

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM DORCHESTER COUNTY  
Court of General Sessions  
Court of Common Pleas

**RECEIVED**

DEC 31 2013

**S.C. Supreme Court**

Dianne S. Goodstein, Circuit Court Judge  
(Trial)  
Deandrea G. Benjamin, Circuit Court Judge  
(PCR)

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Case No. 2011-CP-18-1497

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Tiffany Sanders, ..... Petitioner,

vs.

State of South Carolina ..... Respondent,

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MOTION FOR LEAVE TO FILE SUPPLEMENTAL APPENDIX

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Petitioner previously filed and served the Appendix in this case on June 17, 2013, containing the record on appeal from the Post-Conviction Relief hearing. Thereafter on August 7, 2013, the Appellant filed the Appendix of the record on appeal from the direct appeal of the General Sessions trial. (The P.C.R. judge denied Petitioner's request for relief on her P.C.R. application, but granted her the right to file a direct appeal from the trial on the merits.) The delay in filing the second volume of the Appendix, the record on appeal from the General Sessions trial, occurred because of a delay in obtaining the exhibits from the trial,<sup>1</sup> and Appellant filed the Appendix timely after receipt of the General Sessions exhibits. Thereafter, the State filed its Brief and Return to Petition for Certiorari on December 9, 2013, raising an objection that P.C.R. counsel failed to subpoena Sean Kammerer to the P.C.R. hearing. Therefore, Petitioner seeks to supplement the record on appeal from the May 21, 2012, P.C.R. term of Court for the First Judicial Circuit to demonstrate that Sean Kammerer was on the

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<sup>1</sup> The parties had to secure a court Order for the Clerk to release the exhibits.

toster of cases for May 21, 2012, in the First Circuit without counsel and therefore unavailable to be called. Since Petitioner addresses this fact in her Reply, in order to avoid arguing outside the record on appeal, the Petitioner now requests an Order of the Court allowing the filing of the Supplemental Appendix containing this docket (copy attached). Thus, Petitioner seeks to supplement the record as allowed by Rule 212(b) of *South Carolina Appellate Court Rules of Appellate Procedure*.<sup>2</sup>

Based on the foregoing, the Petitioner prays for an Order of the Court granting the Petitioner leave to file the Supplemental Appendix containing the four-page roster of cases from May 21, 2012 (copy attached).

Respectfully submitted,

December 27, 2013



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<sup>2</sup> Prior to filing this motion, counsel communicated with opposing counsel who will file a written response with the Court.