

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Horry County  
Honorable Benjamin H. Culbertson, Circuit Court Judge  
Appellate Case No. 2012-211546

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THE STATE,

Appellant,

vs.

MICHAEL J. HILTON,

Respondent.

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**MOTION TO ALLOW FILING OF  
SUPPLEMENTAL RECORD ON APPEAL**

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

**I.**

In its Designation of Matter, the State properly designated the Defendant’s Memorandum in Support of Motion to Exclude Evidence for inclusion in the Record on Appeal. Likewise, in his Designation of Matter, Hilton agreed that the Defendant’s Memorandum in Support of Motion to Exclude Evidence should be included in the Record on Appeal.

**II.**

On March 26, 2013, the Record on Appeal was filed and served in this case. However, the Record on Appeal as filed inadvertently did not include page 4 and page 5 from the designated memorandum.

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**SC Court of Appeals**

**III.**


Because properly designated matter was inadvertently omitted from the Record on Appeal, the State believes it is necessary to file a Supplemental Record on Appeal containing the inadvertently omitted matter. See Rule 210(c), SCACR (“The Record on Appeal shall include all matter designated to be included by any party under Rule 209[.]”). For the foregoing reasons, the State asks this Court to permit and accept the filing of a Supplemental Record on Appeal containing the designated matter inadvertently omitted from the Record on Appeal.

**WHEREFORE**, Appellant prays that this Court will allow the State to file a Supplemental Record on Appeal; accept the filing of the State’s Supplemental Record on Appeal; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

MARK R. FARTHING  
Assistant Attorney General

By:   
Mark R. Farthing

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Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

September 9, 2013

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IN THE COURT OF APPEALS

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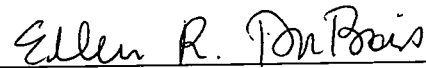
**PROOF OF SERVICE**

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I, Ellen R. DuBois, certify that I have served the within Motion to Allow Filing of Supplemental Record on Appeal and the Supplemental Record on Appeal on Respondent by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Richard A. Harpootlian, Esquire  
Graham L. Newman, Esquire  
M. David Scott, Esquire  
Richard A. Harpootlian, PA  
Post Office Box 1090  
Columbia, SC 29202

I further certify that all parties required by Rule to be served have been served.  
This 9th day of September, 2013.



ELLEN R. DuBOIS  
Legal Assistant

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



ALAN WILSON  
ATTORNEY GENERAL

September 9, 2013

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

RE: State v. Michael J. Hilton – Appellate Case No. 2012-211546

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the Motion to Allow Filing of Supplemental Record on Appeal and the original and fourteen copies of the Supplemental Record on Appeal, along with proof of service, for filing in the above-referenced criminal appeal.

Sincerely,

Mark R. Farthing  
Assistant Attorney General  
Bar Number 76901

MRF/  
Enclosures

cc: Richard A. Harpootlian, Esq.  
Graham L. Newman, Esq.  
M. David Scott, Esq.  
Victim Services

**RECEIVED**

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**SC Court of Appeals**