



ALAN WILSON
ATTORNEY GENERAL

January 31, 2014

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JAN 31 2014

S.C. Supreme Court

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
PO Box 11330
Columbia, SC 29211-1330

RE: Juan Tyree Smith a/k/a Jwan Tyree Smith v. State of South Carolina
Appellate Case No. 2013-000018
Lower Court Case No: 2010-CP-04-1853

Dear Mr. Shearouse:

Enclosed for filing are the original and six (6) copies of the **Motion to Supplement Appendix** in the above-referenced case. By copy of this letter we are serving the opposing counsel today.

Sincerely,

Karen C. Ratigan
Senior Assistant Deputy Attorney General

KCR/tb
Enclosures

cc: David Alexander, Esq. (2 copies with all the attachments)

STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

JAN 31 2014

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

S.C. Supreme Court

The Honorable Alexander S. Macaulay, Trial Judge
The Honorable Clifton Newman, Post-Conviction Relief Judge

Appellate Case No. 2013-000018

Juan Tyree Smith a/k/a Jwan Tyree Smith, Respondent,

v.

State of South Carolina, Petitioner.

MOTION TO SUPPLEMENT APPENDIX

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

1. The Anderson County Grand Jury indicted Respondent for murder and possession of a weapon during commission of a violent crime. After the State called the case to trial, Respondent was found guilty. On May 9, 2007, Respondent was sentenced by the Honorable Alexander S. Macaulay to concurrent terms of thirty years for murder and five years for possession of a weapon during commission of a violent crime.
2. A notice of appeal was filed on Respondent's behalf at the South Carolina

Court of Appeals and the appeal was perfected as an Anders brief. The Court of Appeals dismissed the appeal on January 21, 2010.

3. Respondent filed an application for post-conviction relief (PCR) on May 21, 2010. An evidentiary hearing was held on October 3, 2012. The Honorable Clifton Newman granted relief in an order filed December 10, 2012.

4. The Petition for Writ of Certiorari and Appendix in this case were filed on September 4, 2013. The Appendix, however, does not contain Respondent's Exhibits 1-4 from the PCR hearing.

5. As these exhibits were before Judge Newman, without them the appellate record is incomplete. Petitioner has copies of Exhibits 1, 3, and 4 and would include them in a Supplemental Appendix. Exhibit 2, however, contains copies of photographs and would be unrecognizable in the Supplemental Appendix. If either opposing counsel or the Court decides Exhibit 2 should be made available, Petitioner can arrange for it to be transported.

6. Inasmuch as Exhibits 1, 3, and 4 are relevant and pertinent material under Rule 243(f), SCACR that should be included in the Appendix, counsel moves this Court to allow Petitioner to file the same in a Supplemental Appendix.

WHEREFORE, as the Appendix is incomplete, counsel for Petitioner requests this Court grant the motion to allow for the filing of a Supplemental Appendix.

Respectfully submitted,

ALAN WILSON
Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General
S.C. Bar # 68331

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By: 

ATTORNEYS FOR RESPONDENT

January 31, 2014

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Anderson County
Court of Common Pleas

The Honorable Alexander S. Macaulay, Trial Judge
The Honorable Clifton Newman, Post-Conviction Judge

JUAN TYREE SMITH a/k/a JWAN TYREE SMITH,

PETITIONER,

v.

THE STATE OF SOUTH CAROLINA,

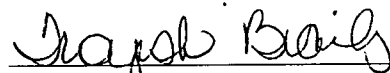
RESPONDENT.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the **Motion to Supplement Appendix** has been served upon opposing counsel by mailing two (2) copies in the United States mail, postage prepaid:

David Alexander, Esq.
SC Commission of Indigent Defense
1330 Lady St. Suite 401
Columbia, SC 29201

This 31th day of January, 2014



Troyeshi Brailey
LEGAL ASSISTANT for the Respondent