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JUN 19 2015

STATE OF SOUTH CAROLINA  
In the Supreme Court

**S.C. Supreme Court**

CERTIORARI TO DORCHESTER COUNTY  
Court of Common Pleas

The Honorable Maité Murphy, Circuit Court Judge

Appellate Case No. 2014-002323

Rodney Elliott,..... Petitioner,

v.

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

**MOTION TO COMPEL PETITIONER TO AMEND APPENDIX**

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

1. Petitioner filed his Petition for Writ of Certiorari, Appendix, and Supplemental Appendix in this matter on April 22, 2015.
2. This Court has granted Respondent's request for a first extension of thirty days to file the Return to Petition for Writ of Certiorari. The Return is due on July 8, 2015.
3. In reviewing the Appendix and Supplemental Appendix filed by Petitioner, Respondent noticed neither the Appendix nor the Supplemental Appendix contain the following documents:

- “Amended Return and Motion to Dismiss” filed by Respondent in the underlying action, filed with the Dorchester County Clerk of Court on April 23, 2013;
- the “Conditional Order of Dismissal” signed by the Honorable Edgar W. Dickson on April 29, 2013 and filed with the Dorchester County Clerk of Court on March 15, 2013’
- the Petition for a Writ of Certiorari and Return to the Petition for a Writ of Certiorari, Order denying the Petition, and Remittitur from Petitioner’s 2005 PCR Appeal;
- the Order of Dismissal and Remittitur from Petitioner’s 2003 PCR Appeal.

These documents were part of the record before the lower court and are relevant to this action. Respondent submits that these pleadings should be included in the Appendix as part of the full and complete record of this post-conviction relief action.

4. Additionally, Respondent noticed that the Appendix filed by Petitioner includes a trial transcript with notations and other markings that were added by an unknown individual and are not part of the official record of Petitioner’s trial. See Appendix pp. 148, 153, 157, 161, 195, 237, 248, 249, 251-254, 263, 267-269, 284. Respondent submits that these markings should be removed from the Appendix before this Court.

5. Inasmuch as these exhibits are relevant and pertinent material under Rule 243(f), SCACR that should be included in the Appendix, counsel moves this Court to compel Petitioner to amend his previously filed Appendix to include a trial transcript devoid of markings and include the documents omitted from the previously filed Appendix and 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

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

Post Office Box 11549  
Columbia, S.C. 29211  
(803) 734-3727

By:   
ATTORNEYS FOR RESPONDENT

June 19, 2015



ALAN WILSON  
ATTORNEY GENERAL

June 19, 2015

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S.C. Supreme Court

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

Re: Rodney Elliott v. State of South Carolina  
Appellate Case No. 2014-002323

Dear Mr. Shearouse:

Enclosed please find Respondent's Motion to Compel Petitioner to Amend Appendix for filing with the Court.

Sincerely,

Megan Harrigan Jameson  
Assistant Attorney General  
SC Bar No. 100108

cc: Robert Pachak, Esquire