

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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AUG - 5 2014

Appeal from Horry County
The Honorable Benjamin H. Culbertson, Circuit Court Judge **S.C. Supreme Court**

Court of Common Pleas Case No. 2011-CP-26-3907
(Capital PCR Action)
Appellate Case No. 2014-000904

LOUIS MICHAEL WINKLER, JR.,

Respondent/Petitioner,

vs.

STATE OF SOUTH CAROLINA,

Petitioner/Respondent.

MOTION TO SUPPLEMENT THE APPENDIX

Comes now Petitioner/Respondent, the State of South Carolina, and hereby respectfully moves this Court to supplement the Appendix in this matter to include Applicant's Exhibits 1, 2, 7, and 8 from the evidentiary hearing of the post-conviction relief action. Those exhibits were introduced at the evidentiary hearing, but were not accepted into evidence by the PCR Court. As such, they were not included in the Appendix. Petitioner/Respondent respectfully request this Court accept for filing the enclosed Supplemental Appendix, which includes the four exhibits, for filing.

An unredacted copy of the proposed Supplemental Appendix was served upon opposing counsel by U.S. mail on June 30, 2014. A copy of the letter enclosing the

proposed Supplemental Appendix is attached hereto as Exhibit A. A proof of service is also attached. The only difference between the copy of the proposed Supplemental Appendix previously served on opposing counsel and the one being filed is the one being filed has a corrected index page.

WHEREFORE, having made Motion to Supplement the Appendix, Petitioner/Respondent would respectfully request this Court to grant the Motion and accept this Supplemental Appendix for filing; and for such other and further relief as this Court may deem just and proper.

Respectfully Submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

ALPHONSO SIMON, JR.
Assistant Attorney General
Bar No. 74713

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: 

ALPHONSO SIMON, JR.

Exhibit A



ALAN WILSON
ATTORNEY GENERAL

June 30, 2014

Emily C. Paavola, Esq.
Death Penalty Resource and Defense Center
900 Elmwood Avenue, Ste. #101
Columbia, South Carolina 29201

John R. Mills, Esq.
Law Offices of John R. Mills
3145 Geary Blvd., #213
San Francisco, CA 94118

Re: Louis Michael Winkler, Jr., #6027 vs. State of South Carolina
2011-CP-26-3907
Appellate Case No. 2014-000904

Dear Ms. Paavola and Mr. Mills:

Please find enclosed an unredacted copy of the proposed Supplemental Appendix in this action. This Supplemental Appendix includes the documents that were introduced at the PCR hearing, but were not entered into evidence. Before we file the motion to supplement the appendix and notice of service of the Supplemental Appendix, I want to make sure everything is included. Please review and let me know if anything else needs to be added as soon as possible, but no later than July 14th. As will be the case with the main appendix, redacted copies will be filed with the Supreme Court and served with the State's Petition.

Please let me know if you have any questions.

Sincerely,

Alphonso Simon, Jr.
Assistant Attorney General

AS:dmd
Enclosures

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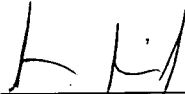
Petitioner/Respondent.

PROOF OF SERVICE

I, Alphonso Simon, Jr., of counsel for the Petitioner/Respondent, certify that I have served two (2) copies of the within motion to Supplement the Appendix via U.S. mail to his attorneys of record, Emily C. Paavola, Esq., Death Penalty Resource and Defense Center, 900 Elmwood Avenue, Ste. #101, Columbia, South Carolina 29201, and to John R. Mills, Esq., Law Offices of John R. Mills, 3145 Geary Blvd., #213, San Francisco, California 94118.

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

This 5th day of August, 2014.



ALPHONSO SIMON, JR.
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