

STATE OF SOUTH CAROLINA
In The Supreme Court

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CERTIORARI TO THE COURT OF APPEALS
Appeal from Spartanburg
The Honorable J. Derham Cole, Post-Conviction Relief Judge

SC SUPREME COURT

Opinion No. 5372 (S.C. Ct. App. filed December 30, 2015)

Appellate Case No. 2016-000610

FARID A. MANGAL, #320609,

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 Spartanburg County Grand Jury indicted Respondent for criminal sexual conduct ("CSC") with a minor, first degree, two counts of CSC with a minor, second degree, commission of or attempt to commit a lewd act upon a child under sixteen, and incest. After the State called the case to trial, Respondent was found guilty of all charges. On March 16, 2007, the Honorable J. Mark Hayes II sentenced Respondent to a total thirty year sentence.

2. A notice of appeal was filed at the South Carolina Court of Appeals, which affirmed the conviction and sentence. State v. Mangal, Op. No. 2009-UP-113 (S.C. Ct. App. filed March 4, 2009).

3. Petitioner filed an application for post-conviction relief (PCR) January 6, 2010, and a hearing was held on April 7, 2011. In an order filed January 10, 2012, the Honorable J. Derham Cole denied and dismissed Respondent's PCR application. On July 6, 2012, Judge Cole denied Respondent's motion to alter or amend.

4. A notice of appeal was filed at the South Carolina Supreme Court and the South Carolina Court of Appeals reversed the PCR judge's ruling and remanded the case for a new trial. Mangal v. State, Op. No. 5372 (S.C. Ct. App. filed Dec. 30, 2015).

5. Petitioner filed a Petition for Rehearing on January 11, 2016. The Court of Appeals denied the Petition for Rehearing on February 22, 2016.

6. The Appendix and the Petition for Writ of Certiorari were filed on April 11, 2016. The Appendix, however, does not contain page 235 of the trial transcript.

7. The original page 235 of the trial transcript was inadvertently omitted from the Appendix.

8. This page is pertinent material under Rules 242(e) and 243(f), SCACR, and should be included in the Appendix; therefore, 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,

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By: 
ATTORNEYS FOR PETITIONER

April 15th, 2016

STATE OF SOUTH CAROLINA
In The Supreme Court

Certiorari to the Court of Appeals
Appeal from Spartanburg
The Honorable J. Derham Cole, Circuit Court Judge

Appellate Case No. 2016-000610

FARID MANGAL,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of **Motion to Supplement Appendix and Supplemental Appendix** has been served upon opposing counsel by mailing two (2) copies of the motion and one (1) copy of the Supplemental Appendix in the United States mail, postage prepaid:

Mr. John R. Ferguson, Esquire
Cox & Ferguson
P.O. Box 286
Laurens, SC 29360

This 15th day of April, 2016


ASHLEY HAWORTH
LEGAL ASSISTANT