

THE STATE OF SOUTH CAROLINA
In The Supreme Court

RECEIVED

FEB 12 2019

CERTIORARI TO BARNWELL COUNTY
Court of Common Pleas

S.C. SUPREME COURT

The Honorable J. Mark Hayes, II, Circuit Court Judge

Appellate Case No: 2018-000266

MICHAEL C. KENNEDY,

RESPONDENT,

v.

STATE OF SOUTH CAROLINA,

PETITIONER.

MOTION TO FILE A SUPPLEMENTAL APPENDIX

Counsel for Petitioner hereby moves before this Court to supplement the appendix previously filed in this post-conviction relief appeal, pursuant to Rules 243(f), and Rule 212(b) of the South Carolina Appellate Court Rules. In support of this motion, counsel shows the following:

1. On October 17, 2018, Petitioner, through then-counsel Julie A. Coleman, filed and served its petition for writ of certiorari and accompanying appendix.
2. On February 11, 2019, counsel for Respondent, Tricia A. Blanchette, notified undersigned counsel that pages 7-10 of the Anders brief from Respondent's direct appeal and the transcript from Respondent's initial post-conviction relief action (2011-CP-06-0088) were missing from the appendix. Both of these were before the lower court and were inadvertently excluded from the appendix.
3. Rule 243(f), SCACR, requires the appendix include the *entire* lower court record.

4. The omission of these documents from the appendix was a mistake and undersigned counsel now seeks to supplement the appendix to include the full Anders brief and transcript from the initial post-conviction relief proceeding.

5. Undersigned counsel has conferred with counsel for Respondent, who consents to the filing of a supplemental appendix.

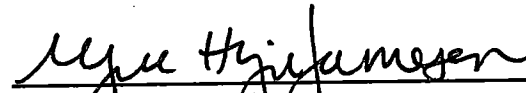
WHEREFORE, Respondent prays that this Court will allow Petitioner to file a Supplemental Appendix; accept the filing of Petitioner's Supplemental Appendix; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

MEGAN HARRIGAN JAMESON
S.C. Bar. No. 100108
Senior Assistant Deputy Attorney General

By:


Attorneys for Petitioner
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737

February 12, 2019

RECEIVED

FEB 12 2019

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM BARNWELL COUNTY
Court of Common Pleas
The Honorable J. Mark Hayes, Circuit Court Judge

Appellate Case No. 2018-000266

MICHAEL C. KENNEDY,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

CERTIFICATE OF SERVICE

I, Kaitlyn Slice, certify that I have served the within the Motion to File a Supplemental Appendix and Supplemental Appendix by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Tricia A. Blanchette, Esquire
Law Office of Tricia A. Blanchette, LLC.
Post Office Box 2147
Leesville, South Carolina 29070

I further certify that all parties required by Rule to be served have been served. This 12th day of February, 2019.


KAITLYN S. SLICE
LEGAL ASSISTANT



RECEIVED
FEB 12 2019
S.C. SUPREME COURT

ALAN WILSON
ATTORNEY GENERAL

February 12, 2019

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

Re: **Michael C. Kennedy v. State of South Carolina**
Appellate Case No. 2018-000266

Dear Mr. Shearouse:

Enclosed please find the original and six copies of Petitioner's Motion to File a Supplemental Appendix and the original and one copy of the Supplemental Appendix in the above-referenced post-conviction relief appeal for filing with the Court. Please let me know if anything additional is needed on this matter.

Sincerely,

Megan Harrigan Jameson
Senior Assistant Deputy Attorney General
SC Bar No. 100108

MHJ/ks
Enclosures

cc: Tricia A. Blanchette, Esquire (2 copies)