

STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM HORRY COUNTY **S.C. Supreme Court**
Court of Common Pleas

The Honorable John C. Hayes III, Circuit Court Judge

Appellate Case No. 2015-000022

Lorenzo Cross, 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 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 July 1, 2015.
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, September 17, 2015. Respondent is filing its return contemporaneously with this motion.
3. In reviewing this case, Respondent notes the Appendix does not contain

Petitioner's sentencing sheet. This record was incorporated into Respondent's return (App. p. 123) and was before the post-conviction relief judge at the evidentiary hearing. These records are also pertinent to Respondent's forthcoming argument that this case is distinguishable from similar authority.

4. Inasmuch as the sentencing sheet is 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 include the same in a Supplemental Appendix. A copy of the proposed Supplemental Appendix is attached to this motion and incorporated herein.

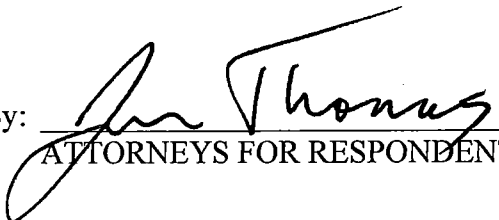
WHEREFORE, as the record is incomplete, counsel for Respondent requests this Court: (1) grant the motion to supplement the Appendix and (2) accept the attached Supplemental Appendix as filed.

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

September 17, 2015

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal From Horry County
Honorable John C. Hayes, III, Circuit Court Judge

LORENZO CROSS,

PETITIONER,

vs.

THE STATE,

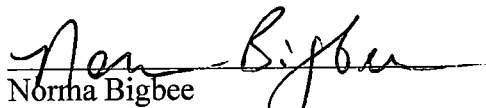
RESPONDENT.

PROOF OF SERVICE

I, Norma Bigbee, certify that I have served the State's Motion To Supplement Appendix on Petitioner's attorney by depositing a copy of the same in the United States mail, postage prepaid, addressed to Tiffany L. Butler, Esquire, Appellate Defender, SC Commission on Indigent Defense, Division of Appellate Defense, P.O. Box 11589, Columbia, SC 29211.

I further certify that all parties required by Rule to be served have been served.

This 17th day of September, 2015.


Norma Bigbee
Administrative Assistant
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

September 17, 2015

HAND-DELIVERY

The Honorable Daniel E. Shearouse
Clerk of Court, S. C. Supreme Court
1231 Gervais Street
Columbia, S. C. 29211

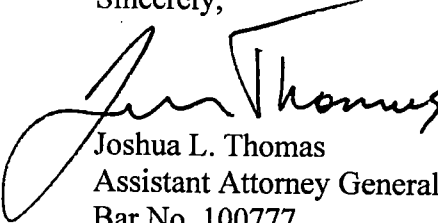
Re: Lorenzo Cross v. State of South Carolina
Appellate Case No: 2015-000022

Dear Mr. Shearouse:

Enclosed please find the Original and one copy of the Supplemental Appendix along with Proof of Service, and the Motion to Supplement Appendix in the above-referenced case.

Thank you for your attention to this matter.

Sincerely,


Joshua L. Thomas
Assistant Attorney General
Bar No. 100777

Enclosures

cc: Tiffany L. Butler, Esquire (two copies Supplemental Appendix and two copies of Motion to Supplement Appendix enclosed)