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Sep 11 2023

SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions

Edward W. Miller, Circuit Court Judge

Appellate Case No. 2023-000945

The StateRespondent,

v.

Joseph Bernard Jackson,Appellant.

**APPELLANT’S MOTION TO
AMEND ITS NOTICE OF APPEAL**

Pursuant to Rule 240 of the South Carolina Rules of Appellate Practice, Appellant moves to amend its notice of appeal to correct the date of the order being appealed. Appellant would show the following in support of the motion.

1. Appellant timely filed a notice of appeal on June 9, 2023.
2. In his notice, Appellant correctly identified the order being appealed as the order “denying appellant’s petition for removal from the electronic monitoring requirements of S.C. Code Ann. § 23-3-540.” Notice of Appeal.
3. Appellant inadvertently used the date “May 26, 2023” as the date of the order denying the petition when the correct date is April 17, 2023.
4. Appellant inadvertently attached the May 26th order believing it to be the April 17th order.
5. May 26, 2023, is the date of the final written order denying Appellant’s motion to reconsider the April 17th order denying the petition.

6. The amendment does not create a new issue on appeal nor does it deprive Respondent of notice of the appeal.

7. The initial brief is being filed at the same time as this motion, along with an amended notice of appeal and a substitute copy of the lower court order denying the petition. Given the early stage of this appeal, there is no prejudice to Respondent by the amendment.

WHEREFORE, Appellant respectfully requests this Court grant his motion and allow him to amend his notice of appeal and substitute the previously filed order on appeal.

Respectfully submitted,

TURNER PADGET GRAHAM & LANEY, P.A.

s/Christopher D. Scalzo

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September 11, 2023