

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

---

RECEIVED

Oct 08 2020

S.C. SUPREME COURT

Certiorari to Lexington County

The Honorable R. Knox McMahon, Trial Judge  
The Honorable Brooks P. Goldsmith, PCR Judge

Appellate Case No: 2019-001436

---

QUINCY A. MCCANTS, #318280,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

---

Respondent.

**MOTION TO COMPEL PETITIONER TO SUPPLEMENT APPENDIX**

---

Respondent hereby moves before this Court for an order compelling Petitioner to supplement the appendix filed in this post-conviction relief appeal, pursuant to Rules 212(b), 243(d), and 243(f) of the South Carolina Appellate Court Rules. In support of this motion, counsel shows the following:

1. On June 22, 2020, Petitioner filed and served his petition for a writ of certiorari and an accompanying appendix.
2. Petitioner's appendix did not include the following filings from Petitioner's direct appeal: (1) the motion to be relieved as counsel and brief pursuant to Anders v. California, 386 U.S. 738 (1967), (2) Petitioner's pro se response to the Anders brief, (3) the dispositive opinion of the South Carolina Court of Appeals, and (4) the remittitur.
3. On October 5, 2020, the undersigned requested that Petitioner supplement the

appendix with these and other documents.

4. On October 7, 2020, Petitioner filed a motion to supplement the appendix and a supplemental appendix with some of the documents but not those identified specifically in this motion.
5. Rule 243(f)(1), SCACR, requires that an appendix filed with a petition for a writ of certiorari to review a final decision entered under the Uniform Post-Conviction Procedure Act contain “[t]he entire lower court record.”
6. Petitioner’s direct appeal records were attached to and incorporated with the return filed in the lower court and were presented to the Honorable Brooks P. Goldsmith at the beginning of the evidentiary hearing on June 26, 2019.
7. The documents specifically identified in this motion were part of the lower court record and should be included in the appendix.
8. According to Rule 243(d), SCACR, it is the obligation of Petitioner to file the appendix in this matter.
9. It is also Petitioner’s obligation to supplement the appendix when documents that should have been included were not. See 212(b), SCACR (providing the method whereby the record can be supplemented).
10. Petitioner has declined to supplement the appendix with the documents, despite a request from the undersigned that he do so.
11. The parties have attempted to resolve this issue but have been unable to do so.
12. Respondent’s return to Petitioner’s petition for a writ of certiorari is due to be filed and served today, but the undersigned has been unable to complete it due to a heavy workload and because the appendix should be supplemented before

that return is filed. Petitioner has consented to an extension of the deadline by inter-office agreement.

**WHEREFORE**, Respondent prays that this Court will compel Petitioner to file a second supplemental appendix containing the documents identified specifically in this motion, toll the deadline for the filing and service of the return to the petition for a writ of certiorari until this issue has been resolved and extend the deadline by thirty days upon the resolution of this issue, and grant 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: s/Taylor Zane Smith  
Attorneys for Respondent  
Post Office Box 11549  
Columbia, South Carolina, 29211  
(803) 734-3737

October 8, 2020