

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Greenville County
The Honorable Alexander Macaulay, Circuit Court Judge
Appellate Case No. 2013-000567

RECEIVED

JUL 16 2013

SC Court of Appeals

THE STATE,

Respondent,

-vs-

MARIO RAMOS HINOJOS, DEFENDANT, AND RICHARD G. THOMPSON d/b/a ALL-OUT BAIL BONDING, AS SURETY, AND ACCREDITED PROPERTY AND CASUALTY INS., AS SURETY, OF WHOM RICHARD G. THOMPSON d/b/a ALL-OUT BAIL BONDING, AS SURETY, AND ACCREDITED PROPERTY AND CASUALTY ARE,

Appellants.

MOTION TO FILE SUPPLEMENTAL RECORD ON APPEAL

Respondent the State of South Carolina hereby files the instant motion to file a supplemental record on appeal in the above referenced case.

This case involves estreatment of bond. Bond was initially ordered estreated, and Appellant All-out appealed that decision. This Court ultimately affirmed the fact of estreatment but remanded for a determination as to amount. State v. Hinojos, 393 S.C. 517, 713 S.E.2d 351 (Ct. App. 2011). Following a hearing, the trial court issued an order rejecting a new legal argument against the fact of estreatment and determining the amount to be estreated. It is from that order that the current appeal results.

The Record on Appeal from the prior appeal of course included a number of relevant transcripts, orders, and pleadings. Appellant's Designation of Matter for the current appeal of course listed out all the documents and transcripts for inclusion in the current record. Counsel for Respondent, in reviewing the list in the current designation, inadvertently overlooked that the list included virtually everything from the first record on appeal except the March 25, 2008 sentencing hearing, which had been present in the record on appeal from the first appeal. Thinking that the content entire record on appeal from the first appeal had been designated, Respondent did not add anything to the designation in the current appeal. However, Respondent's Initial Brief filed in the current appeal cites to the excluded March 25, 2008 sentencing transcript on two occasions. In preparing the Final Brief which is due today, counsel noted this inadvertent absence.

Therefore, a supplemental record on appeal is necessary to include the inadvertently excluded transcript which is referenced in the Initial Brief. Counsel for Respondent has spoken to counsel for Appellant, Benjamin Stitely, Esquire, and Mr. Stitely has advised that he **consents** to this motion to file a Supplemental Record on Appeal.

CONCLUSION

Accordingly, Respondent respectfully requests that this Court grant its motion to file a Supplemental Record on Appeal containing the portion of the March 25, 2008 sentencing transcript that was present in the record on appeal from the first appeal.

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

S. CREIGHTON WATERS
Assistant Deputy Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
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S. Creighton Waters
ATTORNEYS FOR RESPONDENT.

July 16, 2013.

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THE STATE,

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MARIO RAMOS HINOJOS, DEFENDANT, AND RICHARD G. THOMPSON d/b/a ALL-OUT BAIL BONDING, AS SURETY, AND ACCREDITED PROPERTY AND CASUALTY INS., AS SURETY, OF WHOM RICHARD G. THOMPSON d/b/a ALL-OUT BAIL BONDING, AS SURETY, AND ACCREDITED PROPERTY AND CASUALTY ARE,

Appellants.

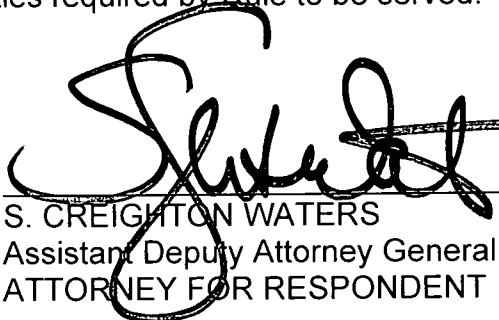
PROOF OF SERVICE

I, S. Creighton Waters, Counsel for Respondent, certify that I have this date served the ***Motion to File a Supplemental Record on Appeal***, dated July 16, 2013 on Appellant by depositing two copies of the same in the United States mail, first class postage prepaid, addressed to his attorney of record:

Benjamin A. Stitely, Esquire
Post Office Box 849
Lexington, South Carolina 29071

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

This 16th day of July, 2013.


S. CREIGHTON WATERS
Assistant Deputy Attorney General
ATTORNEY FOR RESPONDENT



ALAN WILSON
ATTORNEY GENERAL

July 16, 2013

The Honorable Jenny A. Kitchings
Clerk of Court, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Re: *The State vs. Mario Ramos Hinojos, et al.*
Appellate Case No. 2013-000567

Dear Ms. Kitchings:

Enclosed herein please find an original and six (6) copies of a Motion to File Supplemental Record on Appeal, along with a Proof of Service in the above-referenced case.

Thank you for your assistance in this matter.

Sincerely,

Donna D'Alessio, Legal Assistant for
S. Creighton Waters
Assistant Deputy Attorney General

:dmd

Enclosures

cc: Benjamin A. Stitely, Esq. (w/two copies of encls.)