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S.C. SUPREME COURT

PCR DIVISION: 803.734.3737
PCR FACSIMILE: 803.734.4113

ALAN WILSON
ATTORNEY GENERAL

November 17, 2016

Via Hand Delivery

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

RE: Wilfredo Salas v. State of South Carolina
Circuit Court Case No: 2012-CP-23-3341
Appellate Case No.: 2016-001479

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of the Motion to File Supplemental Appendix and an original and one (1) copy of the proposed Supplemental Appendix in the above matter for filing in your office. By copy of this letter I am serving Appellant with this motion and supplemental appendix today.

Sincerely,

Patrick L. Schmeckpeper
Assistant Attorney General

PLS/aam
Enclosures

cc: Wilfredo Salas, SCDC No. 347611 (w/Motion and proposed Supplemental Appendix)

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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
In The Supreme Court

CERTIORARI TO GREENVILLE COUNTY
Court of Common Pleas

The Honorable Robin Stilwell, Circuit Court Judge

Appellate Case No. 2016-001479

WILFREDO SALAS, 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 was indicted for criminal sexual conduct with a minor under the age of 11, first degree (2010-GS-23-7222; warrant number I479542) in September, 2008. That charge was subsequently dismissed, and Petitioner waived presentment and pled guilty to the separate charge of lewd act with a minor (2011-GS-23-6255A).

3. Petitioner filed an application for post-conviction relief (2012-CP-23-3341), which was denied after an evidentiary hearing by the Honorable Edward Miller following in a written order filed January 8, 2014.

4. A timely Notice of Appeal was filed, and appeal was perfected pursuant to Johnson v. State, 294 S.C. 310, 364 S.E.2d 201 (1988). The South Carolina Supreme Court denied certiorari on December 10, 2014. The remittitur was issued on December 30, 2014.

5. Petitioner then filed motions pursuant to Rule 60(b), and Rule 59(c), arguing his PCR Court order should be vacated because the judgment was void due to lack of jurisdiction. That motion was denied.

6. Petitioner subsequently filed a petition for writ of certiorari and appendix challenging the lower court's denial of his post-trial motions. The Appendix, however, does not contain the clerk's records, including the warrant, indictment, and notice of disposition for the charge of criminal sexual conduct with a minor under the age of 11, first degree

7. 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

PATRICK SCHMECKPEPER
Assistant Attorney General
S.C. Bar # 102100

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By: 

ATTORNEYS FOR RESPONDENT

November 17, 2016.

STATE OF SOUTH CAROLINA
In The Supreme Court

CERTIORARI TO GREENVILLE COUNTY
Court of Common Pleas

The Honorable Robin B. Stillwell, Circuit Court Judge

Circuit Case No.: 2012-CP-23-3341
Appellate Case No.:

WILFREDO SALAS,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Motion to Supplement the Appendix and proposed Supplemental Appendix were served upon Appellant by depositing the same in the United States mail, postage prepaid, addressed to Wilfredo Salas, SCDC No. 347611, Kershaw Correctional Institution, 4450 Broad River Road, Columbia, SC 29210, on this the 17th day of November, 2016.



Anne A. Mueller
Legal Assistant for Respondent