

STATE OF SOUTH CAROLINA
In the Supreme Court

CERTIORARI TO CALHOUN COUNTY
Court of Common Pleas

Carmen T. Mullen, Post-Conviction Relief Court Judge
James C. Williams, Jr., Trial Court Judge

Appellate Case No. 2013-000731

WILLIE PELZER, III,

Petitioner,

vs.

THE STATE OF SOUTH CAROLINA,

Respondent.

RESPONDENT'S MOTION TO FILE A SUPPLEMENTAL APPENDIX

Counsel for Respondent hereby moves that this Court supplement the Appendix, pursuant to Rules 210(c) and (f), and Rule 212(b) of the South Carolina Appellate Court Rules. In support of this motion, counsel for Respondent shows the following:

1. Petitioner's Petition for Writ of Certiorari and accompanying Appendix was served and filed with this Court on November 18, 2013 arguing in part that the post-conviction relief court erred in finding Petitioner was not entitled to appellate review pursuant to White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974). Respondent submitted its Return to the Petition for Writ of Certiorari on April 1, 2014. On August 6, 2014, this

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Court granted certiorari as to whether Petitioner was entitled to appellate review pursuant to White, dispensed with further briefing, and directed each party to brief the issues as set forth in the Statement of Issues on Appeal attached to the Petition; this Court denied certiorari as to Petitioner's remaining issue. In this Order, this Court instructed both parties that the Appendix would serve as the record on appeal. Because of this unique procedural situation, neither party was afforded the opportunity to designate matters for inclusion in the Appendix/Record on Appeal.

2. While preparing its Brief of Respondent, counsel for Respondent noticed that the Court's Exhibits from Petitioner's trial were not included in the Appendix. Respondent would like to cite to the Court's Exhibit No. 2 in its brief, as it is pertinent to the issues being raised by Petitioner.

3. On March 20, 2014, Counsel for Respondent notified Petitioner's counsel Laura Baer to inform her of Respondent's request and seek her consent in moving to supplement the Appendix. Petitioner's counsel had consented to Respondent's motion.

4. This Court requires that the Appendix include the entire lower court record. Rule 227(f)(1), SCACR. The Court's Exhibits with which Respondent seeks to supplement the appendix are material to this appeal and extremely relevant to the issues Petitioner has raised and to which Respondent must respond.

5. Counsel for Respondent respectfully requests that this Court to allow the appendix to be supplemented with Court's Exhibit No. 2 from Petitioner's trial based on the above circumstances.

Respectfully submitted,

ALAN WILSON
Attorney General

MEGAN HARRIGAN JAMESON
S.C. Bar No. 100108
Assistant Attorney General

By: Megan Harrigan Jameson
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March 20, 2015



ALAN WILSON
ATTORNEY GENERAL

March 20, 2015

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

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Re: Willie Pelzer, III, v. The State of South Carolina
Appellate Case No. 2013-000731

Dear Mr. Shearouse:

Enclosed for filing are the original and six (6) copies of the Respondent's Motion to File a Supplemental Appendix and the original plus fifteen (15) copies of the supplemental appendix for filing in your office.

Sincerely,

Megan Harrigan Jameson
Assistant Attorney General
S.C. Bar No. 100108

MHJ/sbm
Enclosures

cc: Laura R. Baer, Esquire