



**RECEIVED**

NOV 14 2017

S.C. SUPREME COURT

ALAN WILSON  
ATTORNEY GENERAL

November 14, 2017

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

**RE: Ryan Freeland Trojan, #360663 v. State of South Carolina**  
**Appellate Case No. 2017-001242**  
**Lower Court Case No: 2015-CP-28-0639**

Dear Mr. Shearouse:

Enclosed for filing are the original and six (6) copies of the **Motion to Supplement Appendix** in the above-referenced case. By copy of this letter we are serving opposing counsel today.

Sincerely,

*for* Valerie Garcia Giovanoli  
Assistant Attorney General  
SC Bar No. 102524

VGG/fvh  
Enclosures

cc: James R. Snell, Jr., Esquire

STATE OF SOUTH CAROLINA  
In The Supreme Court

**RECEIVED**

NOV 14 2017

APPEAL FROM KERSHAW COUNTY  
Court of Common Pleas

S.C. SUPREME COURT

The Honorable Jocelyn Newman, Circuit Court Judge

Appellate Case No. 2017-001242

Ryan Freeland Trojan..... 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. The Kershaw County Grand Jury indicted Petitioner for attempted murder (2013-GS-28-941). On July 9, 2014, Petitioner pleaded guilty to the lesser offense of assault and battery of a high and aggravated nature before the Honorable DeAndrea G. Benjamin. Judge Benjamin sentenced Petitioner to imprisonment for eleven years.
2. Petitioner did not appeal his conviction or sentence.
3. Petitioner filed an application for post-conviction relief (PCR) July 1, 2015

(2015-CP-28-639).

4. On November 19, 2015, Petitioner filed a motion for discovery. On February 3, 2016, the State filed a return to Petitioner's motion for discovery. On February 4, 2016, a hearing was held on Petitioner's motion for discovery before the Honorable J. Derham Cole. Judge Cole filed an order authorizing the issuance of subpoenas duces tecum on March 21, 2016.

5. On June 23, 2016, Petitioner filed a motion to compel requesting the court to compel the South Carolina Department of Labor, Licensing, and Regulation to produce material specified in an attached subpoenaed. A hearing was held on Petitioner's motion to compel on August 4, 2016 before the Honorable G. Thomas Cooper, Jr. Judge Cooper filed a FORM 4 order denying Petitioner's motion to compel on August 15, 2016.

6. On August 24, 2016, Petitioner filed a document captioned, "Statement of Grounds."

7. After the order of dismissal was filed in Petitioner's PCR action, Petitioner filed a motion for reconsideration on February 10, 2017. On February 16, 2017, the State filed a return to Petitioner's motion for reconsideration. The Honorable Jocelyn Newman filed a FORM 4 order denying Petitioner's motion for reconsideration on April 26, 2017.

8. The petition for writ of certiorari and appendix in this case were served on October 16, 2017. The appendix, however, does not contain the following:

a. The Kershaw County Clerk of Court records regarding the subject conviction (indictment and sentencing sheet);

- b. Petitioner's records for the Department of Corrections;
- c. Petitioner's motion for discovery;
- d. The State's return to Petitioner's PCR application;
- e. The State's return to Petitioner's motion for discovery;
- f. Judge Cole's order authorizing the issuance of subpoena duces tecum;
- g. Petitioner's motion to compel;
- h. FORM 4 order denying Petitioner's motion to compel;
- i. Petitioner's statement of grounds;
- j. Petitioner's motion for reconsideration;
- k. The State's return to Petitioner's motion for reconsideration;
- l. FORM 4 order denying Petitioner's motion for reconsideration; and
- n. Transcripts from the February 4, 2016 and August 4, 2016 hearings on Petitioner's discovery motions.

These documents are all a part of the lower record. Without these documents, the appellate record is incomplete and, as such, it must be included in the appendix. Further, Respondent cannot fully respond to Petitioner's petition for writ of certiorari without being able to reference these documents.

5. Inasmuch as these documents are relevant and pertinent material under Rule 243(f), SCACR that should be included in the appendix, counsel respectfully requests that Petitioner supplement the appendix to include the same.

WHEREFORE, as the appendix is incomplete, counsel for Respondent requests this

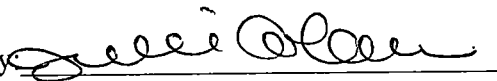
Court: (1) grant the motion to compel Petitioner to supplement the appendix and (2) hold time limits for the filing of the return to petition for writ of certiorari in abeyance until the motion is ruled upon and, if granted, the supplemental appendix is served.

Respectfully submitted,

ALAN WILSON  
Attorney General

*for*  
VALERIE GARCIA GIOVANOLI  
Assistant Attorney General  
S.C. Bar # 102089

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

By 

ATTORNEYS FOR RESPONDENT

November 14, 2017.

**RECEIVED**

**NOV 14 2017**

**S.C. SUPREME COURT**

STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM KERSHAW COUNTY  
Court of Common Pleas

The Honorable Jocelyn Newman, Circuit Court Judge

Appellate Case No. 2017-001242

Ryan Freeland Trojan ..... Petitioner,

v.


State of South Carolina, ..... Respondent.

**CERTIFICATE OF SERVICE**

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

**James R. Snell, Jr., Esquire  
Law Office of James R. Snell, Jr., LLC  
316 South Lake Drive  
Lexington, SC 29072**

This 14th day of November, 2017

  
FELICIA V. HAYES  
Legal Assistant For Respondent