

The Supreme Court of South Carolina

The State, Respondent,

v.

Joseph Todd Rowland, Petitioner.

Appellate Case No. 2017-002108

ORDER

Petitioner's motion for sanctions and for an extension is denied. The State's motion to strike is granted, and the appendix and its exhibits are hereby stricken. Further, this Court strikes the petition for a writ of certiorari since it makes reference to materials that cannot properly be included in the appendix, and raises questions which were not raised to the Court of Appeals in the petition for rehearing in violation of Rule 242(d)(2) of the South Carolina Appellate Court Rules.¹

Petitioner shall, within thirty (30) days of the date of this order, file an amended appendix that contains only the materials specified by Rule 242(e) of the South Carolina Appellate Court Rules.² Due to his incarceration, petitioner need only file one copy with this Court.

¹ The petition for rehearing raised two issues: that the trial court should have granted the motion to suppress since the warrant was not supported by probable cause, and that the trial court should have granted a directed verdict in favor of petitioner.

² In relevant part, this rule states:

The Appendix shall include the following:

Thereafter, petitioner shall have thirty (30) days to serve and file an amended petition for a writ of certiorari that does not reference any material which is not in the amended appendix, or contain any question or argument which is unrelated to the issues raised to the Court of Appeals in the petition for rehearing. Within thirty (30) days of the service of the amended petition for a writ of certiorari, the State may serve and file a return to the petition for a writ of certiorari.

Petitioner is warned that his failure to strictly comply with the requirements of this order may result in the dismissal of this matter.



FOR THE COURT C.J.

Columbia, South Carolina
January 5, 2018

cc: Alan McCrory Wilson, Esquire
Mark Reynolds Farthing, Esquire
Mr. Joseph Todd Rowland, 290065

(1) A copy of the Record on Appeal and brief(s), or in post-conviction relief matters, a copy of the Appendix, petition for writ of certiorari, return, reply and any briefs filed under Rule 243, SCACR.

(2) If the matter was dismissed by the Court of Appeals for procedural or other reasons, the Appendix shall include any documents relevant to the dismissal including any motion to dismiss and any return or reply that may have been filed.

(3) A copy of the decision of the Court of Appeals on which certiorari is sought.

(4) A copy of the petition for rehearing or reinstatement filed in the Court of Appeals and the Court's ruling on that petition.