

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM GEORGETOWN COUNTY SEP 07 2018
Court of Common Pleas

Honorable D. Craig Brown, Circuit Court Judge S.C. SUPREME COURT

Case No. 2008-CP-22-1446

STEPHEN C. STANKO #6022.....PETITIONER,


v.

STATE OF SOUTH CAROLINA.....RESPONDENT.

NOTICE OF APPEAL

Petitioner, Stephen C. Stanko, appeals the Honorable Judge D. Craig Brown's order compelling discovery issued on August 30, 2018 and filed on September 4, 2018. A copy of the order on appeal is attached to this notice.

Respectfully submitted,



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September 7, 2018.

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Case No. 2008-CP-22-1446

STEPHEN C. STANKO #6022.....PETITIONER,

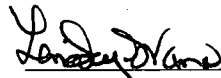
v.

STATE OF SOUTH CAROLINA.....RESPONDENT.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Petitioner's Notice of Appeal was served by first class United States mail, postage prepaid, this 7th day of September, 2018, upon the following:

Caroline M. Scrantom
Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211



Lindsey S. Vann

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SEP 07 2018

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
COUNTY OF GEORGETOWN

Stephen C. Stanko,

APPLICANT,

vs.

State of South Carolina,

RESPONDENT.

IN THE COURT OF COMMON PLEAS

CASE NO. 2008-CP-22-01446

(On Remand from Appellate Case No. 2018-000211)

ORDER

FILED
GEORGETOWN COUNTY, S.C.
2018 SEP -4 AM 11:16
LINA Y. WHITE
CLERK OF COURT

On June 28, 2018, the parties to the above-captioned capital post-conviction relief (PCR) action appeared for a status conference before this court at the Florence County Judicial Center. At such hearing, Respondent made an oral Motion to Compel Discovery. More specifically, Respondent requested:

1. Any and all documents or correspondence provided to Applicant which relate to a claim or defense which has been raised or will be raised in this case. Documents and correspondence which have been provided to Applicant from the office of the Attorney General are excluded from this request. Including, but not limited to:
 - a. Time sheets for Applicant's initial post-conviction relief counsel prepared in relation to the initial post-conviction relief hearing in this case;
 - b. Request for payment of expert, investigative, and other services submitted by Applicant's initial post-conviction relief counsel in relation to the initial post-conviction relief hearing in this case; and,
 - c. Investigatory notes and reports Applicant's initial post-conviction relief counsel prepared and/or reviewed in relation to the initial post-conviction relief hearing in this case.

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Legal Standard and Argument

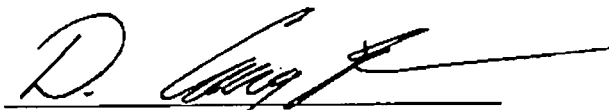
Pursuant to the South Carolina Rules of Civil Procedure, "parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party. . . . It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence." Rule 26(b)(1), SCRPC. "[T]he scope of discovery is very broad," and if evidence responsive to the request for production exists, the Applicant has a duty to at least disclose that existence. Samples v. Mitchell, 329 S.C. 105,109-10, 495 S.E.2d 213, 215 (Ct. App. 1997). "Although the scope of discovery is broad, request must show a reasonable expectation of obtaining information that will aid in the dispute's resolution. Thus, discovery requests must be 'reasonably tailored' to include only relevant matters." Oncology & Hematology Assoc. v. S.C. Dep't Health & Env. Control, 387 S.C. 380, 388, 692 S.E.2d 920, 924-25 (2010).

Conclusion

Based upon the above, this Court believes that the information sought by Respondent is relevant and therefore discoverable. Therefore, Applicant is hereby ordered to respond to Respondent's discovery requests within 10 days from the date of this Order.

IT IS, HEREBY, ORDERED.

This the 30 day of August, 2018
Florence, South Carolina


The Honorable D. Craig Brown
Twelfth Judicial Circuit

DCB
p. 2572