RECEIVED
Nov 16 2026
S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
In The Supreme Court

On Certiorari to the Court of Common Pleas
Appeal from Berkeley County
Honorable R. Kirk Griffin, Post-Conviction Relief Judge

Appellate Case No. 2024-001521

EMORY W. ROBERTS, #373393,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

MOTION TO ALLOW FILING OF SUPPLEMENTAL APPENDIX

Respondent ("the State"), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

At present, Petitioner Emory W. Robert's post-conviction relief appeal is currently pending before this Court.

II.

So far on appeal, Petitioner has filed his latest Petition for Writ of Certiorari along with a copy of the post-conviction relief hearing dated April, 18, 2023, exhibits totaling fifty-three pages, a cover letter, a brief captioned "Abuse of Discretion or Failure to Exercise Discretion," a second brief captioned the same as the first, and attachments totaling one hundred fifty-six pages.

Petitioner did not file an Appendix. Respondent's Return to Petition for Writ of Certiorari is due today, and Respondent has no Appendix to reference.

III.

Pursuant to our state's appellate court rules, the appendix in a post-conviction relief appeal must—amongst other things—include "[t]he entire lower court record." Rule 243(f), SCACR.

IV.

Here, although Petitioner filed multiple attachments, he omitted several documents from the lower court record, including the trial transcript. Accordingly, Petitioner's filings are incomplete. Accordingly, Respondent asks this Court to permit and accept the filing of a Supplemental Appendix containing the paginated lower court record so this Court has the complete record as required.

V.

With this motion, Respondent contemporaneously submits its Supplemental Appendix, which contains the complete record as required. In addition, Respondent contemporaneously submits its Return to Petition for Writ of Certiorari, which references the Supplemental Appendix.

|CONCLUSION & SIGNATURE PAGE FOLLOWS|

WHEREFORE, Respondent prays that this Court will allow it to file a Supplemental Appendix; accept the filing of Respondent's Supplemental Appendix; and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

D. RUSSELL BARLOW, II
Senior Assistant Deputy Attorney General

KYLEE KANEALEY
Assistant Attorney General
S.C. Bar No. 107060

BY: _____

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3737
ATTORNEYS FOR RESPONDENT

November 16, 2026