

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

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JUL 13 2015

The Honorable James R. Barber, III, Circuit Court Judge

S.C. Supreme Court

Appellate Case No. 2014-002709

Derrick Antron Young, Petitioner,

v.

State of South Carolina, Respondent.

MOTION TO SUPPLEMENT APPENDIX

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

1. On October 9, 2012, Petitioner pled guilty to resisting arrest with assault, possession with intent to distribute cocaine base, trafficking cocaine, trafficking cocaine base, and failure to stop for a blue light. The Honorable Letitia H. Verdin sentenced Petitioner to thirteen years imprisonment. Petitioner did not file an appeal.

2. Petitioner filed an application for post-conviction relief on August 21, 2013 (2013-CP-23-4575). An evidentiary hearing was held on August 28, 2014. The Honorable

James R. Barber, III denied relief in an order filed November 17, 2014.

3. The Appendix in this case does not contain: the State's return, the indictments for all charges, the sentencing sheets for all charges, and Judge Barber's order of dismissal.

4. These documents were before Judge Barber. Without these documents, the appellate record is incomplete. As such, they should be included in the Appendix.

5. Inasmuch as these documents 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 either (1) reformat and resubmit the Appendix or (2) include these documents in a Supplemental Appendix.

6. Respondent also notes the Appendix does not contain page numbers. This will make it difficult to properly cite to documents within the Appendix. Respondent submits the Appendix should be reformatted with proper page numbers.

7. Respondent also notes that, contrary to the procedure set forth in the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings," the Appendix contains unredacted personal data identifiers.


WHEREFORE, counsel for Respondent requests this Court: (1) grant the motion to compel Petitioner to supplement the Appendix, (2) order Petitioner to submit an Appendix with proper page numbers, and (3) 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,

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ATTORNEYS FOR RESPONDENT

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CERTIFICATE OF SERVICE

I, Karen C. Ratigan, certify that I have today served the within Motion to Supplement Appendix upon Petitioner by depositing a copy of the same in the United States mail, postage prepaid, addressed to:

William G. Yarborough, III, Esquire
522 North Church Street
Greenville, SC 29601

I further certify that all parties required by Rule to be served have been served.
This 13th day of July, 2015.



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ATTORNEY FOR RESPONDENT