

Sent out 123014

Sent second time 021915

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Fairfield County
R. KNOX McMAHON, Circuit Judge

IN THE MATTER OF THE CARE AND TREATMENT
OF Larry Hendricks,

APPELLANT.

MOTION TO ORDER EXPANSION
OF RECORD ON APPEAL

The Appellant, proceeding pro-se after abandonment by counsel, humbly request that the appellate court issue an Order requiring the South Carolina Commission on Indigent Defense, Division of Appellate Defense, to add to the Record on Appeal, in the above referenced matter, all pertinent documents to give the Court a "Complete Record" as required by Anders v. Calif., 386 U.S. 738 (1967).

Previous counsel did not submit the Motions that it decided to use for the basis of its "Anders Brief." Further more on Pages 18-33 of the transcript, it is clearly indicated that

the trial court allowed the motions to be heard and the court made a ruling on them though they were submitted pro-se. This appellate court should have an opportunity to review all motions heard by the Fairfield County Trial Court.

This Court has ruled previously that an issue must be both raised and heard by the trial court to be preserved for appellate review. *In re Jamal G.*, 720 SE2d 62 (Ct. App. 2010); *State v. Lindsey*, 714 SE2d 554 (Ct. App. 2011). This was concurred upon in *State v. Jennings*, 716 SE2d 91 (SC 2011), by the state's Supreme Court. This precedent would apply in this matter.

There are three filed motions that are pertinent to this matter. Two were filed with the clerk of court for Fairfield County on January 9, 2014. One dealt with the jurisdiction over the subject matter brought before the court pursuant to *Cribb v. Spatholt*, 676 SE2d 714 (Ct. App. 2009), and the other on the state created issue of a timeline being obeyed as brought forth in, *In re Treatment of Matthews*, 550 SE2d 311 (2001); and in *The Matter + Care of Miller*, 713 SE2d 263 (SC 2011).

The third motion to dismiss, that was heard, which is pertinent for this court's perusal was filed on October 30, 2013. It dealt with the

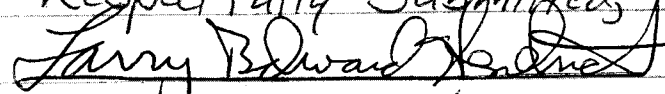
Failure to Prosecute. Though The Appellant is not learned Counsel, he argued all three motions pro-se and the contents and authority written within them, is pertinent to the Court's ability to decide this appeal.

Assigned Counsel decided not to research or provide any authority to back her argument included in The Anders Brief, nor did she adequately complete The Record. None of this protects the Appellant's Due Process Rights as described in LaSalle Bank Nat'l Ass'n v. Davidson, 688 SE2d 121 (SC 2009); and Article I, § 23 of The S.C. Constitution.

As such the Appellant humbly requests that an Order be issued compelling The Division of Appellate Defense to Supplement the Record on Appeal and that the 45 days allowed for a Pro-se Explanation be suspended until that Amended Record on Appeal is filed.

THIS THE APPELLANT HUMBLY PRAYS!

December 30, 2014

Respectfully Submitted;


Larry Edward Hendricks

Appellant, Pro Se

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CERTIFICATE OF SERVICE

The Appellant, Larry Hendricks, has forwarded a Copy of the MOTION TO ORDER EXPANSION OF RECORD ON APPEAL TO The Counsel of Record for The Respondent, Deborah Shape, PO Box 11549, Columbia, SC 29211, via The U.S. Postal Service, First Class Postage Affixed, This 30th day of December, 2014.

Larry Hendricks
Larry Hendricks
Appellant Pro-se
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