

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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MAY 14 2014

Appeal from Beaufort County  
The Honorable Perry M. Buckner, Circuit Court Judge **S.C. Supreme Court**

Appellate Case No. 2013-

001119

JOSE HERRERA,

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. The Petitioner filed the Petition for Writ of Certiorari and Appendix in this matter on December 27, 2013.
2. The Respondent filed its Return to Petition for Writ of Certiorari on May 14, 2014.
3. Upon review of the Appendix in preparation for Respondent's Return, the Respondent noticed the Appendix was missing the Petitioner's appellate court records. The Respondent submits these records should be included in the Appendix as part of the full and complete record as presented to the lower court.
4. Counsel for the Respondent has conferred with Counsel for the Petitioner, who has

indicated that he has no objection to Respondent's request for supplementation of the Appendix to include the appellate records.

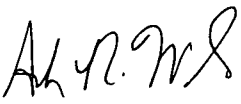
5. Inasmuch as these records are relevant and pertinent material under Rule 243(f), SCACR that should be included in the Appendix, counsel for the Respondent moves this Court to compel Petitioner to include the same in a Supplemental Appendix.

WHEREFORE, as the Appendix is incomplete, counsel for Respondent requests this Court grant the motion to compel Petitioner to supplement the Appendix.

Respectfully submitted,

ALAN WILSON  
Attorney General

ASHLEIGH R. WILSON  
Assistant Attorney General

BY:   
\_\_\_\_\_  
Ashleigh R. Wilson

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

ATTORNEYS FOR RESPONDENT

May 14, 2014

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

\_\_\_\_\_  
Appeal From Beaufort County  
The Honorable Perry M. Buckner, Circuit Court Judge  
\_\_\_\_\_

JOSE HERRERA

Petitioner,

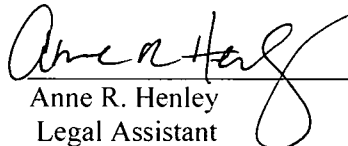
v.

STATE OF SOUTH CAROLINA,

Respondent.  
\_\_\_\_\_

CERTIFICATE OF SERVICE  
\_\_\_\_\_

The undersigned hereby certifies that a true copy of the Respondent's Motion to Compel Petitioner to Supplement Appendix to The SC Supreme Court has been served upon opposing counsel, Wanda H. Carter, this 14th<sup>th</sup> day of May 2014.

  
\_\_\_\_\_  
Anne R. Henley  
Legal Assistant

SWORN to before me this  
14th day of May, 2014.

\_\_\_\_\_(L.S.)  
Notary Public for South Carolina.  
My Commission Expires: \_\_\_\_\_



ALAN WILSON  
ATTORNEY GENERAL

May 14, 2014

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MAY 14 2014

S.C. Supreme Court

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

RE: Jose A. Herrera v. State of South Carolina  
Appellate Case No. 2013-001119

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of the Motion to Compel Petitioner to Supplement Appendix to the South Carolina Supreme Court in the above matter for filing in your office. By copy of this letter we are serving opposing counsel with this Motion.

With highest regards,

Ashleigh R. Wilson  
Assistant Attorney General

ARW/arh  
Enclosures

cc: Wanda H. Carter, Esquire