

RECEIVED

Sep 08 2021

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

On Petition for Writ of Certiorari to Berkeley County
Court Of Common Pleas
The Honorable Bentley Price, Post-Conviction Relief Judge
The Honorable Roger M. Young, Sr., Trial Judge

Appellate Case No. 2021-000089

Joseph T. Rowland, #290065,

Respondent,

v.

State of South Carolina,

Petitioner.

**MOTION TO FILE A SUPPLEMENTAL APPENDIX
AND MOTION TO HOLD APPEAL IN ABEYANCE**

Petitioner, the State of South Carolina, hereby moves to supplement the appendix filed in this post-conviction relief appeal pursuant to Rule 243(f) of the South Carolina Appellate Court Rules. In support of this motion, counsel would respectfully show the Court:

The State's Petition for Writ of Certiorari and accompanying Appendix were filed with the Court on July 8, 2021 by former Assistant Attorney General Benjamin H. Limbaugh who has since left the Office of the Attorney General.

On August 4, 2021, counsel for Respondent alerted the State that the Appendix was missing three items (a *pro se* amended application for post-conviction relief, a second amended application for post-conviction relief filed by Respondent's post-conviction relief counsel, and

the sole exhibit from the post-conviction relief evidentiary hearing, entered by Respondent), in violation of Rule 243(f), SCACR, requiring a full copy of the lower court record be included in the Appendix..

Upon receiving this information from Respondent, undersigned counsel has been in contact with the clerk of court, post-conviction relief counsel, and counsel for Respondent in an attempt to locate a copy of the sole exhibit from the post-conviction relief evidentiary hearing, entered by Respondent). A copy of this exhibit was graciously provided to the State by counsel for Respondent this afternoon.

Respondent's Return to Petition for Writ of Certiorari is due to be served and filed today, September 8, 2021.

To comply with Rule 243(f), the State now moves to file a supplemental appendix to include the items inadvertently omitted from the original appendix (a *pro se* amended application for post-conviction relief, a second amended application for post-conviction relief filed by Respondent's post-conviction relief counsel, and the sole exhibit from the post-conviction relief evidentiary hearing, entered by Respondent). Counsel for Respondent has consented to this motion to supplement the Appendix. A copy of the proposed Supplemental Appendix with all three items is attached to this motion.

Additionally, undersigned counsel requests this Court hold this matter in abeyance until thirty days after this Court's ruling on its motion to supplement the appendix to allow Respondent to fully and properly review the supplemental appendix and prepare Respondent's return to the petition. Counsel for Respondent has consented to this motion to hold in abeyance.

WHEREFORE, the State would respectfully request an order from this Court granting the State's motion to hold the appeal in abeyance for thirty days after this Court's ruling on the

proposed Supplemental Appendix.

Respectfully Submitted,

ALAN WILSON
Attorney General

SAMANTHA J. WEIDAUER
Assistant Attorney General
S.C. Bar #104833
Post Office Box 11549
Columbia, S.C. 29211
(803) 734-3737

By: *s/ Samantha J. Weidauer*
ATTORNEYS FOR PETITIONER

September 8, 2021