

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Certiorari to York County
The Honorable Allison R. Lee, Circuit Court Judge

Appellate Case No: 2016-001553

RECEIVED

JAN 28 2019

SC Court of Appeals

TREY A. WILLIAMS,

Respondent,

vs.

THE STATE,

Petitioner.

**RETURN TO RESPONDENT'S MOTION TO AMEND AND SUPPLEMENT THE
APPENDIX**

Petitioner hereby opposes Respondent's "Motion to Amend And Supplemental Pleadings/Amendments to Conform to the Evidence...Pursuant to SCRCR Rule 15(a), (b), (c), (d)," as none of the matter Respondent seeks to include in the Appendix was presented during the PCR hearing. In his motion, Respondent seeks to include various pieces of correspondence between himself and PCR counsel, correspondence between himself and direct appeal counsel, a hand written PCR application entitled "Judicial Notice of Adjudicated Facts", and a proposed order granting post-conviction relief. None of these documents were presented to the PCR court or admitted into evidence during the PCR hearing. Rule 210 (c), SCACR, provides, "The Record shall not, however, include matter which was not presented to the lower court or tribunal." None

of the materials Respondent seeks to include were presented to the lower court. Respondent's supplemental matter must therefore be excluded. Petitioner thus submits that this Court should deny Respondent's Motion.

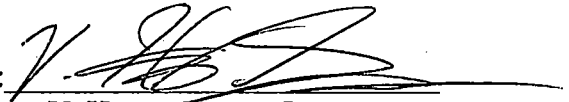
Respectfully submitted,

ALAN WILSON
Attorney General

V. HENRY GUNTER, JR.
Assistant Attorney General

KEVIN S. BRACKETT
Solicitor, Sixteenth Judicial Circuit

BY:



V. Henry Gunter, Jr.
S.C. Bar No. 102259

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

January 28, 2019

ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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TREY A. WILLIAMS,

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CERTIFICATE OF SERVICE

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

**Trey A. Williams, #341036, B-0069-A
McCormick Correctional Institution
386 Redemption Way
McCormick, South Carolina 29899**

This 28th day of January, 2019



V. HENRY GUNTER, JR.
Attorney for Petitioner



ALAN WILSON
ATTORNEY GENERAL

January 28, 2019

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JAN 28 2019

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Trey A. Williams v. State of South Carolina
Appellate Case No. 2016-001553
Lower Court Case No. 2013-CP-46-1797

Dear Ms. Kitchings:

The Brief of Petitioner in the above appeal is due to be served and filed on today's date. However, the State respectfully requests a thirty day extension to serve and file this Brief. This extension request is not intended for the purpose of delay and is necessitated by a heavy workload. This is the State's **second** extension request.

Sincerely,

V. Henry Gunter, Jr.
Assistant Attorney General
SC Bar No. 102259

VHG/cc

cc: Trey A. Williams, #341036



RECEIVED

JAN 28 2019

SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

January 28, 2019

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Trey A. Williams v. State of South Carolina
Appellate Case No. 2016-001553
Lower Court Case No. 2013-CP-46-1797

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of the **Return to Respondent's Motion to Amend and Supplement the Appendix** in the above mentioned case.

Sincerely,

V. Henry Gunter, Jr.
Assistant Attorney General
SC Bar No. 102259

VHG/cc

cc: Trey A. Williams, #341036