

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Beaufort County

Honorable Roger L. Couch, Circuit Court Judge

LUCIUS SIMUEL,

V.

THE STATE,

RESPONDENT

APPELLATE CASE NO 2016-001607

Motion to File Supplemental Appendix

Pursuant to Rules 212(b) and 243(f), SCACR, undersigned counsel respectfully requests to file a supplemental Appendix. In support of this motion counsel shows the following:

- 1) The Petition for Writ of Certiorari and Appendix in the above-captioned case were filed on April 10, 2017.
- 2) Petitioner did not allege appellate counsel was ineffective in his application for post-conviction relief, at the October 20, 2015 evidentiary hearing held before the Honorable Roger L. Couch, or in the petition for writ of certiorari filed with this Court. As such, undersigned counsel did not include any documents relating to Petitioner's direct appeal in the Appendix.
- 3) On August 23, 2017, opposing counsel informed undersigned counsel that the State's Return to the Petition for Writ of Certiorari will include several references to documents from

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Petitioner's direct appeal. These appellate records were before the PCR court at the evidentiary hearing, but not entered into evidence.

4) Accordingly, these documents from Petitioner's direct appeal are now relevant to issues raised in this appeal. To wit, the relevant appellant documents are being filed as a Supplemental Appendix simultaneously with this motion.

5) In order to permit this Court a full review of the denial of Petitioner's application for post-conviction relief, undersigned counsel requests the permission of this Court, pursuant to Rules 212(b) and 243(f), SCACR to file a Supplemental Appendix.

WHEREFORE, Counsel for Appellant requests leave to file the Supplemental Appendix in the above titled appeal.

Respectfully submitted,



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This 24th day of August, 2017