

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal From Pickens County
Honorable D. Garrison Hill, Circuit Court Judge

Appellate Case No: 2012-212663

THE STATE,

Respondent,

vs.

DONNA LYNN PHILLIPS,

Appellant.

MOTION TO SERVE AND FILE A SUPPLEMENTAL RECORD ON APPEAL

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, Respondent discovered that the undersigned counsel had inadvertently omitted trial transcript pages 206; 222-225; 233-238; 245-247 of the July 23-25, 2012 transcript and pages 135-136 of the July 26-27, 2012 transcript from the Designation of Matter even though those pages were referred to in its Initial Brief of Respondent. 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 pages 206; 222-225; 233-238; 245-247 of the July 23-25, 2012 transcript and pages 135-136 of the July 26-27, 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

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ATTORNEYS FOR RESPONDENT

January 17, 2014

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal From Pickens County
Honorable D. Garrison Hill, Circuit Court Judge

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THE STATE,

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DONNA LYNN PHILLIPS,

Appellant.

PROOF OF SERVICE

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 LaNelle C. DuRant, 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 17th day of January, 2014.


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



ALAN WILSON
ATTORNEY GENERAL

January 17, 2014

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

Re: The State v. Donna Lynn Phillips
Appellate Case No: 2012-212663

Dear Ms. DuRant:

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: 8729

JBA/ab

Enclosures

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

RECEIVED

JAN 17 2014

SC Court of Appeals