

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM YORK COUNTY
Court of Common Pleas

The Honorable John C. Hayes, III, Circuit Court Judge

Appellate Case No. 2014-001163

Robert Hooker,..... Petitioner,

v.

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

Amended

MOTION 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 June 2011 York County Grand Jury indicted Petitioner for Malicious Injury to Real Property (2011-GS-46-1837), Burglary, 1st degree (2011-GS-46-1838) and Stalking (2011-GS-46-1839). After the State called the case to trial, Petitioner was found guilty. On August 10, 2011, the Honorable Lee S. Alford sentenced Petitioner to for fifteen (15) years for Burglary, 1st degree, five (5) years, concurrent, for Stalking and thirty (30) days, concurrent, for Malicious injury to real property.

2. A notice of appeal was filed on Petitioner's behalf at the South Carolina Court of Appeals. The Court of Appeals affirmed Petitioner's convictions and sentences. State v. Hooker, Op. No. 2013-UP-100 (filed March 13, 2013).

3. Petitioner filed an application for post-conviction relief on May 13, 2013 (2013-CP-46-1483). An evidentiary hearing was convened on April 16, 2014. The Honorable John C. Hayes, III denied relief in an order dated April 28, 2014.

4. The Petition for Writ of Certiorari and Appendix in this case were filed on November 6, 2014. The Appendix, however, does not contain either the Record on Appeal or the State's Return submitted on August 21, 2013.

5. Without the Record on Appeal and the State's Return, the appellate record is incomplete. As such, the Record on Appeal and the State's Return should be included in the Appendix.

6. Inasmuch as the Record on Appeal and the State's Return is relevant and pertinent material under Rule 243(f), SCACR that should be included in the Appendix, counsel 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: (1) grant the motion to compel Petitioner to supplement the Appendix and (2) hold time limits for the filing of the Return to Petition for Writ of Certiorari in abeyance until the motion is ruled upon.

Respectfully submitted,

ALAN WILSON
Attorney General

J. RUTLEDGE JOHNSON
Assistant Attorney General
S.C. Bar # 78871

Post Office Box 11549
Columbia, S.C. 29211
(803) 734-3737

By: 

ATTORNEYS FOR RESPONDENT

January 7, 2015

Johnson, Janet

From: Rutledge Johnson <rjohnson@scag.gov>
Sent: Wednesday, January 07, 2015 12:03 PM
To: Johnson, Janet
Subject: Robert Hooker Amended Motion to Supplement Appendix 2014-001163
Attachments: 2015_01_07_12_00_25.pdf

Janet,

Please find attached my Amended Motion to Supplement Appendix. I inadvertently overlooked that opposing counsel did, in fact, include the Order of Dismissal in the appendix. However, the State's Return was not included. Please let me know if I need to bring 6 hard copies and an original over to the Court this afternoon. Thanks so much!

-Rutledge

J. Rutledge Johnson
Assistant Attorney General
South Carolina Attorney General's Office
Post-Conviction Relief Section
rjohnson@scag.gov
(803)-734-3737

From: Chandra Young
Sent: Wednesday, January 07, 2015 12:00 PM
To: Rutledge Johnson
Subject: