chief Administrative Judge of the Fourth Circuit for the Court of Common Pleas.
4. In light of the circumstances, Respondent will provide a second copy of the 2021 federal habeas records to Petitioner by delivering them concurrently with the submission of this return. This will enable the Petitioner to amend the Appendix in the event that the Respondent's motion to supplement the Appendix is granted by the Court. This arrangement addresses the Petitioner's concern regarding the lack of internet access and accessibility to PACER.
5. Also, Petitioner curiously requests this Court to grant "[Petitioner's] previous request for an appeal bond so that he will be able to comply with the Court's order."
6. Respondent contends that the issue of bail bond has been previously litigated, with this Court having rendered a decision on the merits. Currently, there is neither a motion for reconsideration nor a new motion for bail bond pending. Moreover, there is no necessity for such. There exists no precedent that supports the consideration of bail bond in circumstances where a violent felon is to be released from custody for the purpose of facilitating the litigation of successive collateral actions.
7. Respondent further contends that, as the Petitioner will be provided with the missing records, any claim indicating that an appeal bond is necessary for the assembly of the Appendix is rendered moot.

8. It is important to note that while Petitioner asserts an inability to access PACER and claims a lack of assistance in document preparation, this assertion appears inconsistent with the clear evidence that he is actively engaged in litigation, as he has recently submitted a response to Respondent's motion.
9. Lastly, while Petitioner "decline[d] to question Respondent's motives for insisting that documents be included in the Supplemental Appendix" and further opined as to the relevance of the documents to the issues before this Court, Respondent submits that this Court maintains the rules that are to be followed and not Respondent. Rule 243(f)(1), SCACR, provides that the **entire** lower court record **shall** be included in the Appendix. The term "shall" is employed to signify a mandatory requirement, indicating that there exists no opportunity for discretion or deviation from the stipulated directive.

WHEREFORE, Respondent submits Petitioner will receive a copy of the federal records from Respondent and any remaining argument regarding hardship is moot and requests this Court grant Respondent's previous motion to hold the appeal in abeyance and compel Petitioner to supplement the appendix.

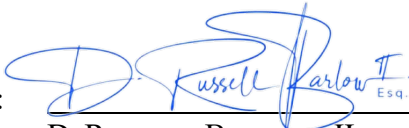
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Respectfully submitted,

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August 13, 2025