

RECEIVED
Dec 16 2022
SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
The Honorable Clifton Newman, Circuit Court Judge

Appellate Case No. 2021-001126

THE STATE,

Respondent,

v.

KENNETH A. WHITAKER, JR.,

Appellant

**MOTION FOR LEAVE TO FILE AMENDED DESIGNATION OF MATTER, AND
SUPPLEMENTAL RECORD ON APPEAL**

Upon review, the Respondent inadvertently did not include transcript pages cited in the Initial Brief of Respondent and Designation of Matter filed on September 14, 2022, and seeks permission to file same for the following reasons:

1. In its brief, Respondent cited to the following pages that were inadvertently left out of the Respondent's Designation of Matter and are not included in Appellant's designation of matter: pp. 81-83, 88-98, 100-104, 139-141, 149-150, 154, 159-160, 195, 197, 199, 215-221, 227-230, 233, and 239-243 of the September 20-22, 2021 transcript of record;
2. Respondent proposes to include all transcript pages designated by Appellant as well as transcript pages 80-392 in a Supplemental Record on Appeal for the

convenience of the Court and to assist in the ease of reading;

3. Undersigned counsel has consulted with opposing counsel, John Harte, Jr., Esq. who graciously consents to this filing; and

4. Respondent has prepared the Amended Designation of Matter, the Supplemental Record on Appeal, and the Respondent's Final Brief, which are being conditionally filed with this motion.

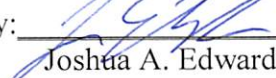
WHEREFORE, based on the foregoing, Respondent respectfully requests the Court grant this motion to file an Amended Designation of Matter, together with a Supplemental Record on Appeal.

Respectfully submitted,

ALAN WILSON
Attorney General

JOSHUA A. EDWARDS
Assistant Attorney General

JOHN W. WEEKS
Solicitor, Second Judicial Circuit

By: 
Joshua A. Edwards
Bar # 101188
Assistant Attorney General

Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

December 16, 2022

RECEIVED

Dec 16 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
The Honorable Clifton Newman, Circuit Court Judge

Appellate Case No. 2021-001126

THE STATE,

Respondent,

v.

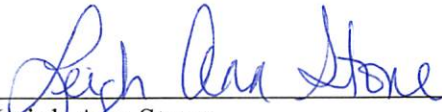
KENNETH A. WHITAKER, JR.,

Appellant.

PROOF OF SERVICE

I, Leigh Ann Stone, certify that I have served the within Amended Designation of Matter to be Included in the Record on Appeal and Motion for leave to file Amended the Designation of Matter, and Supplemental Record on Appeal by email to Appellant's counsel of record, John Harte, Jr., at the email address provided by the Attorney Information System (AIS).

I further certify that all parties required by Rule to be served have been served.
This 16th day of December, 2022.



Leigh Ann Stone
Legal Assistant

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

Leigh Ann Stone

From: Leigh Ann Stone
Sent: Friday, December 16, 2022 4:10 PM
To: john@jwhartelaw.com
Cc: Josh Edwards; William Blicht; krissy@jwhartelaw.com; olivia@jwhartelaw.com
Subject: State v. Kenneth A. Whitaker, Jr. (2021-001126)
Attachments: WHITAKER Kenneth - Motion for Leave to File Amended DOM and Supplemental ROA (03178934xD2C78).PDF; WHITAKER Kenneth - Amended Designation of Matter (03178931xD2C78).PDF

Good Afternoon Mr. Harte,

Attached please find a Motion for Leave to File Amended Designation of Matter and Supplemental Record on Appeal, and an Amended Designation of Matter to be included in the Record on Appeal in The State v. Kenneth Andrew Whitaker (2021-001126). The Supplemental Record on Appeal will be sent in a separate email via Kiteworks because of the large file size. Thank you to you and your team for so graciously consenting to this method of service. I will be also serving the Final Brief of Respondent in an email following this one. In addition to these emails, hard copies of all of these documents will be placed in the US mail.

These documents will be submitted to the South Carolina Court of Appeals today via the AIS One Drive System.

If you will, please reply to confirm receipt of this email.

Thank you!

LEIGH ANN STONE, Legal Assistant
South Carolina Attorney General's Office
Criminal Appeals | Office 803-734-7239 | LeighAnnStone@scag.gov
P.O. Box 11549 | Columbia, SC 29211
scag.gov



This email, which includes any attachments, is considered confidential and may be legally privileged. If you have received it in error, please notify the sender immediately by reply email and then delete this message from your system. Please do not copy it, use it for any purposes, or disclose its contents to any other person, unless otherwise directed. This email is subject to FOIA requests. Thank you for your cooperation.

State v. Kenneth A. Whitaker, Jr. (2021-001126) - Supplemental Record on Appeal



leighannstone@scag.gov

Dec 16, 2022, 4:10 PM

To: john@jwhartelaw.com

Cc: jedwards@scag.gov wblitch@scag.gov krissy@jwhartelaw.com olivia@jwhartelaw.com

1 attachment - Expires: 1673845199000

Good Afternoon Mr. Harte,

As mentioned in my previous email, I have attached the Supplemental Record on Appeal in The State v. Kenneth A. Whitaker, Jr. (2021-001126). In addition to this email, a hard copy will be placed in the mail.

Thank you!

LEIGH ANN STONE, Legal Assistant
South Carolina Attorney General's Office
Criminal Appeals | Office 803-734-7239 | LeighAnnStone@scag.gov
P.O. Box 11549 | Columbia, SC 29211
scag.gov

This email, which includes any attachments, is considered confidential and may be legally privileged. If you have received it in error, please notify the sender immediately by reply email and then delete this message from your system. Please do not copy it, use it for any purposes, or disclose its contents to any other person, unless otherwise directed. This email is subject to FOIA requests. Thank you for your cooperation.

File attachment expires: Jan 15, 2023

| Name | Size | |
|--|----------|-------------------------------------|
| WHITAKER Kenneth - Supplemental ROA .PDF | 112.3 MB | c4cbeb72582f30a913d524c55aa29ebemd5 |