

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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CERTIORARI TO LEXINGTON COUNTY
Court of Common Pleas
The Honorable R. Keith Kelly, PCR Judge

Jun 19 2020
S.C. SUPREME COURT

Appellate Case No. 2019-000695

WILLIAM BROCKMEYER,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

MOTION TO FILE A SUPPLEMENTAL APPENDIX

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, counsel for Respondent moves for this Court to allow Respondent file a Supplemental Appendix in this case. In support of this motion, Respondent would present the following facts:

1. William Brockmeyer (Petitioner) is incarcerated with the South Carolina Department of Corrections pursuant to the orders of commitment of the Lexington County Clerk of Court. In May 2011, the Lexington County Grand Jury indicted Petitioner for murder (2011-GS-32-1255) and possession of a weapon during the commission of a violent crime (2011-GS-32-1257). On August 22, 2011, Petitioner proceeded to a jury trial before the Honorable Edward B. Cottingham. The jury convicted Petitioner as indicted. Judge Cottingham sentenced Petitioner to

consecutive terms of thirty-five years' imprisonment for murder and five years' imprisonment for possession of a weapon during the commission of a violent crime.

2. Petitioner filed a timely notice of appeal, which was transferred to this Court pursuant to Rule 204(b), SCACR. Following briefing and oral argument, this Court affirmed Petitioner's convictions and sentences. The remittitur was issued on December 13, 2013.
3. Petitioner filed an application for post-conviction relief (PCR) on February 25, 2014, raising multiple claims of ineffective assistance of trial counsel. An evidentiary hearing into the matter convened on November 9, 2016, at the Lexington County Judicial Center before the Honorable R. Keith Kelly. On October 25, 2018, Judge Kelly issued an order denying relief and dismissing the action with prejudice. This appeal follows.
4. The Petition for Writ of Certiorari and Appendix in this case were filed on November 6, 2019. The Appendix, however, does not contain Petitioner's verdict form or indictments.
5. This Court requires a Petition for Writ of Certiorari include the entire lower court record. Rule 227(e)(1), SCACR. Without these documents, the appellate record is incomplete, and Respondent cannot fully answer the Petition. Inasmuch as the above documents are relevant and pertinent material under Rule 243(f), SCACR that should be included in the Appendix, counsel moves this Court to allow Respondent to include the same in a Supplemental Appendix, provisionally filed along with this motion.
6. Undersigned counsel has conferred with counsel for Petitioner, who consents to the

filing of a supplemental appendix.

WHEREFORE, as the Appendix is incomplete, counsel for Respondent requests this Court: (1) grant the motion to allow Respondent to supplement the Appendix, and (2) accept Respondent's Supplemental Appendix for filing today.

Respectfully submitted,

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