

STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM PICKENS COUNTY  
Court of Common Pleas

The Honorable G. Edward Welmaker, Circuit Court Judge

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Appellate Case No. 2014-000296

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Rodney D. Young, ..... Petitioner,

v.

State of South Carolina, ..... Respondent.

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**MOTION TO SUPPLEMENT APPENDIX**

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

1. The Pickens Grand Jury indicted Petitioner for distribution of cocaine base (crack cocaine), distribution of marijuana, distribution of crack cocaine within 1/2 mile of a park, and distribution of marijuana within close proximity of a park.

2. On January 29, 2013, Petitioner pled guilty and the Honorable Edward W. Miller sentenced him to concurrent terms of 18 years suspended on service of 8 years and 3 years probation for distribution of cocaine base, second offense, 8 years for distribution of

marijuana, second offense, 8 years for distribution of crack cocaine within 1/2 mile of a park, and 8 years for distribution of marijuana within close proximity of a park. Petitioner did not appeal.

3. Petitioner filed an application for post-conviction relief (PCR) on May 13, 2013. An evidentiary hearing was convened on December 16, 2013. The Honorable G. Edward Welmaker denied relief in an order filed January 22, 2014.

4. The Petition for Writ of Certiorari and Appendix in this case were filed on October 8, 2014. The Appendix, however, does not contain Petitioner's records from the South Carolina Department of Corrections (SCDC).

5. The order of dismissal indicates the SCDC records were before Judge Welmaker. (App.p.69). Further, Judge Welmaker specifically mentioned the SCDC records when ruling upon the very issue Petitioner raises in his petition for writ of certiorari. (App.p.75). Without the SCDC records, the appellate record is incomplete. As such, the SCDC records should be included in the Appendix.

6. Inasmuch as the SCDC records are relevant and pertinent material under Rule 243(f), SCACR that should be included in the Appendix, counsel moves this Court to allow Respondent to include the same in a Supplemental Appendix. That Supplemental Appendix is enclosed with this Motion.

WHEREFORE, as the Appendix is incomplete, counsel for Respondent requests this Court grant its motion to supplement the appendix in this manner and accept the enclosed Supplemental Appendix.

Respectfully submitted,

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