

STATE OF SOUTH CAROLINA  
In The Supreme Court

---

**RECEIVED**

MAR - 2 2016

**SC SUPREME COURT**

APPEAL FROM SPARTANBURG COUNTY  
Court of Common Pleas

The Honorable R. Keith Kelly, Circuit Court Judge

---

Appellate Case No. 2014-002693

---

Jerod K. Harris ..... 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. The Spartanburg County Grand Jury indicted Petitioner for attempted murder. On May 31, 2012, Petitioner pleaded guilty before the Honorable J. Mark Hayes, II. Judge Hayes sentenced Petitioner to a negotiated sentence of 15 years imprisonment.
2. Petitioner did not appeal his conviction or sentence.
3. Petitioner filed an application for post-conviction relief (PCR) November 5, 2012 (2012-CP-42-4617). On April 7, 2014 a hearing was held during which Petitioner

requested a continuance to allow him time to retain an attorney for this case. The Honorable J. Derham Cole granted Petitioner's requested and signed an order on July 18, 2014, allowing for the continuance and relieving appointed counsel. A merits hearing was held on November 4, 2014, at which time Petitioner proceeded *pro se*. The Honorable R. Keith Kelly denied and dismissed the PCR in an order signed on November 26, 2014.

4. The Petition for Writ of Certiorari and Appendix in this case were filed on October 13, 2015. The Appendix, however, does not contain the signed, clocked copy of the Order of Dismissal, the Order of Continuance which also relieved Petitioner's PCR counsel, and the Appointment of Counsel Order from the Spartanburg Clerk of Court. These documents are all a part of the lower record. Without these documents, 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 these documents.

5. Inasmuch as these documents are 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.

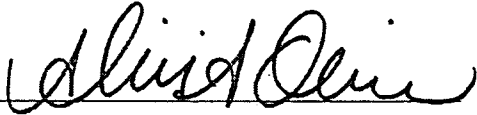
WHEREFORE, as the Appendix is incomplete, counsel for Respondent requests this Court grant the motion to supplement the Appendix.

Respectfully submitted,

ALAN WILSON  
Attorney General

ALICIA A. OLIVE  
Assistant Attorney General  
S.C. Bar # 102089

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

By: 

ATTORNEYS FOR RESPONDENT

March 2, 2016.

STATE OF SOUTH CAROLINA  
In The Supreme Court

---

**RECEIVED**

MAR - 2 2016

**SC SUPREME COURT**

Certiorari to Spartanburg County  
Court of Common Pleas

The Honorable R. Keith Kelly, Circuit Court Judge  
Appellate Case No. 2014-002693

---

JEROD K. HARRIS, #255423,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT

---

**CERTIFICATE OF SERVICE**

---

The undersigned hereby certifies that a true copy of Motion to Supplement the Appendix and Supplemental Appendix has been served upon opposing counsel by mailing two (2) copies in the United States mail, postage prepaid:

**John H. Strom, Esquire**  
**SC Commission of Indigent Defense**  
**Appellate Defense**  
**Post Office Box 11589**  
**Columbia, SC 29211**

This 2<sup>nd</sup> day of March, 2016

  
\_\_\_\_\_  
ASHLEY HAWORTH  
LEGAL ASSISTANT



**RECEIVED**

MAR - 2 2016

**SC SUPREME COURT**

ALAN WILSON  
ATTORNEY GENERAL

March 2, 2016

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

**RE: Jerod K. Harris v. State of South Carolina**  
**Appellate Case No.: 2014-002693**

Dear Ms. Shearouse:

Enclosed for filing are the original and six (6) copies of the **Motion to Supplement the Appendix** and the original and one (1) copy of the **Supplemental Appendix** in the above-referenced case. By copy of this letter we are serving opposing counsel today.

Sincerely,

Alicia A. Olive  
Assistant Attorney General  
SC Bar No. 102089

AAO/ah  
Enclosures

cc: John H. Strom, Esquire