

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal From Richland County  
Paul M. Burch, Circuit Court Judge  
\_\_\_\_\_

**RECEIVED**  
AUG 30 2013  
**SC COURT OF APPEALS**

THE STATE,

Respondent,

vs.

WILLIE RITTER,

Appellant.

\_\_\_\_\_  
**SECOND MOTION TO REQUIRE  
APPELLANT TO CORRECT THE  
RECORD ON APPEAL AND INCLUDE ITEMS  
DESIGNATED BY BOTH PARTIES AND  
EXCLUDE ITEMS NOT DESIGNATED**  
\_\_\_\_\_

Respondent, by and through undersigned counsel, now moves for this Court to require Appellant to follow this Court's July 2013 order requiring Appellant to correct the Record on Appeal. Appellant served an amended record on appeal on or around August 14, 2013. However, this amended record fails to follow any part of this Court's order that granted Respondent's motion to require Appellant to correct the record.

The Order required Appellant to serve an amended record that "(1) includes all matter designated by the parties; (2) excludes all matter not designated by the parties; and (3) includes the transcript's original pagination, or follows the alternative procedure set

forth in Rule 210(c), SCACR.”

However the amended record fails to include most of the July 20, 2009, transcript. Respondent designated the entire transcript, including the first two pages, which were omitted from the amended record, and most of the pages following page six of the transcript. Additionally, the pages that purport to be from the July transcript are in reality from the sentencing transcript dated September 21, 2009. Respondent found it extremely difficult to determine which pages were included/excluded because the amended record failed to include the original pagination.

Additionally, it appears most, if not all, of the September 21, 2009, sentencing transcript was included in the record. The only pages designated by Respondent were pages 1-2, and pages 29-37. Appellant did not designate any pages of that transcript that were not designated by Respondent. Despite only 11 pages being collectively designated by the parties from the September 21, 2009, transcript, the index in Appellant’s Amended Record indicates that the September 21, 2009, transcript is found in record pages 37-74.

Under Rule 210(c), SCACR, the record on appeal shall contain all matter designated by the parties. Most of the matter designated by Respondent has not been included in the record on appeal. Additionally, it appears matter not designated by either party was included in the record on appeal. This is difficult to determine due in part to the deletion of many of the original transcript page numbers. See Rule 210(c),

supra (describing the appropriate process when the court reporter's original pagination has been deleted from the record).

Due to the difficulty and time spent by Respondent in determining the correctness of the amended record, Respondent would move that Appellant be required to retain the original page numbers from all transcripts, in addition to following the remainder of the July 2013 order.

Accordingly, Respondent requests this Court to require Appellant: (1) to include all matter designated by either party; (2) to exclude matter not included by either party; and (3) to provide the original page numbers of the transcript.

Additionally, Respondent requests that this Court hold the time limits in abeyance for Respondent to file the Final Brief of Respondent as it is impossible to complete the final brief due to the absence of designated matter.

WHEREFORE, Respondent requests that this Court require Appellant to correct the record on appeal and to hold the time limits for submission of the Final Brief of Respondent in abeyance.

Respectfully submitted,

ALAN WILSON  
Attorney General

DAVID SPENCER  
Assistant Deputy Attorney General  
Bar No. 68571

BY:   
\_\_\_\_\_  
DAVID SPENCER

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

ATTORNEYS FOR RESPONDENT

August 30, 2013

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal From Richland County  
Paul M. Burch, Circuit Court Judge

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THE STATE,

Respondent,

vs.

WILLIE RITTER,

Appellant.

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**PROOF OF SERVICE**

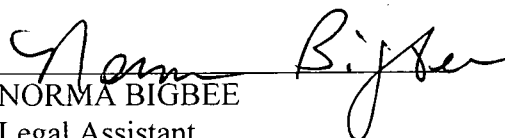
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I, Norma Bigbee, certify that I have served the within Second Motion to Require Appellant To Correct The Record on Appeal and Include Items Designated By Both Parties and Exclude Items Not Designated on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

William B. Von Herrmann, Esquire  
200 Elm St.  
Conway, SC 29526

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

This 30<sup>th</sup> day of August, 2013.

  
NORMA BIGBEE  
Legal Assistant

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



ALAN WILSON  
ATTORNEY GENERAL

August 30, 2013

**RECEIVED**  
AUG 30 2013  
SC Court of Appeals

**VIA HAND DELIVERY**

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

Re: State v. Willie Ritter  
Appellate Case No: 2012-210570

Dear Ms. Kitchings:

Please find the original of the Second Motion to Require Appellant To Correct The Record on Appeal and Include Items Designated By Both Parties and Exclude Items Not Designated, along with proof of service, in the above-referenced case. By copy of this letter we are serving opposing counsel with this motion.

Sincerely,

Dave Spencer  
Assistant Deputy Attorney General

DS/nb  
Enclosure

cc: William B. Von Herrmann, Esquire (2 copies enclosed)  
Ms. Trisha Allen, Victim Services (1 copy enclosed)