

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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**Aug 19 2020**

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CERTIORARI TO LEXINGTON COUNTY  
Court of Common Pleas  
The Honorable Walton J. McLeod, IV, PCR Judge

S.C. SUPREME COURT

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Appellate Case No. 2019-001249

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BILAL S. HAYNESWORTH,

PETITIONER,

v.

STATE OF SOUTH CAROLINA,

RESPONDENT.

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**MOTION TO FILE A SUPPLEMENTAL APPENDIX**

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Pursuant to Rule 240 of the South Carolina Appellate Court Rules, counsel for Respondent, the State, 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. Bilal S. Haynesworth (Petitioner) is presently confined in the South Carolina Department of Corrections pursuant to the orders of commitment of the Lexington County Clerk of Court. In August 2013, the Lexington County Grand Jury indicted Petitioner for attempted murder (2013-GS-32-02373); possession of a weapon during the commission of a violent crime (2013-GS-32-02374); and conspiracy (2013-GS-32-02375). On May 19, 2014, Petitioner proceeded to a jury trial before the Honorable Thomas A. Russo. Assistant Public Defender David M. Mauldin

represented Petitioner. Assistant Solicitors Kate W. Usry and Gil Bell of the Eleventh Circuit Solicitor's Office prosecuted the case. The jury convicted Petitioner as indicted on May 21, 2014. Judge Russo sentenced Petitioner to concurrent terms of twelve years imprisonment for attempted murder, five years for possession of a weapon during the commission of a violent crime, and five years for conspiracy.

2. Petitioner appealed. Appellate Defender Robert M. Pachak represented Petitioner on appeal. The Court of Appeals affirmed. *State v. Haynesworth*, Op. No. 2016-UP-119 (S.C. Ct. App. Filed Mar. 2, 2016). Petitioner then filed a petition for writ of certiorari in this Court. This Court denied the petition for writ of certiorari by written order dated March 8, 2017. The Remittitur was issued on March 17, 2017.
3. Petitioner filed an application for post-conviction relief (PCR) on February 2, 2018, raising claims of ineffective assistance of trial counsel. The State submitted its return requesting an evidentiary hearing on May 9, 2018. An evidentiary hearing into the matter convened on April 5, 2019, before the Honorable Walton J. McLeod, IV. Petitioner was present and represented by Arthur Aiken, Esquire. On July 27, 2019, the PCR court 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 March 9, 2020. The Appendix, however, does not contain Petitioner's direct appeal records.
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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August 19, 2020

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