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Oct 22 2020

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

On Petition for Writ of Certiorari to Lexington County

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

Appellate Case No. 2019-001436

QUINCY A. MCCANTS,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

MOTION TO FILE A SECOND SUPPLEMENTAL APPENDIX

Respondent hereby moves before this Court to supplement the appendix 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 June 22, 2020, Petitioner filed and served his petition for a writ of certiorari and 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. Respondent believes Rule 243(f), SCACR, requires that these documents be included in the appendix and is filing a second supplemental appendix with this motion that includes them.
4. Respondent moves that the second supplemental appendix be accepted as filed. Petitioner informed the undersigned that Petitioner consents to this motion.
5. Respondent requests that the Court allow it to withdraw the motion to compel filed on October 8, 2020, as it will be moot if the Court grants this motion.

WHEREFORE, Respondent prays that this Court will allow accept the accompanying second supplemental appendix as filed, allow Respondent to withdraw its motion to compel filed on October 8, 2020, toll the time limit for the service and filing of Respondent's return to petition for a writ of certiorari until the disposition of this motion, and grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

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CERTIFICATE OF SERVICE

Pursuant to the Supreme Court's Order "RE: Operation of the Appellate Courts During the Coronavirus Emergency," dated March 20, 2020, the undersigned hereby certifies a true copy of the Motion to File a Second Supplemental Appendix and the Second Supplemental Appendix have been served upon opposing counsel by sending to opposing counsel's primary e-mail address as listed in the Attorney Information System (AIS):

Taylor Davis Gilliam, Esquire
tgilliam@sccid.sc.gov

This 22nd day of October, 2020.

s/Taylor Zane Smith
TAYLOR ZANE SMITH
Assistant Attorney General

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