

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Clarendon County
Honorable W. Jeffrey Young, Circuit Court Judge
Appellate Case No. 2012-213670

RECEIVED

MAR 14 2014

S.C. Supreme Court

RAPHAEL BRIGGS,

Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Respondent.

MOTION TO SUPPLEMENT APPENDIX AND ESTABLISH TIMELINE

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

1. A notice of appeal in this case was filed on December 27, 2012. Petitioner filed his Petition for Writ of Certiorari on July 8, 2013.
2. In preparing the State's Return to Petition for Writ of Certiorari, it became evident that the issue raised in the Petition had been raised to the Circuit Court but not ruled upon. Respondent filed a Motion to Remand the Matter for a Motion Pursuant to Rule 60, SCRPC and Request to Hold in Abeyance. (Proposed Supplemental Appendix pp. 20-32.) Pursuant to this request, on January 6, 2014, this Court granted leave for a motion to be made before the lower

court pursuant to Rule 60(b), SCRCP, with the matter held in abeyance pending a decision by the lower court on the motion. (Proposed Supplemental Appendix p. 19.) Respondent filed its motion in the Circuit Court dated January 30, 2014. (Proposed Supplemental Appendix pp. 15-18.)¹

3. Thereafter, the Circuit Court issued an Amended Order of Dismissal, dated February 8, 2014, and filed February 20, 2014. (Proposed Supplemental Appendix pp. 1-14.) A copy of the Amended Order of Dismissal was received by Respondent on March 12, 2014.

4. The Appendix originally filed in this matter does not contain the additional records referenced above as they reflect procedural history subsequent to the filing of the Appendix. However, these matters are relevant to the case at hand, and the Amended Order of Dismissal is now the Order subject to review.

5. Inasmuch as these documents are relevant and pertinent material under Rule 243(f), SCACR that should be included in the Appendix, counsel moves this Court to allow filing of a Supplemental Appendix. A copy of the proposed Supplemental Appendix is attached.

6. Further, as the Circuit Court's Amended Order of Dismissal has now been filed, it is no longer necessary to hold this matter in abeyance. Respondent requests that Petitioner be allotted a reasonable time for any amendments to his Petition for Writ of Certiorari, with Respondent's response due 30 days after service of the same. If no changes to the Petition are necessary, Respondent shall file its Return to Petition for Writ of Certiorari within 30 days of written notice of the same.

WHEREFORE, counsel for Petitioner requests this Court grant the motion to allow for the filing of a Supplemental Appendix and create a timeline in keeping with paragraph 6 herein.

¹ Attachments to this motion were the same as those found at Proposed Supplemental Appendix pp. 23-32.

Respectfully submitted,

ALAN WILSON
Attorney General

MARY S. WILLIAMS
Assistant Attorney General

By: Mary S. Williams

Mary S. Williams

Bar No. 76192

Office of the Attorney General

Post Office Box 11549

Columbia, SC 29211

(803) 734-4198

ATTORNEYS FOR RESPONDENT

March 14, 2014

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Clarendon County
Honorable W. Jeffrey Young, Circuit Court Judge
Appellate Case No. 2012-213670

RALPHAEL BRIGGS,

PETITIONER,

vs.

THE STATE,

RESPONDENT.

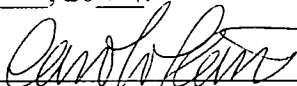
PROOF OF SERVICE

I, Caroline Kaiser, certify that I have served the **Motion to Supplement Appendix and Establish Timeline** on Petitioner by depositing two (2) copies of the same in the United States mail, postage prepaid, addressed to:

Wanda H. Carter, Esquire
South Carolina Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211-1589

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

This 14 day of March, 2014.



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



ALAN WILSON
ATTORNEY GENERAL

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March 14, 2014

MAR 14 2014

S.C. Supreme Court

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

Re: Raphael Lamont Briggs v. State of South Carolina
Appellate Case No. 2012-213670
Lower Court Case No. 2009-CP-14-0023

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of the **Motion to Supplement Appendix and Establish Timeline** and two (2) copies of the proposed **Supplemental Appendix** in the above mentioned case.

Sincerely,

Mary S. Williams
Assistant Attorney General

MSW/ck

cc: Wanda H. Carter, Esquire