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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

On Petition of Writ of Certiorari to Orangeburg County
Court Of Common Pleas
The Honorable Craig D. Brown, Post-Conviction Relief Judge
The Honorable Edgar W. Dickson, Trial Judge

Appellate Case No.: 2020-000896

Julian Young, #352043,

Respondent/Petitioner,

v.

State of South Carolina,

Petitioner/Respondent.

MOTION TO AMEND APPENDIX

Undersigned counsel for the State respectfully moves for permission to file an Amended Appendix in this case. In support of this motion, counsel would respectfully show the Court:

1. The Petition for Writ of Certiorari and accompanying Appendix were filed with the Court on October 19, 2020.
2. A notice of cross-appeal was filed on November 30, 2020, and the Petition for Writ of Certiorari in Cross-Appeal of Respondent/Petitioner was filed with the Court on June 1, 2021.
3. Counsel for Respondent/Petitioner has since discovered that the Appendix contains materials that were not before the lower court, and accordingly, should not have been

included in the Appendix pursuant to Rule 243(f), SCACR. Specifically, Appendix pages 1022-1082 contain discovery materials from the Applicant's underlying general sessions matter that were previously provided to counsel for Applicant and the State, but were not introduced in the underlying PCR matter. Pursuant to Rule 243(f), SCACR, these discovery materials were improperly included in the Appendix as they were not part of the lower court record in this matter. Thus, the materials contained on pages 1022-1082 have been redacted from the Appendix and pages 1022-1082 have been intentionally left blank. Both parties believe redacting the pages instead of filing a shorter appendix is the best course of action to maintain the integrity of the page citations in the State's Petition for Writ of Certiorari and Respondent/Petitioner's Cross-Appeal.

4. Both parties have also discovered, the post-conviction relief evidentiary hearing exhibits were omitted from the Appendix. Rule 243(f), SCACR, requires the appendix include the entire lower court record. Thus, these exhibits have been added to the Amended Appendix on pages 1502-1528.

5. Counsel for the State has communicated with Counsel for Respondent/Petitioner regarding the best course of action to correct the errors. Both parties are in agreement that the State should file an Amended Appendix with the Court and opposing counsel has consented to this motion and the filing of an Amended Appendix.

6. The proposed Amended Appendix is attached and submitted concurrently with this motion.

WHEREFORE, undersigned counsel would respectfully request an order from this Court granting the State permission to file an Amended Appendix to correct the errors articulated above.

Respectfully Submitted,

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August 19, 2021