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S.C. Supreme Court

ALAN WILSON
ATTORNEY GENERAL

July 31, 2015

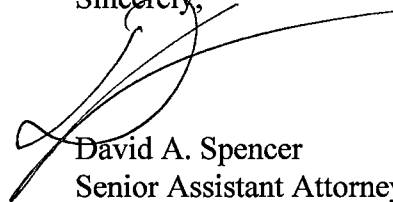
The Honorable Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
P.O. Box 11330
Columbia, SC 29211

RE: Richard Kevin Patterson v. State of South Carolina
Appellate Case No.: 2014-002623

Dear Ms. Shearouse:

Enclosed for filing are the original and six (6) copies of the **Motion to Supplement Appendix** in the above-referenced case. By copy of this letter we are serving opposing counsel today.

Sincerely,



David A. Spencer
Senior Assistant Attorney General
SC Bar No. 68331

DAS/ah
Enclosures

cc: Tara D. Shurling, Esquire

STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

S.C. Supreme Court

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

Appellate Case No. 2014-002623

Richard Kevin PattersonPetitioner,

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 to supplement the Appendix in this case. In support of this motion, Respondent would present the following facts:

1. The Anderson County Grand Jury indicted Petitioner for murder and possession of a firearm during the commission of a violent crime. After the State called the case to trial, Petitioner was found guilty. On October 13, 2000, the Honorable J.C. Nicholson, Jr. sentenced Petitioner to a term of life for murder and a concurrent term of five (5) years on the weapons conviction.
2. The South Carolina Court of Appeals affirmed the Petitioner's conviction and

sentence. State v. Patterson, Op. No. 2003-UP-143 (S.C. Ct. App. filed February 19, 2003). The South Carolina Supreme Court denied Petitioner's petition for a writ of certiorari by written Order dated May 13, 2004.

3. Petitioner filed an application for post-conviction relief (PCR) July 26, 2004 (2004-CP-04-2245). A hearing was held on the merits and Petitioner was represented by counsel. On June 13, 2014, the Honorable J. Cordell Maddox, Jr. denied and dismissed the application by written order.

4. The Petition for Writ of Certiorari and Appendix in this case were filed on April 13, 2015. The Appendix, however, does not contain the unpublished opinion from Petitioner's direct appeal. This opinion was attached to Respondent's return and referenced in the Order of Dismissal signed by the Honorable J. Cordell Maddox, Jr. Without this Order, the appellate record is incomplete and, as such, it must be included in the Appendix. Further, Respondent cannot address the merits of Petitioner's allegations without being able to reference this opinion.

5. Inasmuch as the February 19, 2003 Unpublished Opinion is relevant and pertinent material under Rule 243(f), SCACR that should be included in the Appendix, counsel respectfully requests to include the same in a Supplemental Appendix.

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

Respectfully submitted,

ALAN WILSON
Attorney General

DAVID A. SPENCER
Senior Assistant Attorney General
S.C. Bar # 68571

Post Office Box 11549
Columbia, S.C. 29211
(803) 734-3737

By: 

ATTORNEYS FOR RESPONDENT

July 31, 2015

STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

S.C. Supreme Court

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

Appellate Case No. 2014-002623

Eddie Dean Dogan, Jr.,Petitioner,

v.

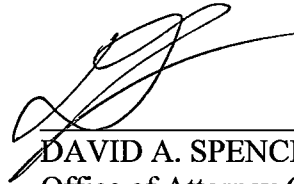
State of South Carolina,Respondent.

CERTIFICATE OF SERVICE

I, David A. Spencer, certify that I have today served the within Motion to Supplement Appendix upon Petitioner by depositing a copy of the same in the interagency mail, addressed to:

Ms. Tara Dawn Shurling, Esquire
Law Ofc. Of Tara Dawn Shurling, PA
3614 Landmark Drive Suite A
Columbia, SC 29204

I further certify that all parties required by Rule to be served have been served. This 31st day of July, 2015.



DAVID A. SPENCER, S.C. Bar # 68571
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(803) 734-3737
ATTORNEY FOR RESPONDENT