

STATE OF SOUTH CAROLINA

 ORIGINAL

IN THE SUPREME COURT

**RECEIVED**

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Certiorari to Calhoun County

JUL 16 2015

Maite Murphy, Circuit Court Judge

S.C. Supreme Court

PHILLIP SPEARS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

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PETITION TO FILE  
SUPPLEMENTAL APPENDIX

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Pursuant to Rule 212 of the South Carolina Appellate Court Rules, the undersigned counsel requests leave in which to file a supplemental appendix in the case. In support of this motion, counsel submits the following facts.

1. The petition for writ of certiorari and copies of the appendix in the above titled case were filed with the Court in the case on June 8, 2015. One of the issues was: Did the PCR judge err by finding appellate counsel provided effective representation where appellate counsel failed to cite any legal authority in her appellate brief in support of the argument that the trial judge erred by refusing to declare a mistrial based on extraneous and prejudicial information published to

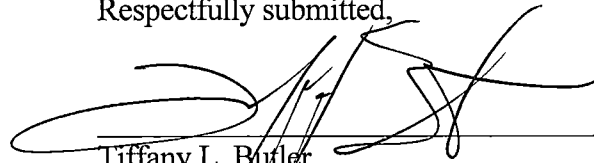
the jury during deliberations, since the Court of Appeals deemed the argument abandoned on appeal, which prejudiced Petitioner?

2. However, the direct appeal documents, which include the final brief of appellant, final brief of respondent, the opinion from the Court of Appeals, and the remittitur, were not included in the appendix filed with this Court on June 8, 2015.

3. Counsel has prepared a supplemental appendix to include the direct appeal documents listed above which should have been filed with the original appendix. As indicated by her consent below, counsel for the state does not oppose this request.

WHEREFORE, counsel requests leave in which to file a supplemental appendix including the direct appeal documents listed above in the case on appeal.

Respectfully submitted,

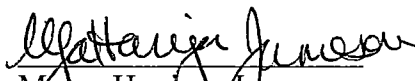


Tiffany L. Butler  
Appellate Defender

Attorney for Petitioner

July 16, 2015

I consent:



Megan Harrigan Jameson