

STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM PICKENS COUNTY
Court of Common Pleas

S.C. Supreme Court

The Honorable G. Edward Welmaker, Trial Judge
The Honorable James R. Barber, III, Post-Conviction Relief Judge

Appellate Case No. 2014-002397

Marshall Heath Collins,Respondent,

v.

State of South Carolina, Petitioner.

MOTION TO SUPPLEMENT APPENDIX

Pursuant to Rule 240, SCACR, counsel for Petitioner moves to supplement the Appendix in this case. In support of this motion, Petitioner would present the following:

1. The Pickens County Grand Jury indicted Respondent for trafficking methamphetamine and possession of a weapon during commission of a violent crime. After the State called the case to trial, Petitioner was found guilty. On December 1, 2010, the Honorable G. Edward Welmaker sentenced Respondent to a total 25 year sentence.
2. A notice of appeal was filed at the South Carolina Court of Appeals, which affirmed. State v. Collins, Op. No. 2012-UP-356 (S.C. Ct. App. filed June 13, 2012).
3. Petitioner filed an application for post-conviction relief (PCR) on July 6, 2012

and a hearing was held on August 25, 2014. In an order filed October 23, 2014, the Honorable James R. Barber, III granted relief and ordered a new trial.

4. The Appendix and the Petition for Writ of Certiorari were filed on or before June 15, 2015. The Appendix, however, does not contain Applicant's Exhibit 1 from the PCR hearing.

5. Applicant's Exhibit 1 was before Judge Barber. As such, Applicant's Exhibit 1 should be included in the Appendix. Opposing counsel has agreed this document is necessary and should be submitted in a Supplemental Appendix.

6. Inasmuch as Applicant's Exhibit 1 is relevant and pertinent material under Rule 243(f), SCACR that should be included in the Appendix, counsel moves this Court to allow Petitioner to include the same in a Supplemental Appendix.

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

Respectfully submitted,

ALAN WILSON
Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General
S.C. Bar # 68331
Post Office Box 11549
Columbia, S.C. 29211
(803) 734-3737

By: 
ATTORNEYS FOR RESPONDENT

October 29, 2015

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM PICKENS COUNTY
Court of Common Pleas

The Honorable G. Edward Welmaker, Trial Judge
The Honorable James R. Barber, III, Post-Conviction Relief Judge

Appellate Case No. 2014-002397

Marshall Heath Collins, Respondent,

v.

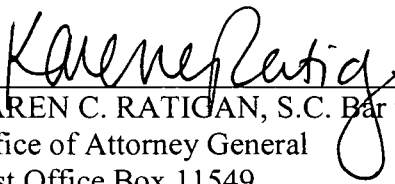
State of South Carolina, Petitioner.

CERTIFICATE OF SERVICE

I, Karen C. Ratigan, certify that I have today served the within Motion to Supplement Appendix upon Respondent by depositing a copy of the same in inter-agency mail, addressed to:

Robert M. Dudek, Esquire
South Carolina Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29211-1589

I further certify that all parties required by Rule to be served have been served.
This 29th day of October, 2015.


KAREN C. RATIGAN, S.C. Bar # 68331
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3737
ATTORNEY FOR PETITIONER



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S.C. Supreme Court

ALAN WILSON
ATTORNEY GENERAL

October 29, 2015

The Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Re: Marshall Heath Collins v. State of South Carolina
Appellate Case No: 2014-002397
Lower Case No: 2012-CP-39-0993

Dear Mr. Shearouse:

Attached is the original and six (6) copies of the **Motion to Supplement Appendix** in the above referenced case for filing in your office.

Sincerely,

Karen C. Ratigan
Senior Assistant Deputy Attorney General
SC Bar #68331

KCR/jacc

cc: Robert M. Dudek, Esquire