



The Supreme Court of South Carolina

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November 3, 2014

Robert Michael Dudek, Esquire
PO Box 11589
Columbia SC 29211

Re: Marshall Miller v. State
Appellate Case No. 2013-001076

Dear Counsel:

This responds to your letter dated October 21, 2014.

As you know, Mr. Miller is representing himself in this case. The status of this case is that the petition for a writ of certiorari was received by this Court on October 20, 2014, and the appendix (five volumes), a first supplemental appendix and a second supplemental appendix, were received by this Court on October 21, 2014, and the time to file the appendix has now expired. You indicate that Mr. Miller may want to file a further supplemental appendix.

Since the time to file the appendix has expired, any supplemental appendix can only be filed if this Court, on motion, grants permission for the filing of a supplemental appendix. Mr. Miller has not filed such a motion. Therefore, any discussion of what additional items should be obtained for this supplemental appendix appears to be premature unless, and until, the Court grants permission for a supplemental appendix to be filed.

Finally, from what you have indicated in your letter, it may be that some or all of the material Mr. Miller desires to include in the appendix may not be properly

before this Court. *Jamison v. State*, Opinion No. 27454 (S.C. Sup.Ct. filed October 22, 2014) (Shearouse Adv. Sh. No. 42 at 12) (Interpreting Rule 243(f) of the South Carolina Appellate Court Rules to mean that the appendix may only include matter that was presented to the PCR Court.). This, of course, will be an issue that the State may raise in its return if a *pro se* motion to file a supplement appendix is properly served and filed in this matter.

Very truly yours,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

CLERK

cc: Ashley Anne McMahan, Esquire
Mr. Marshall R Miller, #249557