

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal From Spartanburg County  
Honorable Roger L. Couch, Circuit Court Judge

Appellate Case No: 2012-212700

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THE STATE,

Respondent,

vs.

KENNETH ODELL JACKSON,

Appellant.

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**MOTION TO SERVE AND FILE A SUPPLEMENTAL RECORD ON APPEAL**

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Respondent herein seeks to supplement the Record on Appeal, pursuant to Rule 210, SCACR, on the following grounds.

I.

While attempting to prepare Respondent's Final Brief of Respondent, Respondent discovered that the undersigned counsel had inadvertently omitted trial transcript page 17 of the July 23, 2012 transcript and pages 173-179; 214-224; 250-252; 256; 319-342 and 344 of the July 24 & 24 transcript from the Designation of Matter even though those pages were referred to in its Initial Brief of Respondent. Respondent relied on the original Designation of Matter filed by Appellant and overlooked the Motion to Amend that was later filed. The undersigned counsel submits that these pages are necessary and useful to this Court's full and complete understanding

of the issues involved in this appeal. The undersigned counsel does not seek to revise any argument in its Initial Brief or include any matters not cited or referred to in the Initial Brief.

II.

Respondent has prepared the Supplemental Record on Appeal to include this particular matter.

WHEREFORE, having made Motion to Supplement the Record on Appeal, Respondent would respectfully request this Court to grant the Motion to include page 17 of the July 23, 2012 transcript and pages 173-179; 214-224; 250-252; 256; 319-342 and 344 of the July 24 & 25, 2012 transcript; and for such other and further relief as this Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

J. BENJAMIN APLIN  
Assistant Attorney General  
S.C. Bar No: 8729

BY:   
J. BENJAMIN APLIN

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

ATTORNEYS FOR RESPONDENT

December 23, 2013

STATE OF SOUTH CAROLINA

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**PROOF OF SERVICE**

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I, Angela Bennett, certify that I have served the Supplemental Record on Appeal and Motion to Serve and File a Supplemental Record on Appeal on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to his attorney of record Benjamin J. Tripp, Esquire, S.C. Commission on Indigent Defense, Division of Appellate Defense, Post Office Box 11589, Columbia, South Carolina 29211-1589.

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

This 23<sup>rd</sup> day of December, 2013.

  
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ANGELA BENNETT  
Administrative Assistant  
Office of Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727



**RECEIVED**  
DEC 23 2013  
**SC Court of Appeals**

ALAN WILSON  
ATTORNEY GENERAL

December 23, 2013

Benjamin J. Tripp, Esquire  
S.C. Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, South Carolina 29211-1589

Re: The State v. Kenneth Odell Jackson  
Appellate Case No: 2012-212700

Dear Mr. Tripp:

Enclosed please find two (2) copies of the Motion to Serve and File a Supplemental Record on Appeal along with the Supplemental Record on Appeal and proof of service in the above-referenced case.

Sincerely,

J. Benjamin Aplin  
Assistant Attorney General  
S.C. Bar No: 87298

JBA/ab  
Enclosures

cc: The Honorable Jenny A. Kitchings  
(Original and 9 enclosed)  
Ms. Trisha Allen - with enclosure