

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY

Court of General Sessions

Honorable J.C. Nicholson, Jr., Circuit Court Judge  
Trial Court Case No. 2010GS1007730, 2010GS1007731  
Appellate Case No. 2013-000179

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The State of South Carolina,

Respondent,

v.

Venancio Diaz Perez,

Appellant.

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MOTION TO SUBSTITUTE INITIAL BRIEF OF RESPONDENT

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ALAN MCCRORY WILSON  
Attorney General

AMIE L. CLIFFORD  
Special Assistant Attorney General  
aclifford@cpc.sc.gov  
S.C. Bar No. 1285

Other Counsel of Record:

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ATTORNEYS FOR RESPONDENT

ATTORNEYS FOR APPELLANT

**RECEIVED**

APR 29 2014

**SC Court of Appeals**

The undersigned counsel respectfully asks this Court for leave to substitute a corrected Initial Brief of Respondent for that originally served upon opposing counsel and filed with this Court. In support of this request, the undersigned counsel states as follows.

I.

On March 27, 2014, the undersigned counsel served and filed the Initial Brief of Respondent of the State of South Carolina in this matter.

II.

This case involves a minor victim, an additional minor witness, and testimony about other minors. In preparing the Initial Brief of Respondent, the undersigned counsel replaced the minor's names with Minor 1, Minor 2, and so forth. Last week, opposing counsel informed the undersigned counsel that she had not changed the name of one of the minors on pages 15 and 16 of the brief (the name was inadvertently missed because it was misspelled on these two pages).

III.

On Friday, April 25, 2014, the undersigned counsel contacted the Docketing Office of the Clerk's Office to inform them of this error so that the Initial Brief of Respondent could be pulled from the publicly accessible portion of C-Track Public Access. She was told that the Initial Brief of Respondent would be removed from the publicly accessible area until such time as a corrected version was filed.

IV.

The undersigned counsel has corrected the Initial Brief of Respondent only to change the name of the minor in question, where it appears on pages 15 and 16, to "Minor 2" to conform with Orders Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings issued by the Supreme Court of South Carolina.

V.

Opposing counsel has stated, via email, that he consents to this Motion. (Copy of that email is attached.)

VI.

The original corrected Initial Brief of Respondent and one copy are being delivered to the Court with this Motion; included in the original corrected Initial Brief is a copy of the original signature page, which has been countersigned (original signature) and dated today.

WHEREFORE, for all of the foregoing reasons, the undersigned respectfully requests this Court for leave to substitute a corrected Initial Brief of Respondent with this Court for all purposes; and for such other and further relief as this Court may deem just and proper.

Respectfully submitted,

ALAN MCCRORY WILSON  
Attorney General

AMIE L. CLIFFORD  
Special Assistant Attorney General  
aclifford@cpc.sc.gov

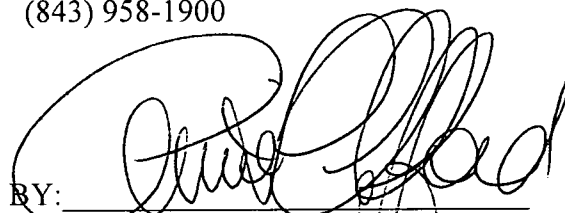
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April 29, 2014

Columbia, South Carolina

BY:   
ATTORNEYS FOR RESPONDENT

## Clifford, Amie

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**From:** Jason Luck [jluck@seibelsfirm.com]  
**Sent:** Friday, April 25, 2014 10:45 AM  
**To:** Clifford, Amie  
**Subject:** Re: 2013-000179 State v. Perez

I consent.

Sent from my iPhone

On Apr 25, 2014, at 10:16 AM, "Clifford, Amie" <[aclifford@cpc.sc.gov](mailto:aclifford@cpc.sc.gov)> wrote:

Jason,

I talked to the Court of Appeals about the inclusion of the minor's name in the Initial Brief. I do need to file a motion to substitute with a revised Initial Brief. Would you consent to that motion to substitute? The only changes to the Brief will be that substitution and, I guess, the countersigning of the original signature page with a signature and today's date.

Thank you,

Amie

*Amie L. Clifford*  
*Education Coordinator*  
*South Carolina Commission on Prosecution Coordination*  
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THE STATE OF SOUTH CAROLINA

In The Supreme Court

APPEAL FROM CHARLESTON COUNTY

Court of General Sessions  
J.C. Nicholson, Circuit Court Judge

Court of Appeals Case No. 2013-000179

The State of South Carolina,

Respondent,

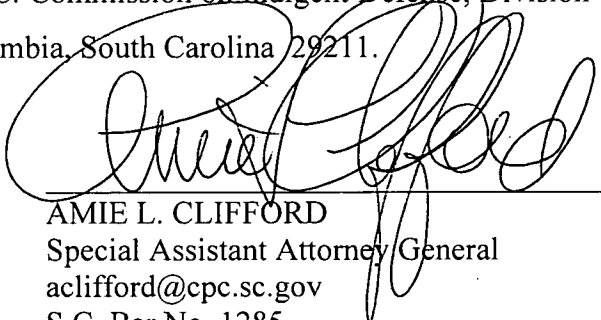
v.

Venancio Diaz Perez,

Appellant.

PROOF OF SERVICE

I certify that I have today served the Motion to Substitute Initial Brief of Respondent and one (1) copy of the corrected Initial Brief of Respondent to be substituted on Appellant, Venancio Diaz Perez, by depositing one copy of such in the United States Mail, first class postage prepaid, addressed to his attorney of record, Jason Scott Luck, Esquire, Seibels Law Firm, P.A. 127 King Street, Suite 100, Charleston, South Carolina 29401, and by depositing one copy of such in the United States Mail, first class postage prepaid, addressed to his co-counsel, Robert M. Dudek, Chief Appellate Defender, S.C. Commission on Indigent Defense, Division of Appellate Defense, Post Office Box 11589, Columbia, South Carolina 29211.



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April 29, 2014  
Columbia, South Carolina



ALAN WILSON  
ATTORNEY GENERAL

April 29, 2014

Honorable Jenny Abbott Kitchings  
Clerk of Court, South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29201

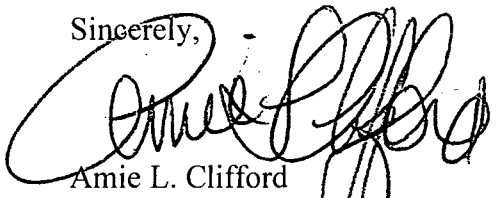
Re: *State v. Venancio Diaz Perez*

Dear Ms. Kitchings:

Enclosed for filing, please find the original and one (1) copy of the State's corrected Initial Brief of Respondent, as well as the original and six (6) copies of the Motion to Substitute Initial Brief of Respondent. One copy of each of these documents has been served on Appellant in the above-referenced appeal and the original Proof of Service indicating service of the corrected Brief and Motion on today's date.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

  
Amie L. Clifford  
Special Assistant Attorney General  
aclifford@cpc.sc.gov  
S.C. Bar No. 1285

**RECEIVED**

APR 29 2014

**SC Court of Appeals**

Enclosures (as stated)

cc: Jason Scott Luck, Esquire, Counsel for Appellant  
(with one copy each of corrected Brief, Motion, and Proof of Service)  
Robert M. Dudek, Chief Appellate Defender  
(with one copy each of corrected Brief, Motion, and Proof of Service)