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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

CERTIORARI TO GREENVILLE COUNTY
Court of Common Pleas

The Honorable Perry H. Gravely, Circuit Court Judge

Appellate Case No: 2016-000283

FREDERICK R. CHAPPELL,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

MOTION TO FILE A SECOND SUPPLEMENTAL APPENDIX

Counsel for Respondent hereby moves before this Court to supplement the 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 3, 2016, Petitioner, through counsel Wanda H. Carter, filed and served his petition for writ of certiorari, and an accompanying appendix and supplemental appendix.
2. On October 30, 2019, the undersigned discovered that a single page of the transcript from the lower court hearing in Petitioner's PCR action (2014-CP-23-6036) was missing from the appendix and supplemental appendix. The omitted page was numbered as page twenty in the original transcript, and would have been numbered as page 306 if it had been included properly in the appendix.
3. The undersigned attempted to notify Ms. Carter of the fact by phone on the same day,

and again on October 31, 2019, but has been unable to establish contact and discuss the omission with her on such short notice.

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

5. The undersigned assumes that the omission of the page from the appendix was a mistake and undersigned counsel now seeks to supplement the appendix to include the full transcript from the initial post-conviction relief proceeding.

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

Respectfully submitted,

ALAN WILSON
Attorney General

TAYLOR ZANE SMITH
S.C. Bar. No. 103282
Assistant Attorney General

By: 

Attorneys for Petitioner
Post Office Box 11549
Columbia, South Carolina, 29211
(803) 734-3737

November 1, 2019

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In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY

The Honorable Perry H. Gravelly, Circuit Court Judge

Appellate Case No: 2016-000283

FREDERICK R. CHAPPELL,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

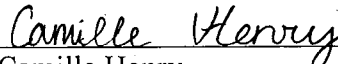
RESPONDENT.

CERTIFICATE OF SERVICE

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

**Wanda H. Carter, Esquire
S.C. Commission on Indigent Defense
Post Office Box 11589
Columbia, South Carolina 29201**

This 1st day of November, 2019



Camille Henry
Legal Assistant for Respondent



ALAN WILSON
ATTORNEY GENERAL

November 1, 2019

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

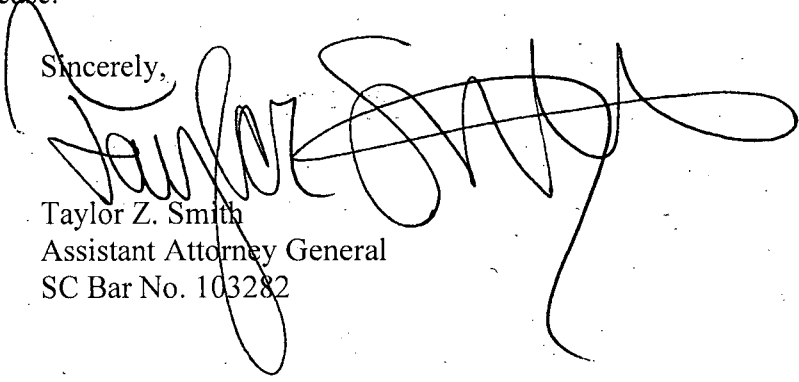
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RE: Fredrick Robert Chappell v. State of South Carolina
Appellate Case No. 2016-000283
Lower Court Case No. 2014-CP-23-6036

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of the Motion to File a Second Supplemental Appendix in the above-mentioned case.

Sincerely,


Taylor Z. Smith
Assistant Attorney General
SC Bar No. 103282

TZS/ch

cc: Wanda H. Carter, Esquire (2 copies)
Victim Advocacy Division (without enclosure)