

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Florence County
The Honorable William H. Seals, Circuit Court Judge

Appellate Case No. 2017-001050

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APR 18 2018

S.C. SUPREME COURT

Anthony Tyrone Williamson,

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

1. Petitioner is currently incarcerated in the South Carolina Department of Corrections pursuant to the Florence County Clerk of Court's orders of commitment. Petitioner was indicted at the January 2008 term of the Florence County Grand Jury for trafficking in cocaine base and possession of cocaine base with intent to distribute within proximity to a school or park (2008-GS-21-0317). Petitioner was also indicted at the March

2009 term of the Florence County Grand Jury for distribution of cocaine base, distribution of cocaine base within proximity of a park, trafficking in cocaine base, possession of cocaine base with intent to distribute, and possession of cocaine base with intent to distribute within proximity of a park (2009-GS-21-0334).

2. On April 13, 2009, Petitioner was tried *in absentia* and without counsel before the Honorable Ralph King Anderson, Jr, on the charges contained in indictment number 2008-GS-21-0317. The jury found Petitioner guilty, and Judge Anderson sealed Petitioner's sentences. On April 29, 2009, Petitioner was again tried *in absentia*, this time before the Honorable Michael G. Nettles, on the trafficking charge contained in indictment number 2009-GS-21-0334. The remaining charges in that indictment were dismissed *nolle prosequi*. Petitioner was represented by Vick Meetze, Esquire, at the second trial. The jury convicted Petitioner of trafficking in cocaine base – third offense, and Judge Nettles sealed Petitioner's sentence.

3. On October 29, 2009, Petitioner appeared before Judge Anderson for sentencing from both trials. Counsel represented Petitioner at the hearing, at which time he requested to be appointed to Petitioner's first case for purposes of the sentencing hearing only. Judge Anderson unsealed the verdict forms and sentenced Petitioner to concurrent terms of ten years' imprisonment for possession with intent to distribute and fifteen years' imprisonment for trafficking on indictment number 2008-GS-21-0317. Petitioner was also sentenced to a concurrent twenty-five year term of imprisonment for the conviction on indictment number 2009-GS-21-0334.

4. In his Application for Post-Conviction Relief, Petitioner alleged Counsel was ineffective for failing to object to Petitioner being tried without counsel at his first trial and *in absentia* at both trials.

5. The Petition for Writ of Certiorari and Appendix in this case were filed on December 18, 2017. The Appendix, however, does not contain the bond forms for either of Petitioner's bond proceedings, the notices of appearance for either case, or the motion to be relieved filed by Petitioner's private counsel in the 2008 case.

6. Without these documents, the appellate record is incomplete, and Respondent cannot fully answer the Petition. Therefore, Respondent submits the bond forms for either of Petitioner's bond proceedings, the notices of appearance for either case, and the motion to be relieved filed by Petitioner's private counsel in the 2008 case should have been included in the Appendix to the Petition for Writ of Certiorari.

7. Inasmuch as the bond forms for either of Petitioner's bond proceedings, the notices of appearance for either case, and the motion to be relieved filed by Petitioner's private counsel in the 2008 case are relevant and pertinent material 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, provisionally filed along with this Motion.

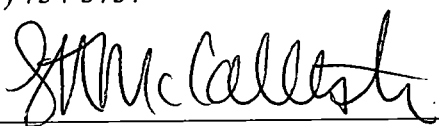
WHEREFORE, as the Appendix is incomplete, counsel for Respondent requests this Court: (1) grant the motion to allow Respondent to supplement the Appendix, and (2) accept Respondent's Supplemental Appendix for filing today.

Respectfully submitted,

ALAN WILSON
Attorney General

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

Post Office Box 11549
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(803) 734-3737

By:  _____

ATTORNEYS FOR RESPONDENT

April 18, 2018

STATE OF SOUTH CAROLINA

In The Supreme Court

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CERTIORARI TO FLORENCE COUNTY
Court of Common Pleas

S.C. SUPREME COURT

The Honorable William H. Seals, Jr., Circuit Court Judge

Appellate Case No. 2017-001050

ANTHONY TYRONE WILLIAMSON,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

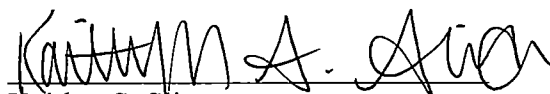
Respondent.

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 (2) copies in the United States mail, postage prepaid:

Wanda H. Carter, Esquire
S.C. Commission on Indigent Defense
Post Office Box 11589
Columbia, South Carolina 29211

This 18th day of April, 2018



Kaitlyn S. Slice
LEGAL ASSISTANT



ALAN WILSON
ATTORNEY GENERAL

April 18, 2018

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S.C. SUPREME COURT

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

Re: Anthony T. Williamson, #303726 v. State of South Carolina
Appellate Case No. 2017-001050
Lower Court Case No. 2014-CP-21-01938

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/ks
Enclosures

cc: Wanda H. Carter, Esquire (2 copies)