

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Certiorari to Darlington County  
Court of Common Pleas  
G. Thomas Cooper, Jr., Circuit Court Judge

\_\_\_\_\_  
Appellate Case No. 2016-002364  
\_\_\_\_\_

Larry James Tyler,

State of South Carolina,

v.

Petitioner,

Respondent.

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S.C. SUPREME COURT

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SC Court of Appeals

\_\_\_\_\_  
**MOTION TO SUPPLEMENT APPENDIX**  
\_\_\_\_\_

Pursuant to Rules 240 and 243(f)(1) 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. The original Johnson petition for writ of certiorari and appendix in this case were filed on May 16, 2017. The appendix, however, does not contain certain relevant documents that were part of the record before the lower court.
2. To wit: the State's Amended Return dated September 10, 2015, is not included in the record.
3. Without the documents described above, the appendix is incomplete. Because the documents are relevant and pertinent in both the lower court and on appeal, and because the documents were properly part of the record before the lower court, without them the appendix does not satisfy the requirements of Rule 243(f)(1),

SCACR. Therefore, Respondent moves this Court to include the above described documents in a supplemental appendix.

WHEREFORE, as the appendix is incomplete, counsel for Respondent respectfully requests this Court to: (1) grant the motion to supplement the appendix; and (2) accept the supplemental appendix as filed with this motion.

Respectfully submitted,

ALAN WILSON  
Attorney General

MEGAN HARRIGAN JAMESON  
Senior Assistant Deputy Attorney General

JOHNNY ELLIS JAMES JR.  
S.C. Bar No. 101260  
Assistant Attorney General

By:   
ATTORNEYS FOR RESPONDENT

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Columbia, South Carolina 29211  
803.734.3737

1 March, 2019

STATE OF SOUTH CAROLINA  
In the Supreme Court

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S.C. SUPREME COURT

CERTIORARI TO DARLINGTON COUNTY  
Court of Common Pleas  
G. Thomas Cooper, Jr., Circuit Court Judge

Appellate Case No. 2016-002364

LARRY TYLER,

Petitioner,

v.

STATE OF SOUTH CAROLINA,


Respondent.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of **Return to Petition for Writ of Certiorari, Motion to Supplement Appendix, and Supplemental Appendix** has been served upon opposing counsel by mailing two (2) copies in the United States mail, postage prepaid:

**Victor R. Seeger, Esquire  
S.C. Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, South Carolina 29211-1589**

This 1<sup>st</sup> day of March, 2019.

  
CARSON KIRK  
Legal Assistant for Respondent



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S.C. SUPREME COURT

ALAN WILSON  
ATTORNEY GENERAL

March 1, 2019

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

**RE: Larry Tyler v. State of South Carolina**  
**Appellate Case No. 2016-002364**  
**Lower Court Case No. 2015-CP-16-0016**

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SC Court of Appeals

Dear Mr. Shearouse:

Enclosed for filing are the original and six (6) copies of the **Return to Petition for Writ of Certiorari, Motion to Supplement Appendix, and Supplemental Appendix** in the above-referenced case. By copy of this letter we are serving opposing counsel today.

Sincerely,

Johnny E. James Jr.  
Assistant Attorney General  
S.C. Bar No. 101260

JEJ/ck  
Enclosures

cc: Victor R. Seeger, Esquire