

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Darlington County
Court of Common Pleas
Larry B. Hyman, Jr., Circuit Court Judge

Appellate Case No. 2018-001899

Jameco Abdul Toney,

Petitioner,

v.

State of South Carolina,

Respondent.

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 petition for writ of certiorari and appendix in this case were filed on May 31, 2019. The appendix, however, does not contain certain relevant documents that were part of the record before the lower court.
2. To wit: State's Trial Exhibit #3, which was included in the prior Record on Appeal at page 203, and the post-hearing memoranda submitted by the parties to the PCR court are not included in the appendix.
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,

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without them the appendix does not satisfy the requirements of Rule 243(f)(1), SCACR. Therefore, Respondent moves this Court include the above described documents in a supplemental appendix.

4. The undersigned has contacted counsel for Petitioner by e-mail, who indicated she does not object to this motion.

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,

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4 Oct., 2019