

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

J. Derham Cole, Circuit Court Judge

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APR 21 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

JAMES IRBY,

APPELLANT

Appellate Case No. 2012-213028

PETITION TO FILE SUPPLEMENTAL RECORD

Pursuant to Rule 212 of the South Carolina Appellate Court Rules, the undersigned counsel requests leave to file supplemental records in the above titled appeal. In support of the motion, counsel submits the following.

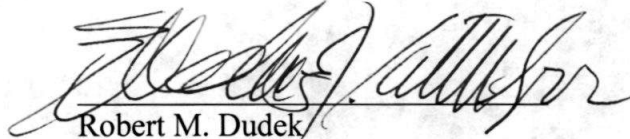
1. The initial brief of appellant and designation of matter in the above titled case were filed with the Court on November 8, 2013. The initial brief of respondent and designation of matter were filed with this Court on February 28, 2014. The initial record on appeal was filed on March 31, 2014.

3. While preparing the final briefs, Counsel discovered that Defendant's exhibit #1 was referenced in the initial brief of appellant, but were inadvertently left out of the designation of matter.

4. Appellant is filing a supplemental record on appeal to include Defendant's exhibit #1 with the final briefs today, April 21, 2014.

5. As indicated below, opposing counsel consents to this petition request.

WHEREFORE, counsel for appellant requests leave to file supplemental records in the above titled appeal.

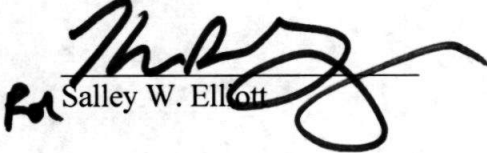


Robert M. Dudek
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SC Commission on Indigent Defense
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ATTORNEYS FOR APPELLANT

April 21, 2014

I consent:


Salley W. Elliott



SCCID

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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

April 21, 2014

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: The State v. James Irby

Dear Ms. Kitchings:

Enclosed are an original and six copies of the Petition to File Supplemental Record on Appeal in the above-captioned case. Thank you for your assistance in this matter.

Sincerely,

Robert M. Dudek
Chief Appellate Defender

RMD/brr

Enclosure

cc: Salley W. Elliott, Esquire