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Aug 02 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Sumter County
Honorable Kristi F. Curtis, Circuit Court Judge
Appellate Case No. 2022-001428

THE STATE,

Respondent,

vs.

JOQUELL WAYNE MYERS,

Appellant.

**MOTION TO ALLOW FILING OF
AMENDED DESIGNATION OF MATTER
AND
SUPPLEMENTAL RECORD ON APPEAL**

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

I.

In September of 2022, Appellant Joquell Wayne Myers was convicted of attempted murder along with other charges and sentenced an aggregate twenty-year term of imprisonment for his crimes. Following his convictions, Myers timely filed a notice of appeal.

II.

At present, Myers’s appeal is currently pending before this Court. So far on appeal, initial briefing has been completed, the parties have filed their designations of matter, and the Record on Appeal has been filed along with the Final Brief of Appellant.

III.

In its brief, the State included numerous citations to the transcripts from trial, including to a portion of the transcript from the fourth day of trial that contained in camera testimony from a witness along with a ruling from the trial judge concerning that testimony. (Resp. Br. p. 14 n. 7). However, in preparing its designation of matter, the State inadvertently failed to designate the above-referenced portion of the trial record for inclusion in the Record on Appeal, and, as a result, it was not included in the Record on Appeal as presently filed.

IV.

Pursuant to our state's appellate court rules, the Record on Appeal shall contain all matter designated by the parties and can include any matter presented to the lower court or tribunal. Rule 210(c), SCACR. Relatedly, those rules permit both the parties and the appellate court itself to supplement the Record on Appeal with additional matter that was not previously included in it. Rule 212, SCACR.

V.

In the case at bar, the transcripts from Myers's trial—including the limited portion of the transcript from the fourth day of trial the State referenced in its brief but mistakenly failed to identify in its designation of matter—unquestionably could appropriately be designated for inclusion and included in the Record on Appeal since those transcripts were a part of the trial court record. Rule 209(b), SCACR; Rule 210(c), SCACR. Accordingly, since a certain portion of the trial record that could properly be included in the Record on Appeal was only not included due to a mistake on the part of undersigned counsel, the State asks this Court to: (1) permit the State to now file an Amended Designation of Matter properly reflecting all the matter it originally intended to designate for inclusion in the Record on Appeal; and (2) allow the State to

file a Supplemental Record on Appeal containing the mistakenly-omitted matter that has now been identified in its Amended Designation of Matter.

VI.

Along with this motion, the State has contemporaneously submitted its Amended Designation of Matter and the Supplemental Record on Appeal. Furthermore, undersigned counsel for the State sincerely apologizes for any inconvenience the State's error has caused for the appellant, opposing counsel, or the Court.

WHEREFORE, Respondent prays that this Court will allow the State to file an Amended Designation of Matter and Supplemental Record on Appeal; accept the filing of the State's Amended Designation of Matter and Supplemental Record on Appeal; hold the time limits for the filing of the Final Brief of Respondent in abeyance pending a ruling on this motion; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Senior Assistant Deputy Attorney General



By: _____
Mark R. Farthing
S.C. Bar Number 76901

July 24, 2024

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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Sumter County
Honorable Kristi F. Curtis, Circuit Court Judge
Appellate Case No. 2022-001428

THE STATE,

Respondent,

vs.

JOQUELL WAYNE MYERS,

Appellant.

PROOF OF SERVICE

I, Caroline Collins, certify I have served the within Motion to Allow Filing of Amended Designation of Matter and Supplemental Record on Appeal, Amended Designation of Matter, and Supplemental Record on Appeal on Appellant by sending electronic copies via email to the addresses listed in AIS for the following individuals:

Lewis Hartwell Warr and Robert R. Young, Jr., Esquires
23 West Calhoun Street
Sumter, South Carolina 29150

I further certify all parties required by Rule to be served have been served.
This 24th day of July, 2024.



CAROLINE COLLINS
Administrative Support Manager
Office of the Attorney General

From: [Caroline Collins](#)
To: lwarr@sumterattorney.com; kyoung@sumterattorney.com
Cc: [MaryKatherine Coulter](#); [Mark Farthing](#)
Bcc: [Victim Services](#)
Subject: The State v. Joquell Wayne Myers (2022-001428)
Date: Wednesday, July 24, 2024 3:19:00 PM
Attachments: [Myers.Motion to File Supplemental Record on Appeal and Amended Designation of Matter \(03644050xD2C78\).PDF](#)
[image001.png](#)
[Myers.Amended Designation of Matter \(03644000xD2C78\).PDF](#)
[Myers.Supplemental Record on Appeal \(03643761xD2C78\).PDF](#)

Good Afternoon,

Attached please find a motion to file a supplemental record on appeal and an amended designation of matter and the proposed Amended Designation of Matter and Supplemental Record on Appeal in The State v. Joquell Wayne Myers (2022-001428). By copy of this email, I am serving counsel for Appellant.

If you will, please confirm receipt.

Thank you,

CAROLINE COLLINS, Administrative Support Manager
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