

STATE OF South Carolina
IN THE COURT OF APPEALS

Certiorari to York County
The Honorable Alison R. Lee, Circuit Judge
Appellate case No. 2016-001553
2019-000113

Trey A. Williams,

RECEIVED

Respondent

MAR 08 2019

The State

VSSC Court of Appeals

petitioner

Subsequent motion to Amendments to conform to the evidence, Amend and Supplemental pleadings, Relation back of Amendments and Supplemental pleadings. South Carolina rules of civil procedure Rule 15 (a), (b), (c), (d)..... ON February 27, 2019 A order was signed for the court from the South Carolina Court of Appeals that erroneously stated that Respondent filed

A motion to Supplement the Appendix.
The order Denied Respondent's "Motion to Amend and Supplement pleadings/Amendments to conform to the Evidence pursuant to SCRPC Rule 15 (a), (b), (c), (d). The Strater's Return to the motion was erroneous and should be defaulted because the Return addressed the motion AS IF it was A motion to Supplement the Appendix pursuant to South Carolina Appellate Court Rules 212 (a), (b), (c) while simultaneously CITING SCRPC Rule 15 (a), (b), (c), (d) from Respondent's motion.

Respondent motioned to Supplement Pleadings SCRPC Rule 15 (d), (b), (c) which does not have to be addressed AS Appellate Court Rule 212. I Request that my Initial motion that was denied be carefully Revisited and considered, however I have filed A motion In this Court to

Obtain copies of my Clerk of Court Filings and Records because I do not have any Access for Copies to keep and send out to the Court parties and being prose. This has and will prevent me from being able to litigate issues involving my case however that motion has not been decided yet to my knowledge. The evidence and Reasoning provided in this motion at bar per Rule 15 of SCRCP that was denied specifically addressed colorable issues, meritorious documents, evidence, due diligence that was never addressed in the order denying the motion.

Looking at the order, another motion or only the State's Return was reviewed in this matter, please see Respondent's initial motion. ~~of Henry Williams~~

Respectfully

Requested

The South Carolina Court of Appeals

Trey Williams, Respondent,

v.

State of South Carolina, Petitioner.

Appellate Case No. 2016-001553

ORDER

On January 22, 2019, Respondent filed a motion to supplement the appendix. In a return, Petitioner asserted the documents designated for inclusion were not presented to the post-conviction relief court. With respect to Respondent's document entitled "Judicial Notice of Adjudicated Facts," the supreme court has already granted a motion to supplement the appendix with this document in an order dated March 29, 2017. In that order, Respondent was instructed to file a supplemental appendix containing the document within thirty days. To date, Respondent has not filed a supplemental appendix; however, this court has a copy of the document, which was filed along with Respondent's March 16, 2017 motion, and will review it to the extent necessary when deciding this appeal. Respondent's current motion to supplement the appendix is otherwise denied.

Respondent has also filed a "Motion to Serve Notice in Respect to Rule 77[, SCRCPP]" on February 4, 2019, and a motion for summary judgment or dismissal of this appeal on February 7, 2019. After careful consideration, these motions are denied.


FOR THE COURT

Columbia, South Carolina

FILED

Feb. 27, 2019

cc: John Benjamin Aplin, Esquire
Alan McCrory Wilson, Esquire
Trey Williams, 341036

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

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:

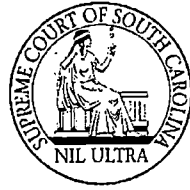


V. Henry Gunter, Jr.
S.C. Bar No. 102259

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(803) 734-3727

January 28, 2019

ATTORNEYS FOR RESPONDENT



The Supreme Court of South Carolina

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February 25, 2019

Trey Williams, 341036
McCormick Correctional Institution
386 Redemption Way
McCormick SC 29899

Re: Trey Williams # 341036 V. State of South Carolina
Appellate Case No. 2019-000113

Dear Mr. Williams:

Your petition seeking relief under Rule 245 of the South Carolina Appellate Court Rules is pending under the above case number. You will be advised when the Court takes action on this petition.

As to your letter dated February 21, 2019, this Court has access to the appendix and other documents filed in Appellate Court Case Number 2016-001553 which is current pending before the South Carolina Court of Appeals.¹ If it becomes

¹ All of the documents filed in that case are available for viewing or printing on the public access version of our appellate court case management system at www.sccourts.org/ACMS/index.cfm. Simply enter the appellate case number on the search page.

necessary or appropriate for this Court to consider the documents filed in that case,
it can do so.

Very truly yours,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

CLERK

cc: John Benjamin Aplin, Esquire
The Honorable Jenny Abbott Kitchings

STATE OF South CAROLINA
IN the COURT OF APPEALS

Certiorari to York County
The Honorable Alison R. Lee Circuit Judge
Appellate Case No.: 2019-000113

Trey Williams,

RECEIVED Respondent

MAR 08 2019

VS. SC Court of Appeals

the State,

Petitioner

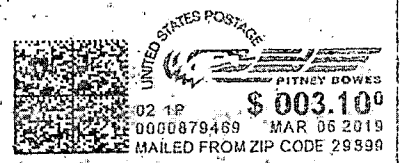
Certificate of Service

I hereby certify that the under signed
hand delivered a copy of these documents
to the SCLC MAIL NOTARY STAFF FOR
the Supreme Court, Court of Appeals
and Attorney General Office. ~~Very~~ ~~will~~
Sworn or affirmed to and subscribed before
me this 6 day of March, 2019

Bobo J. Waldeman
Notary Public

my Commission expires: ~~09/30/2019~~ 9.30.26

TREY A. Williams, # 341036
M.C.D. RHU # 69
386 Redemption Way
McCormick SC 29899



THE South Carolina COURT OF APPEALS
1220 Senate Street
Columbia, South Carolina 29201

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