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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Cherokee County
Honorable J. Derham Cole, Circuit Court Judge
Appellate Case No. 2023-001388

THE STATE,

Respondent,

vs.

JASON BRYAN McSWAIN,

Appellant.

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

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

I.

On July 3, 2024, the State filed and served its Initial Brief of Respondent and Designation of Matter. In its Designation of Matter, the State properly designated a number of items for inclusion in the Record on Appeal, including McSwain’s Motion Requesting Order to be Removed from South Carolina Sex Offender Registry “*with All Attachments -- A Through I.*” (emphasis added).

II.

On September 11, 2024, Appellant served and filed the Record on Appeal. In the Record on Appeal as presently filed, McSwain included most of the matter identified in the State’s

Designation of Matter, including his Motion Requesting Order to be Removed from South Carolina Sex Offender Registry. However, in doing so, Appellant did not include complete copies of all the attachments to that motion, and he likewise did not include the identifying information contained in his motion that distinguished between the various attachments. Most significantly, Appellant also appears to have inadvertently failed to include in the Record the Appeal as presently filed a complete copy of an attachment identified as “Exhibit F.” More specifically, Appellant failed to include two court’s exhibits that were a part of “Exhibit F” despite the fact both of those exhibits were referenced and cited to by the State in its brief.

III.

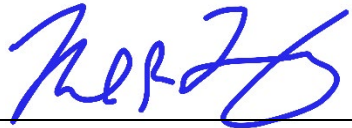
Because properly designated matter was inadvertently omitted from the Record on Appeal, the State believes it is necessary to file a Supplemental Record on Appeal containing the inadvertently-omitted matter. See Rule 210(c), SCACR (“The Record on Appeal shall include all matter designated to be included by any party under Rule 209[.]”). Accordingly, the State asks this Court to permit and accept the filing of a Supplemental Record on Appeal containing a full and complete copy of Appellant’s Motion Requesting Order to be Removed from South Carolina Sex Offender Registry “with All Attachments -- A Through I”, which was properly designated for inclusion in the Record on Appeal by the State. By doing so, this Court will ensure that all the matter designated by the parties is properly before this Court for review, including the designated matter inadvertently omitted from the Record on Appeal.

WHEREFORE, Respondent 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,

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Attorney General

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By: 

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September 20, 2024