

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Oconee County
Honorable R. Lawton McIntosh, Circuit Court Judge
Appellate Case Tracking No. 2012-206186

RECEIVED

AUG 22 2013

S.C. Supreme Court

The State,

Respondent,

vs.

Anthony Clark Odom,

Appellant.

**MOTION TO SERVE AND FILE
AMENDED INITIAL BRIEF OF RESPONDENT
AND AMENDED DESIGNATION OF MATTER**

I.

The Initial Brief of Respondent and Designation of Matter were served and filed on August 19, 2013.

II.

In preparing the Initial Brief of Respondent and Designation of Matter, the undersigned's computer rebooted and portions of the filings had to be recreated. In completing the Brief and Designation, the undersigned failed to put in many of the citations to the record that were included prior to the computer rebooting. The undersigned believes these citations to the record are necessary under Rule 208(b)(4), SCACR. In addition, in putting together the Designation of Matter, the undersigned omitted a memorandum filed by the State in opposition to Appellant's motion to quash

due to prosecutorial vindictiveness. As this is a central issue in the appeal, the State believes its response before the trial court is necessary and proper for inclusion in the Record on Appeal.

III.

This request is not intended for purposes of delay, but rather to ensure the Brief is properly prepared in compliance with the Rules of Appellate Practice and the Designation of Matter includes all relevant and necessary items. The undersigned contacted opposing counsel by telephone and he indicated his consent to the service and filing of the Amended Initial Brief and Amended Designation of Matter. The Amended Brief and Amended Designation are being serve and filed concomitant to this Motion.

WHEREFORE, Respondent prays that the Court hold this matter in abeyance until ruling on this motion, and grant the motion to serve and file an amended initial brief and amended designation of matter; accept for filing the Amended Initial Brief and Amended Designation of Matter and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

WILLIAM M. BLITCH, JR.
Assistant Attorney General



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ATTORNEYS FOR RESPONDENT

August 22, 2013

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PROOF OF SERVICE

I, Angela Bennett, certify that I have served the Motion To Serve And File Amended Initial Brief Of Respondent And Amended Designation Of Matter on Appellant by depositing a copy of same in the United States mail, postage prepaid, addressed to:

Brian McDaniel, Esquire
Post Office Box 2085
Beaufort, South Carolina 29901

I further certify that all parties required by Rule to be served have been served.
This 22nd day of August, 2013.



ANGELA BENNETT
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