

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Appeal from Oconee County
Honorable R. Lawton McIntosh, Circuit Court Judge
Appellate Case Tracking No. 2012-206186

S.C. Supreme Court

The State,

Respondent,

vs.

Anthony Clark Odom,

Appellant.

MOTION TO REQUIRE AMENDED RECORD ON APPEAL

Respondent, through its undersigned counsel, would respectfully show unto this Court as follows:

I.

Respondent received the Record on Appeal in both hard copy and electronic format from Appellant on December 30, 2013. The undersigned began completion of the Final Brief of Respondent. The Record on Appeal, however, was confusingly put together and not properly indexed.

II.

The Record does not comply with the requirements of Rule 210, SCACR. For example, portions of testimony from the November 7, 2011, hearing can be found on pages 77-83 of the Record on Appeal, while additional pages from the same hearing transcript are located on pages 333-402 of the Record. The first part of the testimony is listed in the Index to the Record as a portion of the 27 Jun 11, Direct Exam James B.

Huff, Esq., which is clearly not how the November 7, 2011 transcript should be listed. Further, the second portion of the testimony is listed in the Index to the Record as a portion of the Federal Hearing Transcript for TRO, again clearly not how it should be listed. Numerous other portions of transcripts of hearings are split into multiple locations within the Record on Appeal instead of being put together in one area. Further, numerous transcripts are not listed in the Index to the Record on Appeal or are listed as if they are portions of other transcripts. Additionally, it appears portions are duplicated such as portions of the transcript of November 10, 2011 found between pages 455 and 600.

III.


The State asks the Court to require an amended Record on Appeal so that it may comply with Rule 210, SCACR. The State requests the Amended Record on Appeal be constructed in the order listed in Rule 210, and that all transcript pages from the same hearing be put together in chronological order instead of in separate places within the Record on Appeal. Further, the State asks that the transcripts be put into the Record in a chronological order (i.e., the April 2011 hearing transcript placed before the June 2011 hearing transcript which is placed before the November 2011 transcript), which will make it much more understandable to this Court and easier for the parties. Finally, the State asks the Court to require the Index to properly list all transcripts, exhibits, or other designations as separate items with proper and understandable labels.

WHEREFORE, Respondent prays that the Court hold this matter in abeyance until ruling on this motion, and require the service and filing of an Amended Record on Appeal to comply with Rule 210, SCACR; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

WILLIAM M. BLITCH, JR.
Assistant Attorney General

BY: 
William M. Blitch, Jr.
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

January 9, 2014

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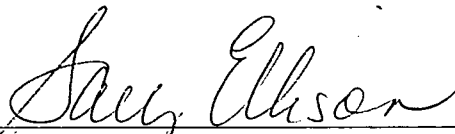
PROOF OF SERVICE

I, Sally Ellison, certify that I have served the Motion to Require Amended Record on Appeal on Appellant by depositing a copy of same in the United States mail, postage prepaid, addressed to:

Brian McDaniel, Esquire
2015 Boundary St. Suite 216
Post Office Box 2085
Beaufort, South Carolina 29901

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

This 9th day of January, 2014.



SALLY ELLISON
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727