

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Horry County

Honorable William H. Seals, Circuit Court Judge

RECEIVED

Jan 04 2022

S.C. SUPREME COURT

ROBERT LEE MYERS, JR.

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

Appellate Case No. 2021-000919

MOTION TO FILE AMENDED APPENDIX
AND AMENDED PETITION FOR WRIT OF CERTIORARI

Undersigned counsel respectfully moves for this Court to allow Petitioner to amend the appendix and petition for writ of certiorari in this case. In support of this motion, the undersigned would show this Court:

(1) The petition for writ of certiorari and appendix in this case were filed with this Court on December 29, 2021. The undersigned submitted the petition and appendix in good faith that the appendix constituted a complete record of the proceedings in the lower court.

(2) Today, the undersigned became aware that one page was inadvertently left out of the appendix (page eight of the PCR court's nine-page order of dismissal).

(3) Inasmuch as Rule 243(f), SCACR, requires a copy of the final order entered after the PCR proceeding be included in the appendix, undersigned counsel moves to amend the appendix to add the missing page from the order of dismissal. Simultaneously with this motion, undersigned counsel is filing such an amended appendix.

(4) Inasmuch as Rule 243(e), SCACR, requires the petition for writ of certiorari to include specific reference to pertinent portions of the lower court record, undersigned counsel moves to amend the petition for writ of certiorari to update the references to page numbers so that they conform with the page numbers of the amended appendix. The amendments to the petition are limited to changing two page cites, so that the page cites are consistent with the appendix as amended. Simultaneously with this motion, undersigned counsel is filing such an amended petition for writ of certiorari.

(5) Undersigned counsel has spoken to opposing counsel, William H. Ray, Esquire, and opposing counsel has graciously consented to this motion and to the filing of such an amended appendix and petition.

WHEREFORE, undersigned counsel respectfully requests that this Court: (1) grant the motion to amend the appendix and petition; and (2) accept the amended appendix and amended petition as filed with this motion.

Respectfully submitted,

s/ Joanna K. Delany

Joanna K. Delany
Appellate Defender

Attorney for Petitioner

This 4th day of January, 2022.