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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM HORRY COUNTY

Steven H. John, Circuit Court Judge

Appellate Case No. 2021-001498

The State,Respondent,

v.

Tommy Lee Benton,Petitioner.

PETITIONER’S MOTION TO SUPPLEMENT THE RECORD ON APPEAL

Pursuant to Rule 212(b), SCACR, Petitioner Tommy Lee Benton moves to supplement the record on appeal. In support therefore, Petitioner states as follows:

1. This matter is pending before this Court following the grant of a writ of certiorari on September 7, 2022. Petitioner timely filed his brief on October 7, 2022, and the Respondent the State of South Carolina timely filed its brief on November 7, 2022. Petitioner’s reply brief is due November 17, 2022.

2. In the course of preparing his reply, Petitioner discovered that one page of the trial transcript inadvertently was omitted from the original Designation of Matter to be Included in the Record on Appeal. That is page 60 of the December 8, 2017, a.m., trial transcript.

3. The State has consented to including this page of the transcript in a Supplemental Record on Appeal.

4. In light of the State's consent and with the goal of avoiding the extension of any existing deadlines in this case, Petitioner has prepared and hereby conditionally files with this Court a Supplemental Record on Appeal for the Court's review.

5. Pursuant to Rule 209, SCACR, the undersigned counsel for Petitioner certifies that the foregoing supplemental designations contain no matter which is irrelevant to this appeal.

WHEREFORE, Petitioner respectfully requests that this Court grant this motion and accept the accompanying Supplemental Record on Appeal.

Respectfully submitted,

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