

STATE OF SOUTH CAROLINA
In The Supreme Court

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MAR 30 2015

APPEAL FROM HORRY COUNTY
Court of Common Pleas

S.C. Supreme Court

The Honorable J. Cordell Maddox Jr., Circuit Court Judge

Appellate Case No. 2014-000308

Derrick Hollingsworth, Petitioner,

v.

State of South Carolina, Respondent.

MOTION TO COMPEL PETITIONER TO SUPPLEMENT THE APPENDIX

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

1. Petitioner filed the Petition for Writ of Certiorari and Appendix in this matter on December 10, 2014.
2. This Court has granted Respondent's requests for extensions of time in which to file the Return to Petition for Writ of Certiorari. The Return is due today, March 30, 2014. Respondent is filing the Return contemporaneously with this motion.
3. In reviewing this case, Respondent notes the Appendix does not contain

Respondent's "Amendment to Return" filed on or about July 2, 2012. The Appendix also does not contain a copy of Respondent's "Motion to Alter or Amend Judgment Pursuant to Rule 59(e), SCRCF" filed on or about November 22, 2013, or the Order denying that motion. These records are necessary to demonstrate Respondent's laches defense is preserved for this Court's review.

4. The Appendix also does not contain a copy of the three exhibits entered into evidence at the lower court hearing. (App. p. 606). These exhibits included a letter from Petitioner to his attorney (App. p. 618), a letter from Petitioner's attorney to Petitioner (App. p. 621), and a letter from the court reporter (App. p. 624). These exhibits are necessary to review the post-conviction relief judge's decision in this case.

5. Inasmuch as these documents are a relevant and pertinent part of the lower court's record and should be included in the Appendix pursuant to Rule 243(f), SCACR, Respondent moves to compel Petitioner to include the same in a Supplemental Appendix.

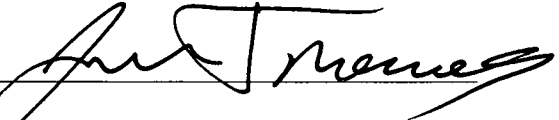
WHEREFORE, as the Appendix is incomplete, counsel for Respondent requests this Court grant the motion to compel Petitioner to supplement the Appendix.

Respectfully submitted,

ALAN WILSON
Attorney General

JOSHUA L. THOMAS
Assistant Attorney General
S.C. Bar No. 100777

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737

By: 
ATTORNEYS FOR RESPONDENT

March 30, 2015



ALAN WILSON
ATTORNEY GENERAL

March 30, 2015

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S.C. Supreme Court

VIA HAND DELIVERY

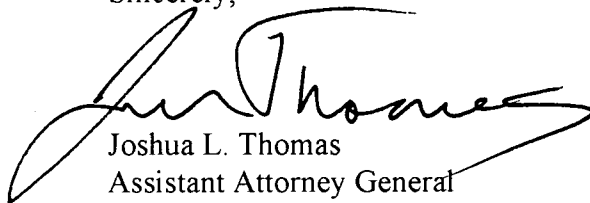
The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

RE: Derrick Hollingsworth v. State of South Carolina
Appellate Case No: 2014-000308

Dear Mr. Shearouse:

Enclosed for filing are the original and six (6) copies of the **Return to Petition for Writ of Certiorari, Motion to Strike Petition For Writ of Certiorari Pursuant to Austin v. State and Motion to Compel Petitioner to Supplement the Appendix** in the above-referenced case. By copy of this letter we are serving opposing counsel today.

Sincerely,



Joshua L. Thomas
Assistant Attorney General
Bar No: 100777

JLT/nb
Enclosures

cc: Robert M. Pachak, Esquire (2 copies)

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Horry County

The Honorable J. Cordell Maddox, Jr., Circuit Court Judge

DERRICK HOLLINGSWORTH,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

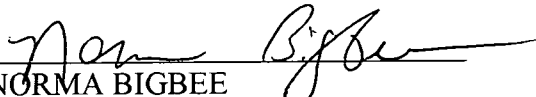
Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the **Return to Petition for Writ of Certiorari, Motion to Strike Petition For Writ of Certiorari Pursuant to Austin v. State and Motion to Compel Petitioner to Supplement the Appendix** has been served upon opposing counsel by mailing two (2) copies in the United States mail, postage prepaid:

Chief Appellate Defender Robert M. Pachal
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

This 30th day of March, 2015


NORMA BIGBEE
LEGAL ASSISTANT