

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
Post Conviction Relief

Honorable D. Craig Brown, Circuit Court Judge  
Honorable G. Thomas Cooper, Jr., Circuit Court Judge

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Appellate Case No.: 2023-000885

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Johnnie Walker Gaskins,

Petitioner,

vs.

State of South Carolina,

Respondent.

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CONSENT MOTION  
TO SUBSTITUTE COPIES FOR ORIGINALS IN THE APPENDIX

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WHEREFORE, counsel for Petitioner and Respondent jointly move this Court for an Order allowing the parties to substitute copies for original items of evidence in the Appendix and to correct the record in the lower court. Counsel would show:

1. This appeal arises out of an Order granting an *Austin* appeal, and the Notice of Appeal was filed with this Court on June 2, 2023.
2. During the evidentiary hearing held on November 14, 2022 at the Richland County Courthouse in front of the Honorable D. Craig Brown, III, Petitioner, through counsel, introduced two paper exhibits. A copy of the transcript cover page and index is attached as Exhibit A.

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Jul 18 2023

S.C. SUPREME COURT

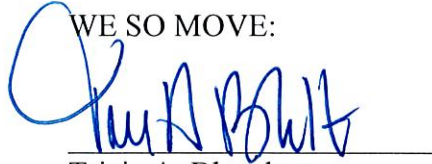
3. Petitioner's counsel retained an unmarked copy of both exhibits. Exhibit A-1 is attached as Exhibit B. Exhibit A-2 is attached as Exhibit C.
4. Following the filing of the Notice of Appeal, Petitioner's counsel contacted Jim Truitt of the Richland County Clerk of Court's Office on June 9, 2023 and June 23, 2023 requesting a copy of Exhibit A-1 and A-2. On or about July 6<sup>th</sup>, Petitioner's counsel was informed that Mr. Truitt had retired and was put in contact with Napoleon Tolbert.
5. After several verbal and written communications with the Richland County Clerk of Court's Office, Petitioner's counsel was informed on or about July 11, 2023 that the exhibits could not be located and the matter would need to be addressed with the court reporter and/or court. Respondent was copied on all written communications.
6. On July 10, 2023, Petitioner's counsel emailed Elizabeth B. Harris, Circuit Court Reporter. She informed counsel that she did not have the original exhibits, nor did she retain a marked copy. Respondent was copied on the email communications.
7. After communication with Respondent, the decision was made to file this Consent Motion.

Therefore, undersigned counsel agree and request that this Court enter an Order allowing Petitioner's counsel to utilize the unmarked exhibits in the Appendix.

Additionally, undersigned counsel would ask this Court to enter an Order to the Richland County Clerk of Court to correct the record and mark the attached exhibits for

Petitioner's file maintained at the Richland County Clerk of Court's Office.<sup>1</sup> Finally, counsel would ask that the time for filing the Petitions and Appendix be held in abeyance during the pendency and resolution of this Motion.<sup>2</sup>

WE SO MOVE:



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ATTORNEY FOR PETITIONER

July 18, 2023



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ATTORNEY FOR RESPONDENT

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<sup>1</sup> If it is not proper for this Court to enter such an Order, counsel would alternatively seek a remand to the lower court to obtain an Order to Correct the Record from the Chief Administrative Judge since the presiding Judge has since retired.

<sup>2</sup> On July 10, 2023, Petitioner, through counsel sought a first extension noting complications with compiling the Appendix. An Order granting Petitioner's request was entered on July 10, 2023 granting an extension through August 9, 2023.