

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Berkley County

Honorable J.C. Buddy Nicholson, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BENJAMIN J. JACKSON,

APPELLANT

APPELLATE CASE NO. 2012-210107

MOTION TO AMEND INITIAL BRIEF
OF APPELLANT AND DESIGNATION OF MATTER

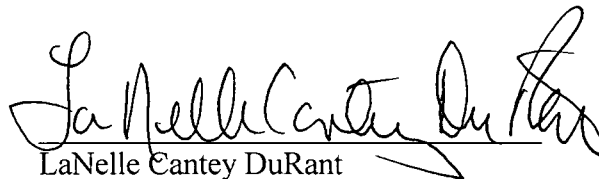
RECEIVED
JUN 27 2013
SC Court of Appeals

The undersigned respectfully shows the Court:

1. The Initial Brief of Appellant and Designation of Matter in the above-captioned case was filed on May 13, 2013.
2. The issue concerned the admission of gun shells and photographs of the gun shells into evidence when no gun was found.
3. Upon further reflection, counsel determined that the gun shells and photographs were not admitted into evidence but testimony of the gun shells was allowed.

4. Appellate counsel respectfully requests to be allowed to submit an Amended Initial Brief of Appellant and Designation of Matter with the issue being revised to say testimony of the gun shells instead of the actual shells and photographs.
5. Counsel consulted with Julie Kate Keeney, Assistant Attorney General, on June 27, 2013 who consented to the submission of the Amended Initial Brief and Designation of Matter filed simultaneously with this motion.
7. A copy of the Amended Initial Brief of Appellant and Designation of Matter is filed with this motion.

Respectfully submitted,

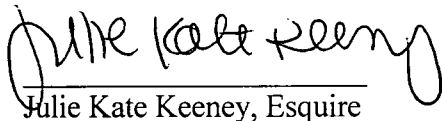


LaNelle Cantey DuRant
Appellate Defender

Attorney for Appellant

This 27th day of June, 2013.

I consent:


Julie Kate Keeney, Esquire

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Berkeley County
The Honorable J.C. Buddy Nicholson, Jr., Circuit Court Judge

THE STATE,

v.

BENJAMIN J. JACKSON,

RESPONDENT,

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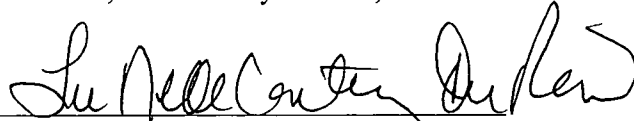
JUN 27 2013

SC Court of Appeals

APPELLANT

CERTIFICATE OF SERVICE

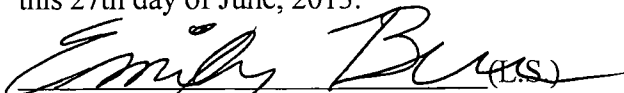
The undersigned attorney hereby certifies that a true copy of the Motion to Amend the Initial Brief of Appellant and Designation of Matter in the above referenced case has been served upon opposing counsel, Julie Kate Keeney, Esquire, at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, SC 29201; and Benjamin J. Jackson, AT Lieber Correctional Institution PO Box 205, Ridgeville, SC 29472, this 27th day of June, 2013.



LaNelle Cantey DuRant
Appellate Defender

Attorney for Appellant

SUBSCRIBED AND SWORN TO before me
this 27th day of June, 2013.



Notary Public for South Carolina

My Commission Expires: November 16, 2022.



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender
Joseph L. Savitz, III, Senior Appellate Defender

June 27, 2013

The Honorable Jenny Kitchings
Clerk, S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED
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SC Court of Appeals

Re: The State v. Benjamin J. Jackson

Dear Ms. Kitchings:

Enclosed are an original and six copies of the Motion to Amend the Initial Brief of Appellant and Designation of Matter and a copy of the Amended Initial Brief and Designation of Matter in the above-captioned case. Thank you for your assistance in this matter.

Sincerely,

LaNelle Cantey DuRant
Appellate Defender

LCD:mpm

Enclosure

cc: Julie Kate Keeney, Esquire
Mr. Benjamin J. Jackson