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Jan 05 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

On Petition for Writ of Habeas Corpus
Appeal from Oconee County
Honorable H. Steven DeBerry, IV, Circuit Court Judge

Appellate Case No. 2024-001193

Dennis M. Temple, SCDC #274802,

Appellant,

v.

State of South Carolina,

Respondent.

**MOTION TO COMPEL SUPPLEMENTATION OF
THE RECORD ON APPEAL**

Pursuant to Rule 210(a) of the South Carolina Appellate Court Rules, an appellant is required to "serve a copy of the Record on Appeal on each party who has served a brief." Additionally, pursuant to Rule 210(c), SCACR, "[t]he Record on Appeal shall include all matter designated to be included by any party under Rule 209 and shall comply with the requirements of Rule 267. The Record shall not, however, include matter which was not presented to the lower court or tribunal."

In the present case, Appellant prematurely served a copy of the record on appeal before Respondent filed its initial brief and designation of matter. Additionally, Appellant failed to

include all items designated by Respondent; specifically, Appellant neglected to include the entire record before the lower court. Notably, Respondent filed the entire 1414 pages of records that were before the lower court in its designation of matter and provided Appellant a copy of those records.

Importantly, as our Supreme Court has stated, “the South Carolina Appellate Court Rules are not mere technicalities but provide the parties and this Court with an orderly mechanism through which to guide appeals in this State.” Henning v. Kaye, 307 S.C. 436, 437, 415 S.E.2d 794. Accordingly, Respondent moves for this Court to compel Appellant to file a supplementation of the record on appeal that includes all matters properly designated and no additional items pursuant to Rule 210(c), SCACR. Furthermore, Respondent moves for this Court to compel Appellant to serve Respondent with a copy of the record on appeal pursuant to Rule 210(a), SCACR.

WHEREFORE, Respondent prays this Court will compel Appellant to file and serve a proper record on appeal in compliance with appellate court rules; hold this appeal in abeyance pending a ruling on Respondent's motion; and grant such other and further relief as the Court may deem just and proper.

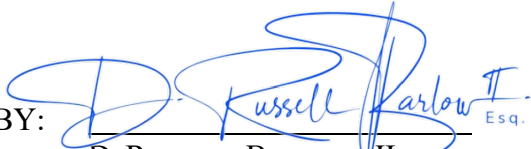
|SIGNATURE PAGE FOLLOWS|

Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

D. RUSSELL BARLOW, II
Senior Assistant Deputy Attorney General

BY:  Esq.

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ATTORNEYS FOR RESPONDENT

January 5, 2026

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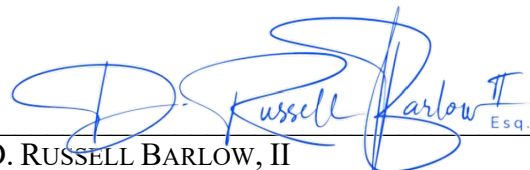
CERTIFICATE OF SERVICE

I, D. Russell Barlow, II, certify that I have served one copy of the Respondent's **Motion to Compel Supplementation of the Record on Appeal**, on Appellant, by depositing one (1) copy of the same via U.S. mail, first class, postage prepaid to his SCDC address:

Dennis M. Temple, #274802 (6A-0003-A)
Tyger River Correctional Institution
200 Prison Road
Enoree, SC 29335

I further certify that all parties required by Rule 262(c)(2), SCACR, to be served have been served.

DATED this 5th day of January 2026.



D. RUSSELL BARLOW, II
SENIOR ASSISTANT DEPUTY ATTORNEY GENERAL
S.C. Bar No. 105228
Attorney for Respondent