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S.C. SUPREME COURT

ALAN WILSON
ATTORNEY GENERAL

July 24, 2017

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

Re: Loretta G. Branyon v. State of South Carolina
Appellate Case No. 2016-001143
Lower Court Case No. 2013-CP-04-1843

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of the Motion to Supplement Appendix. By copy of this letter we are serving opposing counsel today.

Sincerely,

Lindsey A. McCallister
Assistant Attorney General
SC Bar No. 79054

LAM/dgr
Enclosures

cc: Wanda H. Carter, Esquire
Trisha Allen, Victim Services

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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Anderson County
Honorable Brooks P. Goldsmith, Circuit Court Judge

Appellate Case No. 2016-001143

LORETTA GALLOWAY BRANYON,

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 this Court to compel Petitioner to supplement the Appendix in this case. In support of this motion, Respondent would present the following facts:

1. The Anderson County Grand Jury indicted Petitioner in April 2011 for possession of methamphetamine with intent to distribute (2011-GS-04-0604). Charles W. Whiten, Jr., Esquire, (Counsel) represented Petitioner. Assistant Solicitor Lauren S. Hogan, Esquire, prosecuted the case. On August 13, 2014, Petitioner proceeded to a jury trial before the Honorable R. Lawton McIntosh, and on August 14, a jury convicted Petitioner as indicted. Judge McIntosh sentenced Petitioner to

imprisonment for ten years and revoked her probation on an unrelated offense.¹

2. Petitioner filed a timely notice of appeal. Counsel also represented her on appeal. The South Carolina Court of Appeals affirmed Petitioner's conviction on August 6, 2014. State v. Branyon, Op. No. 2014-UP-310 (S.C. Ct. App. filed August 6, 2014). The remittitur was returned on the circuit court on August 22, 2014.

3. Petitioner filed her application for post-conviction relief on August 12, 2013, while her direct appeal was still pending. An evidentiary hearing into the matter was convened on February 8, 2016, at the Anderson County Courthouse before the Honorable Brooks P. Goldsmith. Judge Goldsmith denied relief in an order filed May 10, 2016.

4. The Petition for Writ of Certiorari and Appendix in this case were filed on March 8, 2017. The Appendix, however, does not contain the Record on Appeal.

5. Without the Record on Appeal, the appellate record is incomplete. As such, the Record on Appeal should be included in the Appendix to the Petition for Writ of Certiorari.

6. Inasmuch as the Record on Appeal 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 include the same in a Supplemental Appendix.

WHEREFORE, as the Appendix is incomplete, counsel for Respondent requests this Court grant the motion to compel Petitioner to supplement the Appendix and hold the Court's decision whether to grant or deny the Petition in abeyance until the Supplemental Appendix is filed.

¹ Applicant had been sentenced on October 15, 2008, to ten years suspended with probation for five years for possession with intent to distribute (PWID) methamphetamine and PWID other controlled substance (2007-GS-04-2060, -2061). These sentences were to run concurrently.

Respectfully submitted,

ALAN WILSON
Attorney General

LINDSEY A. MCCALLISTER
Assistant Attorney General
S.C. Bar #79054

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By: 

ATTORNEYS FOR RESPONDENT

7/24, 2017

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Anderson County
Honorable Brooks P. Goldsmith, Circuit Court Judge

Appellate Case No. 2016-001143

LORETTA GALLOWAY BRANYON,

PETITIONER,

v.

THE STATE OF SOUTH CAROLINA,

RESPONDENT,

CERTIFICATE OF SERVICE

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

Wanda H. Carter, Esquire
S.C. Commission on Indigent Defense
P.O Box 11589
Columbia, SC 29201

This 24th day of July, 2017


DEONNA ROGERS
LEGAL ASSISTANT