

**RECEIVED**

**Jul 18 2024**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

---

Appeal from Spartanburg County  
Honorable Grace Gilchrist Knie, Circuit Court Judge

---

Court of Appeals Case No. 2023-000511

---

THE STATE,

Respondent,

v.

KEITH VINCENT BROWN,

Appellant.

---

**MOTION TO ALLOW FILING OF  
AMENDED DESIGNATION OF MATTER  
AND  
ISSUANCE OF EXHIBIT TRANSPORTATION ORDER**

---

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

**I.**

Appellant Keith Vincent Brown was arrested following an investigation into a home burglary and larceny case. In preparing the Initial Brief of Respondent and Designation of Matter, Counsel inadvertently omitted State’s Exhibit 2 (photograph) and State’s Exhibit 3 (photograph) from the Designation of Matter. These photographs were introduced into evidence

during the witness' testimony. Due to the details the photographs show, Counsel cited to these exhibits in the State's argument within the Initial Brief.

## II.

On December 13, 2023, Appellant filed and served his Initial Brief of Appellant and Designation of Matter. The Appellant's Designation of Matter did not include State's Exhibit 2 and 3. On March 30, 2024, the State filed and served its Initial Brief of Respondent and Designation of Matter. Although the State directly referenced and cited to State's Exhibit 2 and 3, the State inadvertently failed to designate the photographs in its Designation of Matter.

## III.

Pursuant to Rule 210(c), SCACR, the Record on Appeal shall contain all matter designated by the parties and can include any matter presented to the lower court or tribunal. Pursuant to Rule 212(b), SCACR, a party may supplement the Record on Appeal at any time before oral argument with additional matter not included in the record after receiving written consent from opposing counsel or leave from the Court to do so.

## IV.

In the case sub judice, State's Exhibit's 2 and 3 can appropriately be included in the Record on Appeal as it is a record of the lower court proceedings. Furthermore, it is significant to the appeal because Appellant is appealing his conviction and sentence. The State submits that State's Exhibit's 2 and 3 are necessary to establish a complete record of the lower court proceedings, is material to the issue raised by Appellant on appeal and, was inadvertently omitted from the State's Designation of Matter and the Record on Appeal through a mistake on the part of the undersigned counsel. Accordingly, the State asks this Court to permit it to file an Amended Designation of Matter to properly reflect the matter intended to be designated by the

State and asks this Court to issue an Amended Transportation Order to include State's Exhibit 2 (photograph) and State's Exhibit 3 (photograph).

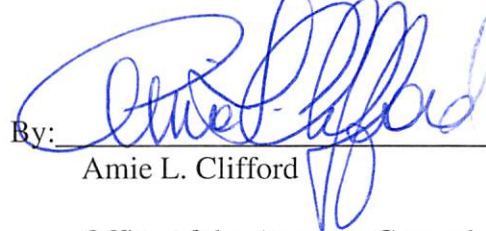
**WHEREFORE**, Respondent prays that this Court will allow the State to file an Amended Designation of Matter; accept the filing of the State's Amended Designation of Matter, which is included with this Motion; issue a Transportation Order; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

AMIE L. CLIFFORD  
Special Assistant Attorney General  
[aclifford@cpc.sc.gov](mailto:aclifford@cpc.sc.gov)  
S.C. Bar No. 1285

BARRY J. BARNETTE  
Solicitor, Seventh Judicial Circuit

By:   
Amie L. Clifford

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

July 18, 2024

**RECEIVED**

**Jul 18 2024**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

---

Appeal from Spartanburg County  
Honorable Grace Gilchrist Knie, Circuit Court Judge

---

Court of Appeals Case No. 2023-000511

---

THE STATE,

Respondent,

v.

KEITH VINCENT BROWN,

Appellant.

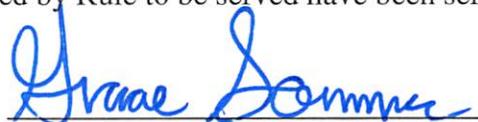
---

**PROOF OF SERVICE**

---

I, Grace Sommer, certify that I have served the within Motion to Allow Filing of Amended Designation of Matter and Issuance of Amened Transportation Order on Sarah E. Shipe, Esquire, counsel of record for the Appellant by electronic mail to the address listed for counsel in AIS.

I further certify that all parties required by Rule to be served have been served.  
This 18th day of July, 2024.



GRACE SOMMER  
Legal Assistant

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

## Grace Sommer

---

**From:** Grace Sommer  
**Sent:** Thursday, July 18, 2024 3:20 PM  
**To:** sshipe@sccid.sc.gov  
**Cc:** Clifford, Amie; Mcinnis, Sara  
**Subject:** The State v. Keith Vincent Brown (2023-000511)  
**Attachments:** BROWN Keith - FBOR (03638370xD2C78).PDF; BROWN Keith - Motion to File Amended Designation of Matter and Issuance of Exhibit Transportation Order (03638358xD2C78).PDF; BROWN Keith - Amended Designation of Matter (03638373xD2C78).PDF

Good Afternoon Ms. Shipe,

Attached please find a Final Brief of Respondent, a Motion to Amend the Designation of Matter and Issuance of Exhibit Transportation Order, and the Amended Designation of Matter in The State v. Keith Vincent Brown (2023-000511). These documents will be filed today with the Court of Appeals via the AIS OneDrive System.

If you will, please confirm receipt of this email.

Thank you,

**Grace Sommer**, Legal Assistant  
South Carolina Attorney General's Office  
Criminal Appeals | Office 803-734-3835 | [gracesommer@scag.gov](mailto:gracesommer@scag.gov)  
P.O. Box 11549 | Columbia, SC 29211  
[scag.gov](http://scag.gov)



*This email, together with any attachments, may be legally privileged. If you have received it in error, please notify the sender immediately, and then delete it from your system. This email and any replies to this email may be subject to disclosure under the Freedom of Information Act.*