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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

Honorable John C. Hayes, III, Circuit Court Judge
Trial Court Case No. 2012GS4603890
Appellate Case No. 2013-000684

The State of South Carolina,

Respondent,

v.

Kairon Brenton Maldonado,

Appellant.

**MOTION TO SUPPLEMENT THE RECORD ON APPEAL
AND
HOLD TIME FOR FILING FINAL BRIEF OF RESPONDENT IN ABEYANCE**

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

I.

Although Respondent cited to pages 111, 112, 113, and 173 in the trial transcript in its Initial Brief, Respondent inadvertently omitted those pages from its Designation of Matter prepared, served, and filed.

II.

Respondent submits these pages are relevant and useful to this Court in its consideration of the issues involved in this case. Respondent does not seek to revise any

argument in its Brief or include any matters not cited in the Initial Brief.

III.

If this Court grants this Motion, Respondent will prepare, serve, and file the Supplemental Record on Appeal to include this particular matter.

IV.

The Final Brief of Respondent is due to be served upon Appellant and filed with this Court on Monday, May 12, 2014 (the Record on Appeal was served on April 21 and the 20 days for filing the Final Briefs runs on Sunday, May 11, making the actual due date May 12). Respondent would request that the time for filing the Final Brief of Respondent be held in abeyance until the Motion to Supplement the Record on Appeal is acted upon so that, if that motion is granted, the Final Brief can include the citations to the Supplemental Record on Appeal.

V.

The undersigned counsel spoke by telephone with counsel for Appellant, Rebecca K. Lindahl, on May 7, 2014. Ms. Lindahl indicated that she consents to both the filing of the Supplemental Record on Appeal by Respondent containing the four inadvertently omitted pages and holding the time for filing the Final Brief of Respondent in abeyance until such time as this Court acts upon the Motion to Supplement the Record on Appeal.

WHEREFORE, having made Motion to Supplement the Record on Appeal, Respondent would respectfully request this Court to grant the Motion to include pages 111, 112, 113, and 173 from the trial transcript in a Supplemental Record on Appeal; that the time for filing the Final Brief of Respondent be held in abeyance until the Court rules upon the Motion to Supplement; and for such other and further relief as this Court may

deem just and proper.

Respectfully submitted,

ALAN MCCRORY WILSON
Attorney General

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BY:



ATTORNEYS FOR RESPONDENT

May 7, 2014

Columbia, South Carolina

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of General Sessions

Honorable John C. Hayes, III, Circuit Court Judge

Trial Court Case No. 2012GS4603890

Appellate Case No. 2013-000684

The State of South Carolina,

Respondent,

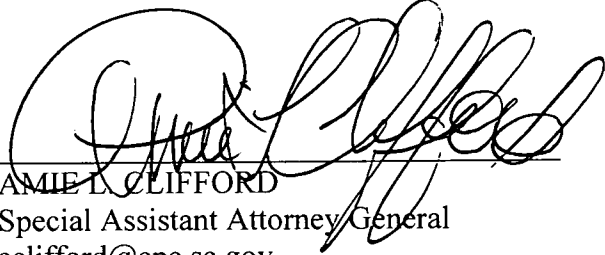
v.

Kairon Brenton Maldonado,

Appellant.

PROOF OF SERVICE

I certify that I have served the Motion to Supplement the Record on Appeal and Hold Time for Filing Final Brief of Respondent in Abeyance on Appellant, Kairon Brenton Maldonado, by depositing one copy of such in the United States Mail, first class postage prepaid, on May 7, 2014, addressed to his attorney of record, Rebecca K. Lindahl, Esquire, Katten Muchin Rosenman LLP, 550 South Tryon Street, Suite 2900, Charlotte, North Carolina 29802.


AMIE L. CLIFFORD
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May 7, 2014

Columbia, South Carolina



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SC COURT OF APPEALS

ALAN WILSON
ATTORNEY GENERAL

May 7, 2014

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

Re: *State v. Kairon Brenton Maldonado 2013-000684*

Dear Ms. Kitchings:

Enclosed for filing, please find the original and six (6) copies of each the State's "Motion to Supplement the Record on Appeal and Hold Time for Filing Final Brief of Respondent in Abeyance" served on Appellant in the above-referenced appeal. I have also enclosed the original Proof of Service indicating service of the 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,

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

Enclosures (as stated)

cc: Rebecca K. Lindahl, Esquire, Counsel for Appellant
(with one copy of Motion and one copy of Proof of Service)
Robert M. Dudek, Chief Appellate Defender
(with one copy of Motion and one copy of Proof of Service)