

STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

S.C. Supreme Court

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

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 file a Supplemental 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. Respondent filed a Motion to Supplement Appendix on July 13, 2015, arguing: (1) numerous items were not included in the Appendix, (2) the Appendix was not properly paginated, and (3) the Appendix contained numerous unredacted personal data identifiers. By order dated August 5, 2015, this Court struck the Appendix and ordered Petitioner to file an amended appendix that included material required under Rule 243(f), SCACR and was properly paginated and redacted.

4. The Amended Appendix was filed on August 21, 2015. The Amended Appendix, however, still does not contain Judge Barber's order of dismissal filed November 17, 2017.

5. Without the order of dismissal, the appellate record is incomplete and Respondent cannot properly submit a return to the petition for writ of certiorari in this case. As such, it should be included in a Supplemental Appendix.

6. Inasmuch as the order of dismissal is relevant and pertinent material under Rule 243(f), SCACR that should be included in the Appendix, counsel moves this Court to compel Petitioner to file a Supplemental Appendix.


WHEREFORE, counsel for Respondent requests this Court: (1) grant the motion to compel Petitioner to file a Supplemental 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

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By: 
ATTORNEYS FOR RESPONDENT

September 21, 2015

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

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

Appellate Case No. 2014-002709

Derrick Antron Young, Petitioner,

v.

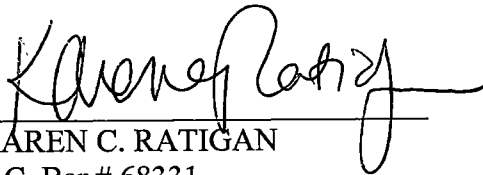
State of South Carolina, Respondent.

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 21st day of September, 2015.



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