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ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Williamsburg County

George C. James, Jr., Circuit Court Judge

RECEIVED

OCT 06 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

MARTY BAGGETT,

APPELLANT

Appellate Case No. 2011-204146

PETITION TO FILE
SUPPLEMENTAL RECORD ON APPEAL

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 this Court on July 18, 2013. At that time, Appellant designated page 239 of the transcript to be included in the record on appeal.

2. On December 4, 2013, Respondent filed the initial brief and designation of matter with this Court. Respondent also designated page 239 of the transcript be included in the record on appeal.


3. The Record on Appeal was filed by undersigned counsel on January 3, 2014.

4. However, counsel inadvertently failed to include page 239 of the transcript.

5. This Court held oral argument in this case on October 6, 2014. In order to permit this Court a full review of the entire Record on Appeal, as designated by both parties, undersigned counsel requests the permission of this Court pursuant to Rule 212(b), SCACR to supplement the record on appeal.

6. As indicated below, opposing counsel consents to this request.

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


Susan B. Hackett
Appellate Defender,

ATTORNEY FOR APPELLANT

October 6, 2014

I consent:


William M. Blich, Esquire

STATE OF SOUTH CAROLINA
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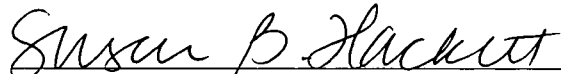
V.

MARTY BAGGETT,

APPELLANT

CERTIFICATE OF SERVICE


The undersigned attorney hereby certifies that a true copy of the Petition to File Supplemental Record in the above referenced case has been served upon William M. Blich, Esquire, this 6th day of October, 2014.



Susan B. Hackett
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 6th day of October, 2014.



(L.S.)

Notary Public for South Carolina

My Commission Expires: October 30, 2022.

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MARTY BAGGETT,

APPELLANT

CERTIFICATE OF SERVICE

I certify that a true copy of the Supplemental Record on Appeal in the above referenced case has been served upon William M. Blich, Jr., Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 this 6th day of October, 2014.

Brandon Hall

Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 6th day of October, 2014.

[Signature] (L.S.)

Notary Public for South Carolina
My Commission Expires: October 30, 2022

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THE STATE,

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APPELLATE CASE NO. 2011-204146

SUPPLEMENTAL RECORD ON APPEAL

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Attorneys for Respondent

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deceased or a Defendant that had a blood alcohol content of a .387?

A: No sir.

Q: Never been around, never had a case with anyone, whether it was deceased or the Defendant with a blood alcohol content that high have you?

A: Not that I can recall.

Q: Okay, so that makes two firsts in this case for you doesn't it?

A: Yes sir.

Q: Okay. I'm assuming that what attorney Stumbo was asking you about was the statement that you and officer Boston got from Mr. Baggett. When he was asking you about the signing of the waiver of Miranda rights?

A: Yes sir.

Q: Now, before he signed that, he, he advised you that he couldn't read it without his glasses and he didn't have his glasses didn't he?

A: Yes sir.

Q: He told you that?

A: Yes sir.

Q: So, it may not have been a completely, 100% voluntary, because it's kind of hard to sign something if you don't, can't read it. Isn't that right?

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

October 6, 2014

Susan B. Hackett

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Appellate Defender

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