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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Newberry County
The Honorable G. Thomas Cooper, Circuit Court Judge

Appellate Case No. 2017-002065

Henry Delos Anderson,

Petitioner,

v.

State of South Carolina,

Respondent.

MOTION TO COMPEL PETITIONER TO AMEND APPENDIX

Pursuant to Rule 210 (c) and 240 of the South Carolina Appellate Court Rules, counsel for Respondent moves this Court to allow the Appendix to be supplemented with Petitioner's proposed order of dismissal, which was submitted to the post-conviction relief court. In support of this motion, Respondent would present the following:

1. On June 10, 2015, Petitioner filed an application for post-conviction relief alleging ineffective assistance of counsel. Petitioner later amended the application alleging he was entitled to a belated appeal under White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974).
2. On June 5, 2017, an evidentiary hearing was held before the Honorable G. Thomas Cooper at the Laurens County Courthouse. Petitioner was represented by Laura Saunders, Esquire. At

the conclusion of that hearing, Judge Cooper asked Petitioner and Respondent to submit proposed orders of dismissal.

3. On July 5, 2017, Petitioner submitted a proposed order of dismissal, which indicated Petitioner wished to waive his request for a belated appeal under White.
4. The proposed order of dismissal is material to Petitioner's current allegation that the post-conviction relief court erred in finding Petitioner waived his right to a belated appeal.
5. Counsel for Respondent has conferred via telephone with Petitioner's counsel, Kathrine H. Hudgins, of the South Carolina Commission on Indigent Defense, and she has consented to this motion.

WHEREFORE, as the Appendix is incomplete, counsel for Respondent requests this Court grant the motion to compel Petitioner to supplement the Appendix.

Respectfully submitted,

ALAN WILSON
Attorney General

JANELL H. GREGORY
Assistant Attorney General
S.C. Bar #103176

By: 
ATTORNEYS FOR RESPONDENT

December 14, 2018

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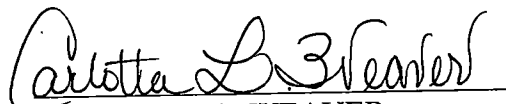
Respondent.

CERTIFICATE OF SERVICE

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

Kathrine H. Hudgins, Esquire
S.C. Commission on Indigent Defense- Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29211

This 14th day of December, 2018


CARLOTTA L. WEAVER
Legal Assistant



ALAN WILSON
ATTORNEY GENERAL

December 14, 2018

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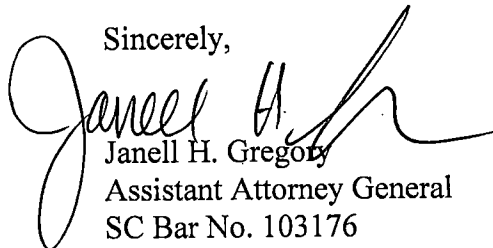
The Honorable Daniel E. Shearouse
Clerk of the South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Re: Henry Delos Anderson v. State of South Carolina
Appellate Case No. 2017-002065
Lower Court Case No. 2014-CP-36-0401

Dear Mr. Shearouse:

Enclosed please find the original and six (6) copies of the Motion to Compel Petitioner to Amend Appendix. By copy of this letter we are serving opposing counsel today.

Sincerely,


Janell H. Gregory
Assistant Attorney General
SC Bar No. 103176

JHG/clw
Enclosures

cc: Kathrine H. Hudgins, Esquire (2 copies)

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