

Original

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Richland County

Alison Renee Lee, Circuit Court Judge

**RECEIVED**

FEB - 4 2015

**S.C. Supreme Court**

CLARENCE MYERS.,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2014-001238

MOTION TO SUBSTITUTE APPENDIX

The undersigned respectfully seeks to supplement the Appendix on the following grounds:

1. Clarence Myers pled guilty to voluntary manslaughter and desecration of human remains on October 19, 2009.
2. Myers filed an application for post-conviction relief (PCR) on February 14, 2013. The lower court, Judge Lee, denied the application in an Order of Dismissal on May 29, 2014. Myers filed a timely Notice of Appeal. Undersigned counsel filed a petition for writ of certiorari and accompanying appendix concerning this matter on February 2, 2015.
3. At the time of the filing of the petition for writ of certiorari and appendix, undersigned counsel had prepared a revised appendix that included the transcript of a October 25, 2012 post-plea hearing which was not identified and included in the original appendix prepared by prior appellate

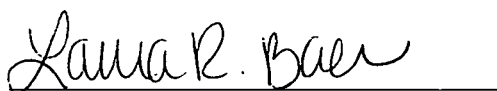
counsel. The revised appendix was used by undersigned counsel in preparing the petition for writ of certiorari and all citations in the petition were to the revised appendix.

4. On February 3, 2015, undersigned counsel learned from Assistant Attorney General Megan Harrigan Jameson that the appendix she received did not contain the October 25, 2012 post-plea hearing transcript, a copy of which undersigned counsel had requested from Mrs. Jameson on December 23, 2014 and which she promptly provided.

5. Through inadvertence and mistake, the original Appendix was filed with this Court rather than the revised appendix containing the post-plea transcript. Therefore, Petitioner respectfully requests the appendix currently on file with the Court be substituted for the revised appendix accompanying this motion. If the appendix on file with this Court may not be completely withdrawn, Petitioner requests that it be clearly marked such that the revised appendix will be reviewed by the Court.

6. Petitioner consulted with Megan Harrigan Jameson of the Attorney General's Office on February 4, 2015 regarding this matter. Mrs. Jameson agreed to the procedure proposed above.

Respectfully submitted,

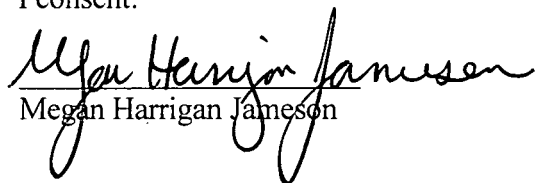


Laura R. Baer  
Appellate Defender

Attorney for Petitioner

This 4th day of February, 2015

I consent:



Megan Harrigan Jameson

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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Certiorari to Richland County

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CLARENCE MYERS.,

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CERTIFICATE OF SERVICE

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The undersigned attorney hereby certifies that a true copy of the Motion to Substitute Appendix in the above referenced case has been served upon opposing counsel, Megan Harrigan Jameson, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, and Mr. Clarence Myers, # #352916, at Kershaw Correctional Institution, this 4<sup>th</sup> day of February, 2015.



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Laura R. Baer  
Appellate Defender

Attorney for Petitioner

SUBSCRIBED AND SWORN TO before me  
this 4th day of February, 2015.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: October 21, 2024



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

February 4, 2015

The Honorable Daniel E. Shearouse  
Clerk, S.C. Supreme Court  
PO Box 11330  
Columbia, SC 29211

Re: Clarence Myers v. State of South Carolina

Dear Mr. Shearouse:

Enclosed are an original and six copies of the Motion to Substitute Appendix in the above-captioned case. Thank you for your assistance in this matter.

Sincerely,

Laura R. Baer  
Appellate Defender

LRB/brr

Enclosure

cc: Megan Harrigan Jameson, Esquire  
Mr. Clarence Myers, #352916