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**Apr 02 2024**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Richland County  
The Honorable Clifton Newman, Circuit Court Judge

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THE STATE,

RESPONDENT,

v.

CHARLES JASON CARMICHAEL,

APPELLANT.

Appellate Case No. 2022-001717

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**MOTION TO SUBMIT AMENDED DESIGNATION OF MATTER AND  
MOTION FOR EXTENSION OF TIME TO FILE  
FINAL BRIEF OF RESPONDENT**

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Pursuant to Rule 240, SCACR, the undersigned counsel respectfully asks the court for leave to submit an Amended Designation of Matter to the Initial Brief of Respondent. In support of this motion, counsel presents the following facts:

1. Upon review of the Record on Appeal, counsel for Respondent has noticed that pages 674 and 346 were cited in its initial brief, but not designated.
2. Though Respondent's specific citation to page 674 was proper, the full context of trial counsels' arguments in the surrounding pages is likely also necessary so as to inform the court in full of the arguments made on the matter. For that reason, Respondent finds that pages 673-678 should be designated as well.

3. The undersigned hereby requests that the following pages be added to the Respondent's Designation of Matter:

Tr. pages 673-678

Tr. page 346

4. The proposed Amended Designation of Matter is attached to this motion. Should this motion be granted and the Amended Designation of Matter filed, Respondent will subsequently file a Supplemental Record to include the referenced pages.
5. Counsel for Respondent has communicated the intent to file this motion with opposing counsel, Yasmeen Ebbini, and opposing counsel has graciously consented.
6. Also, due to the above, counsel for Respondent requests a five (5) day extension of time to file the Final Brief of Respondent in this matter so that it can properly cite to the anticipated Supplemental Record that will be created.

WHEREFORE, the undersigned counsel respectfully requests that this Court grant the motion to amend the designation of matter, and grant the Respondent until April 9, 2024 to submit the Supplemental Record and Final Brief of Respondent.

(Signature Block on following page)

Respectfully Submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General  
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By: *s/W. Joseph Maye*  
W. JOSEPH MAYE  
ATTORNEYS FOR RESPONDENT

April 2, 2024

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Appellate Case No. 2022-001717

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**PROOF OF SERVICE**

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I, **Donna D'Alessio**, an employee of the Respondent and legal assistant to W. Joseph Maye, of counsel for the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Motion to Submit Amended Designation of Matter and Motion for Extension of Time to File Final Brief of Respondent has been forwarded to Appellant's counsel, Robert M. Dudek Esq., via email today, April 2, 2024 to [RDudek@sccid.sc.gov](mailto:RDudek@sccid.sc.gov) and to his assistant at [spollard@sccid.sc.gov](mailto:spollard@sccid.sc.gov), and to Yasmeen Ebbini at [yasmeen.ebbini@nelsonmullins.com](mailto:yasmeen.ebbini@nelsonmullins.com).

I further certify that all parties required by Rule to be served have been served.

This 2<sup>nd</sup> day of April, 2024.

*s/ Donna D'Alessio*

Donna D'Alessio, Legal Assistant to  
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