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Feb 21 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Sumter County

Honorable R. Ferrell Cothran, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMES L. GINTHER,

APPELLANT

APPELLATE CASE NO. 2019-000672

MOTION TO AMEND THE DESIGNATION OF MATTER TO BE INCLUDED
IN RECORD ON APPEAL AND FILE A SUPPLEMENTAL RECORD ON APPEAL

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, counsel moves to amend the designation of matter filed with the initial brief of Appellant on June 10, 2022, to include the following documents: Appellant's Motion to Reconstruct the Record; Respondent's Return in Opposition to Appellant's Motion to Reconstruct the Record; the Order granting the Motion to Remand for Reconstruction; and the letter from the Court of Appeals advising the parties that the case will no longer be held in abeyance. Counsel additionally moves to file a supplemental record on appeal to include the items in the amended designation. In support counsel shows that:

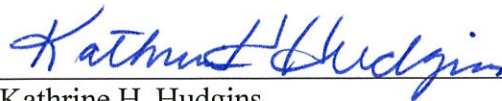
1. While preparing the final brief of Appellant, counsel realized she referenced the Appellant's to Motion to Reconstruct the Record, Respondent's return in opposition, the Order granting the Motion to Remand for Reconstruction, and the

letter from the Court of Appeals advising the parties that the case will no longer be held in abeyance, in the initial brief of Appellant, but failed to include these documents in the designation of matter to be included in record on appeal filed with the initial brief of Appellant on June 10, 2022.

2. Counsel moves to amend the designation of matter to include the above referenced documents, and moves to file a supplemental record on appeal, filed simultaneously with this motion, to include the items designated in the amended designation of matter.
3. Senior Assistant Attorney General J. Anthony Mabry, does not object to the motion to amend the designation of matter and the motion to file a supplemental record on appeal.

Based on the above showing, counsel for Appellant respectfully moves this Court to allow the filing of an amended designation of matter and allow the filing of a supplemental record on appeal to include the Appellant's Motion to Remand for Reconstruction, Respondent's return in opposition, the Court of Appeals Order granting the Motion to Remand for Reconstruction, and the letter from the Court of Appeals advising the parties that the case will no longer be held in abeyance

Respectfully submitted,



Kathrine H. Hudgins
Appellate Defender
Attorney for Appellant

February 21, 2023

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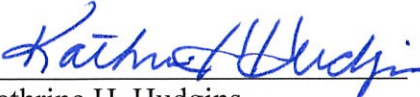
JAMES L. GINTHER,

APPELLANT

APPELLATE CASE NO. 2019-000672

CERTIFICATE OF SERVICE

Pursuant to the Supreme Court's Order "RE: Operation of the Appellate Courts During the Coronavirus Emergency," dated March 20, 2020, the undersigned hereby certifies a true copy of the Motion to Amend Designation of Matter to be Included in Record on Appeal and Supplemental Record on Appeal in the above referenced case has been served upon J. Anthony Mabry, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 21st day of February, 2023.


Kathrine H. Hudgins
Appellate Defender

ATTORNEY FOR APPELLANT

From: [Stock, Chris](#)
To: amabry@scag.gov; [SC - D"ALESSIO DONNA](#)
Cc: [Hudgins, Kathrine](#)
Subject: Ginther, J. - Motion to Amend Designation of Matter and Supplement Record on Appeal - 2019-000672
Date: Tuesday, February 21, 2023 3:50:00 PM
Attachments: [Ginther, J. - Motion to Amend Designation of Matter and Supplement Record on Appeal - 2019-000672.pdf](#)
[Ginther, J. - Amended Designation of Matter - 2019-000672.pdf](#)
[Ginther, J. - Supplemental Record on Appeal - 2019-000672.pdf](#)

Mr. Mabry,

Please find attached for service the Motion to Amend Designation of Matter and Supplement Record on Appeal, Amended Designation of Matter, and Supplemental Record on Appeal for James L. Ginther's appeal which will be filed today with the Court of Appeals.

Thank you.

Chris

Chris Stock
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(803) 734-1330