

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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SEP 23 2019

S.C. SUPREME COURT

Appeal from Spartanburg County
The Honorable G. Thomas Cooper, Circuit Court Judge

Appellate Case No. 2018-000289

Shondre Williams,

Petitioner,

v.

State of South Carolina,

Respondent.

**MOTION TO COMPEL PETITIONER TO AMEND APPENDIX
RETURN TO PETITION FOR WRIT OF CERTIORARI**

Pursuant to Rule 243 (f) of the South Carolina Appellate Court Rules, counsel for Respondent moves this Court to compel Petitioner to **amend the Appendix to include the entire trial transcript**, which was part of the lower court records in this action for post-conviction relief. In support of this motion, Respondent would present the following:

1. On August 5, 2015, Petitioner filed an application for post-conviction relief alleging ineffective assistance of counsel.
2. On November 3, 2017, an evidentiary hearing was held before the Honorable G. Thomas Cooper at the Spartanburg County Courthouse. Petitioner was represented by

William G. Yarborough, III, Esquire.

3. On March 2, 2018, Judge Cooper filed an order dismissing the application with prejudice.
4. Judge Cooper stated in this order the original trial transcript was part of his record. App. 412. He cited to the trial transcript several times in summarizing facts relevant to this post-conviction relief action. App. 414-7. Judge Cooper also used the transcript to make several legal conclusions. App. 423-9.
5. Therefore, this trial transcript was a part of the lower court records.
6. However, multiple portions of this trial transcript are missing from the Petitioner's Appendix.¹
7. On September 16, 2019, Counsel for Respondent identified relevant portions of the trial transcript were missing from this Appendix.
8. On September 17, 2019, Counsel for Respondent contacted Petitioner's counsel, Elizabeth Franklin-Best, Esquire, via email to request consent to amend or supplement the Appendix to include the entire trial transcript.
9. On September 20, 2019, Counsel for Respondent drafted this motion in an effort to get the missing portions of the trial transcript added to this Appendix.

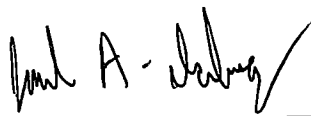
¹ Respondent notes that South Carolina Appellate Rule 243 requires the lower court record to be included. The lower court record included the trial transcript in its record. This Appendix is missing the following pages: 199-222; 242-54; 265-73; 295-99; 302-9; 326-51; 354-6. These matters are relevant to the appeal.

THEREFORE, Pursuant to S.C. Appellate Rule 243, Counsel for Respondent requests this Court **GRANT** the motion to compel Petitioner to amend the incomplete Appendix to include the requested lower court records.

Respectfully submitted,

ALAN WILSON
Attorney General

JACOB A. ISENBERG
Assistant Attorney General
S.C. Bar #103830

By: 

ATTORNEYS FOR RESPONDENT

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CERTIORARI TO SPARTANBURG COUNTY

The Honorable G. Thomas Cooper, Circuit Court Judge

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STATE OF SOUTH CAROLINA,

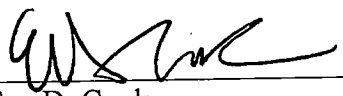
Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the **Motion to Compel Petitioner to Amend Appendix Return to Petition for Writ of Certiorari** has been served upon the applicant by mailing one copy in the United States mail, postage prepaid, addressed to:

**Elizabeth Franklin- Best, Esquire
S.C. Commission on Indigent Defense
PO Box 11589
Columbia, SC 29211-1589**

This 23rd day of September, 2019.



Eva D. Cook
Legal Assistant for Petitioner



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S.C. SUPREME COURT

ALAN WILSON
ATTORNEY GENERAL

September 23, 2019

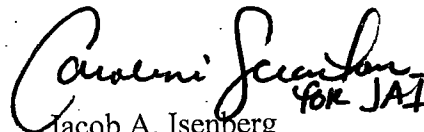
Honorable Daniel E. Shearouse
Clerk of the Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

RE: Shondre Williams v. State of South Carolina
Appellate Case No.: 2019-000289

Dear Mr. Shearouse:

Enclosed please find the original and six copies of the Motion to Compel Petitioner to Amend Appendix Return to Petition for Writ of Certiorari, in the above matter for filing in your office. By copy of this letter I am serving opposing counsel with this motion today.

Sincerely,


Jacob A. Isenberg
Assistant Attorney General

JAI/ec
Enclosures

cc: Elizabeth A. Franklin-Best, Esquire (w/enclosure)