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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

CERTIORARI TO BARNWELL COUNTY
Court of Common Pleas

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 SECOND SUPPLEMENTAL APPENDIX

Counsel for Petitioner hereby moves before this Court to supplement the appendix and supplemental 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. Petitioner then filed a motion to supplement the

appendix, and by order filed February 13, 2019, this Court granted the motion and accepted the supplemental appendix as filed.

3. Thereafter, counsel for Respondent notified undersigned counsel that the sentencing reconsideration transcript was missing from the appendix. This transcript was before the lower court and was inadvertently excluded from the appendix.

4. Rule 243(f), SCACR, requires the appendix include the *entire* lower court record.

5. The omission of this documents from the appendix was a mistake and undersigned counsel now seeks to supplement the appendix to include the transcript from the reconsideration proceeding.

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

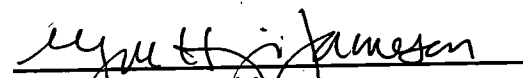
WHEREFORE, Respondent prays that this Court will allow Petitioner to file a Second Supplemental Appendix; accept the filing of Petitioner's Supplemental Appendix; and for such other and further relief as the Court may deem just and proper.

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
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April 4, 2019

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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APPEAL FROM BARNWELL COUNTY

S.C. SUPREME COURT

Court of Common Pleas

The Honorable J. Mark Hayes, Circuit Court Judge

Appellate Case No. 2018-000266

MICHAEL C. KENNEDY,

Respondent,

v.

STATE OF SOUTH CAROLINA,

Petitioner.

CERTIFICATE OF SERVICE

I, Kaitlyn Slice, certify that I have served the within the Motion to File a Second Supplemental Appendix and Second 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 4th day of April, 2019.


KAITLYN S. SLICE
LEGAL ASSISTANT



ALAN WILSON
ATTORNEY GENERAL

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S.C. SUPREME COURT

April 4, 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 Second Supplemental Appendix and the original and one copy of the Second 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)