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**S.C. Supreme Court**

STATE OF SOUTH CAROLINA  
In The Supreme Court

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CERTIORARI FROM ORANGEBURG COUNTY  
Court of Common Pleas

The Honorable Diane S. Goodstein, Circuit Court Judge

\_\_\_\_\_  
Appellate Case No. 2013-00637  
\_\_\_\_\_

Levi Bing, Jr., #308051,.....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 November 6, 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 February 6, 2014.

3. In reviewing the Appendix in preparation for Respondent's Return to Petition for Certiorari, Respondent noticed the Appendix does not contain Respondent's Exhibits from the post-conviction relief evidentiary hearing before the lower court on June 25, 2007. See App. p. 139, p. 140, pp. 141-43 (all referencing three Respondent's Exhibits entered into the record without objection). However, the Appendix does include Petitioner's exhibit from the same hearing. See App. pp. 164-177. Respondent's Exhibits were part of the record before the lower court and are relevant to this action, as the exhibits were documents pertaining to counsels' representation of Petitioner and are pertinent to the claims asserted in this action. Respondent submits that these Respondent's Exhibits should be included in the Appendix as part of the full and complete record.

4. Counsel for Respondent has conferred with Counsel for Applicant, who has indicated that she has no objection to Respondent's Motion to compel the supplementation of the Appendix to include these two Respondent's Exhibits from the post-conviction relief, as both documents are part of the lower court record.

5. Inasmuch as these exhibits are 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

MEGAN E. HARRIGAN  
Assistant Attorney General  
S.C. Bar No. 100108

Post Office Box 11549  
Columbia, S.C. 29211  
(803) 734-3737

By: Megan E. Harrigan

ATTORNEYS FOR RESPONDENT

February 4, 2014

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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Certiorari to Orangeburg County  
The Honorable Diane S. Goodstein, Circuit Court Judge  
Case No. 2006-CP-38-00273  
Appellate Case No. 2013-00637

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LEVI BING, JR.,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

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**PROOF OF SERVICE**

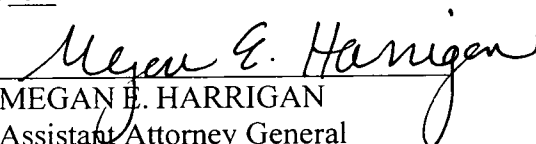
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I, Daniel Gourley, certify that I have served the within **Motion to Compel Petitioner to Supplement Appendix** on Petitioner by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Tricia A. Blanchette, Esquire  
Law Office of Tricia A. Blanchette, LLC  
Post Office Box 12725  
Columbia, South Carolina 29211

I further certify that all parties required by Rule to be served have been served.

This 4<sup>th</sup> day of February, 20 14.

  
MEGAN E. HARRIGAN  
Assistant Attorney General  
S.C. Bar No. 100108

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



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**S.C. Supreme Court**

ALAN WILSON  
ATTORNEY GENERAL

February 4, 2014

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

Re: **Levi Bing, #308051 v. The State of South Carolina**  
**Appellate Case No. 2013-00637**

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 Attorney General  
S.C. Bar No. 100108

MEH

Enclosures

cc: Tricia A. Blanchette, Esquire