

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

On Writ of Certiorari to Greenwood County
Brian M. Gibbons, Post-Conviction Relief Judge
D. Garrison Hill, Trial Court Judge

Appellate Case No. 2019-001090

RECEIVED

May 06 2020

S.C. SUPREME COURT

JAMES CARRIER,

Respondent,

v.

THE STATE OF SOUTH CAROLINA,

Petitioner.

MOTION TO FILE A SUPPLEMENTAL APPENDIX

Counsel for Petitioner 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 December 4, 2019, Petitioner, through then-counsel Janell H. Gregory, filed and served its petition for writ of certiorari and accompanying appendix.
2. On April 25, 2020, counsel for Respondent, Appellate Defender Susan B. Hackett, of the South Carolina Commission on Indigent Defense, notified Respondent that only one side of Applicant's indictment was located in the appendix. The missing side of the indictment was inadvertently omitted from the original appendix. Ms. Hackett also notified Respondent that two exhibits from Respondent's PCR hearing were omitted from the

Appendix.¹ These exhibits were inadvertently omitted from the appendix.

4. Rule 243(f), SCACR, requires the appendix include the *entire* lower court record.
5. The omission of these documents from the appendix was a mistake and undersigned counsel now seeks to supplement the appendix to include the entire indictment and Exhibits 1 and 2 from the PCR hearing.
6. Undersigned counsel has conferred with counsel for Respondent, who consents to the filing of a supplemental appendix.

WHEREFORE, Respondent prays that this Court will allow Petitioner to file a 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
Senior Assistant Deputy Attorney General

BRIANNA L. SCHILL
S.C. Bar 103380
Assistant Attorney General

By: s/ Brianna L. Schill
Attorneys for Petitioner
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737

May 6, 2020

¹ These exhibits include Exhibit 1 – “Personnel Action” and Exhibit 2 – “Timeline.”