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Jan 27 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Lancaster County
Honorable Brian M. Gibbons, Circuit Court Judge
Appellate Case No. 2022-001268

THE STATE,

Respondent,

vs.

ARKEVUS JIMON CAUTHEN,

Appellant.

MOTION TO FILE A SECOND SUPPLEMENTAL RECORD ON APPEAL

Pursuant to Rule 212 of the South Carolina Appellate Court Rules, Respondent moves this Court to allow the filing of a Second Supplemental Record on Appeal containing photographic exhibits. Because this case was originally briefed pursuant to Anders v. California, the State has not filed a designation of matter to be included in the record on appeal. Appellant has filed a supplemental record containing matter relevant to the additional issue this court ordered to be briefed.

This appeal involves the trial judge's admission of photographs of a purported bite mark on Appellant's arm. State's Exhibit #38 is a picture of the bite mark and is not currently in the record on appeal. The appeal also involves the execution of a search warrant in Appellant's yard. State's Exhibits #50, 51, 54, and 56 are pictures of the searched area and are not currently in the record on appeal. Pursuant to Appellant's

request, the State has already transported State's exhibits # 52, 53, 55, 57, and 58, and the State would include those exhibits in the record as well. As the pictures relate directly to the issues on appeal, Respondent requests this Court allow Respondent to supplement the Record on Appeal with these photographs. Respondent certifies the material is relevant to the appeal.

WHEREFORE, Respondent requests the Court: (1) grant leave to Respondent to file a Second Supplemental Record on Appeal containing State's Exhibit #38 and #50-58; (2) hold the time limits for filing the Brief of Respondent in abeyance until this motion is ruled upon; and (3) for such other and further relief as the Court may deem just and proper.

Respectfully submitted,


ALAN WILSON
Attorney General

DON ZELENKA
Deputy Attorney General

MELODY JANE BROWN
Senior Assistant Deputy Attorney General

JOSHUA A. EDWARDS
Assistant Attorney General

Post Office Box 11549
Columbia, S.C. 29211
(803) 734-3727

By: 
Joshua A. Edwards

ATTORNEYS FOR RESPONDENT

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PROOF OF SERVICE

I, Susan Spencer, certify that I have served the within Motion To File A Second Supplemental Record On Appeal on David Alexander, Esquire, counsel of record for the Appellant, by electronic mail to the address listed for counsel in AIS.

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

This 27th day of January, 2025.



SUSAN SPENCER
Legal Assistant
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

Susan Spencer

From: Susan Spencer
Sent: Monday, January 27, 2025 2:13 PM
To: Alexander, David
Cc: Josh Edwards; Stock, Chris
Subject: The State v. Arkevus Jimon Cauthen (2022-001268)
Attachments: CAUTHEN Arkevus - Brief of Respondent.pdf; CAUTHEN Arkevus - Motion To File A Second Supplemental Record On Appeal.pdf; CAUTHEN Arkevus - Proposed Transportation Order.pdf

Good Afternoon Mr. Alexander,

Attached please find the Brief of Respondent, Proposed Transportation Order, and a Motion to File a Second Supplemental Record on Appeal in The State v. Arkevus Jimon Cauthen (2022-001268). These documents will be filed today with the Court of Appeals via the AIS OneDrive system. If you will, please confirm receipt.

Thank you.

SUSAN SPENCER, Legal Assistant
South Carolina Attorney General's Office
Criminal Appeals | Office 803-734-3219 | susanspencer@scag.gov
P.O. Box 11549 | Columbia, SC 29211
scag.gov



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