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Aug 15 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions
R. Kieth Kelly, Circuit Court Judge

Appellate Case No. 2022-000160

The State,Respondent

v.

Johnathan Olin Batchelor,.....Appellant.

Motion to Accept Record on Appeal as Filed

Mr. Batchelor moves this Court for an order accepting the Record on Appeal as filed. Undersigned counsel call three matters to this Court’s attention.

1) In the Designation of Matter to be Included in the Record on Appeal, undersigned counsel intended to designate a guilty plea transcript dated January 5, 2018. Inexplicitly, counsel designated a transcript dated January 1, 2005, which pre-dates this incident and does not exist. Counsel properly identified this transcript in the letter dated May 25, 2023, updating this Court on the status of obtaining transcripts. Additionally, the State cited to the guilty plea in its Initial Brief of Respondent. *See, e.g.* Initial Brief of Respondent, p. 3.

2) In a scrivener’s error, undersigned counsel designated a transcript dated October 10, 2021, rather than the correct date of October 7, 2021. Once again, counsel properly identified this transcript in the letter dated May 25, 2023, updating this Court on

the status of obtaining transcripts. This hearing is the hearing where the court below ordered an in camera review of mental health records that is relevant to Question VIII in the appeal.

3) The Record on Appeal was due to be filed on Friday, August 11, 2023. Counsel overlooked filing on this date, and respectfully requests this Court accept this filing out of time.

Finally, prior to filing this motion, undersigned counsel spoke with Mark Farthing in the South Carolina Attorney General's Office, who does not oppose these requests.

IT IS SO MOVED

Respectfully Submitted,

By s/E. Charles Grose, Jr.

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Attorney for Johnathon Batchelor

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Greenwood, South Carolina

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Certificate of Service

I certify that I served this pleading on the State of South Carolina, by email, using counsel’s primary email address listed in the Attorney Information System (AIS), as reflected below, on the date reflected below:

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