

STATE OF SOUTH CAROLINA
In the Supreme Court

Certiorari to Richland County
Court of Common Pleas
Marion O. Hanna, Municipal Judge
Allison R. Lee, Circuit Court Judge
Perry H. Gravely, PCR Judge

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Apr 20 2020

S.C. SUPREME COURT

Appellate Case No. 2019-000708

Marie Assa'ad Faltas,

Respondent,

v.

State of South Carolina

Petitioner.

MOTION TO AMEND PETITION AND APPENDIX

Pursuant to Rules 240 and 243(f)(1), SCACR, as well as *In Re Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings*, 407 S.C. 607, 757 S.E.2d 421 (2014), undersigned counsel for the State moves for this Court to allow the State to amend the petition and appendix in this case. In support of this motion, the State would present the following:

1. The petition for a writ of certiorari and appendix in this case were filed on March 20, 2020. At that time, the undersigned submitted the petition and appendix in good faith that the petition and appendix constituted a complete record of the proceedings in the lower court and lacked personal identifiers.

2. Subsequent to filing, the undersigned became aware of at least one instance of personal identifying information which was not properly redacted from the appendix, as well as various errors and omissions.
3. Opposing counsel has kindly provided her concerns with the area that needed to be redacted as well as a list of documents that needed to be included in the appendix.
4. The undersigned believes that at least part, if not all, of the concerns communicated in the list provided by opposing counsel are valid, and, as such, the appendix contains errors and is incomplete. Because the document may be relevant and pertinent in both the lower court and on appeal, and because the documents may have properly been part of the record before the lower court, without them in the appendix, their omission from the appendix does not satisfy the requirements of Rule 243(f)(1), SCACR. Therefore, the State moves this Court to permit it to submit an amended petition for a writ of certiorari and appendix.
5. The proposed amended petition for a writ of certiorari is being submitted to the Court concurrently with this motion. Amendments to the petition are limited to scrivener's errors and updates to appendix citations. Because undersigned counsel was concerned with the un-redacted personal identifiers being included in the original appendix, counsel submitted the amended appendix to this Court on April 13, 2020.

WHEREFORE, as the appendix is incomplete, counsel for the State respectfully requests this Court to: (1) grant the motion to amend the petition and appendix; and (2) accept the amended petition as filed with this motion.

Respectfully submitted,

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s/ Samuel L. Key
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April 20, 2020