

RECEIVED

AUG 25 2017

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.

AMENDED MOTION TO SUPPLEMENT APPENDIX

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, counsel for Respondent moves this Court to allow Respondent to amend its previous motion and 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.

5. Respondent filed its Return to Petition for Writ of Certiorari and Motion to Supplement the Appendix on July 31, 2017. This Court granted Respondent's motion by written order dated August 4, 2017. Respondent, however, mistakenly asked for the Appendix to be supplemented with the Record on Appeal, rather than the sentencing sheet and appellate documents attached to the Return.

6. Respondent therefore moves this Court to allow it to amend its previous motion and to supplement the Appendix with the sentencing sheet, Final Brief of Appellant, Final Brief of Respondent, and the Remittitur, all of which were submitted to the PCR court as part of

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.

Respondent's Return. Without these documents, the appellate record is incomplete. As such, the sentencing sheet, Final Brief of Appellant, Final Brief of Respondent, and the Remittitur should be included in the Appendix to the Petition for Writ of Certiorari.

7. Inasmuch as the sentencing sheet, Final Brief of Appellant, Final Brief of Respondent, and the Remittitur are relevant and pertinent materials under Rule 243(f), SCACR, that should be included in the Appendix, counsel moves this Court to allow Respondent to include the same in a Supplemental Appendix.

WHEREFORE, as the Appendix is incomplete, counsel for Respondent requests this Court grant the motion to allow Respondent to amend its previous motion and to supplement the Appendix with the sentencing sheet, Final Brief of Appellant, Final Brief of Respondent, and the Remittitur. Counsel for Respondent has consulted with Petitioner's counsel, and she consents to this request as evidenced by her signature below.

{This space intentionally left blank.}

Respectfully submitted,

ALAN WILSON
Attorney General

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

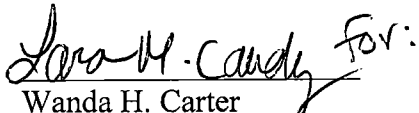
Post Office Box 11549
Columbia, S.C. 29211
(803) 734-3737

By: 

ATTORNEYS FOR RESPONDENT

August 25, 2017

I consent:

 For:
Wanda H. Carter
Counsel for Petitioner

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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

Appellate Case No. 2016-001143

RECEIVED

AUG 25 2017

S.C. SUPREME COURT

Loretta Galloway Branyon,

PETITIONER,

v.

THE STATE OF SOUTH CAROLINA,

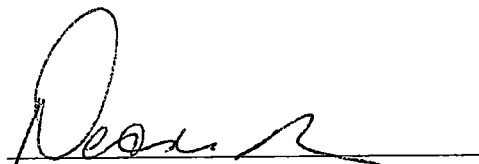
RESPONDENT.

CERTIFICATE OF SERVICE

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

Wanda H. Carter, Esquire
S.C. Commission on Indigent Defense
PO Box 11589
Columbia, SC 29211-1589

This 25th day of August, 2017



DEONNA ROGERS
LEGAL ASSISTANT



RECEIVED

AUG 25 2017

S.C. SUPREME COURT

ALAN WILSON
ATTORNEY GENERAL

August 25, 2017

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

RE: Loretta Galloway 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 **Amended Motion to Supplement Appendix and the Supplemental Appendix** in the above mentioned case.

Sincerely,

Lindsey A. McCallister
Assistant Attorney General
SC Bar # 79054

LAM/dgr

cc: Wanda H. Carter, Esquire