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May 31 2024

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Jasper County

Honorable Deadra L. Jefferson, Circuit Court Judge

BREON ALEXANDRE,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE 2022-001654

MOTION TO FILE AMENDED APPENDIX

Undersigned counsel respectfully moves for this Court to allow Petitioner to amend the appendix in this case. In support of this motion, the undersigned would show this Court:

(1) The petition for writ of certiorari pursuant to *Austin v. State* and appendix were filed with this Court on January 18, 2024. The undersigned submitted the appendix in good faith that the appendix contained the entire lower court record.

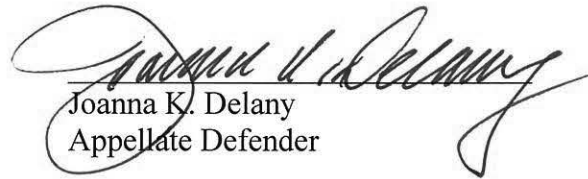
(2) Yesterday, the undersigned became aware that the transcript of reconstruction hearing dated August 8, 2023, and the filed affidavit of Stephen T. Plexico that was before the trial court during the reconstruction hearing, were inadvertently not included in the appendix. Inasmuch as Rule 243(f), SCACR, requires the appendix contain the entire lower court record, it is necessary to amend the appendix.

(3) Undersigned counsel has spoken to opposing counsel, Danielle Dixon, and opposing counsel has graciously consented to this motion and the filing of such an amended appendix.

(4) Inasmuch as Rule 243(f), SCACR, requires the appendix contain the entire lower court record, undersigned counsel moves to amend the appendix to add the transcript of the reconstruction hearing dated August 8, 2023, and the filed affidavit of Stephen T. Plexico. Simultaneously with this motion, undersigned counsel is filing such an amended appendix.

WHEREFORE, undersigned counsel respectfully requests that this Court: (1) grant the motion to amend the appendix; and (2) accept the amended appendix as filed with this motion.

Respectfully submitted,


Joanna K. Delany
Appellate Defender

This 31st day of May, 2024.

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Jasper County

Honorable Deadra L. Jefferson, Circuit Court Judge

BREON ALEXANDRE,

PETITIONER,

V.

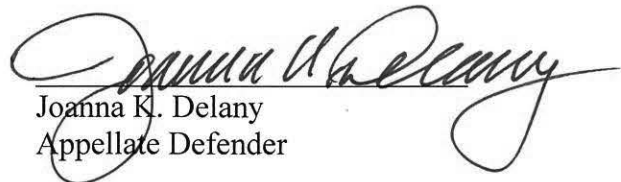
STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2022-001654

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the motion to file an amended appendix and a true copy of the amended appendix in the above-referenced case have been served upon Danielle Dixon, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 31st day of May, 2024.


Joanna K. Delany
Appellate Defender

ATTORNEY FOR PETITIONER