

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Roger M. Young, Sr., Circuit Court Judge

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OCT 01 2014

**SC Court of Appeals**

Appellate Case No: 2013-000376

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The State of South Carolina.....Respondent,

v.

Robert Harvey Payne ..... Appellant.

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**MOTION TO AMEND DESIGNATION OF MATTER TO BE INCLUDED IN  
RECORD ON APPEAL AND TO FILE INITIAL REPLY BRIEF OF  
APPELLANT OUTSIDE OF TIME**

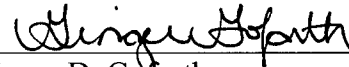
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Appellant Robert Harvey Payne moves pursuant to Rule 240, SCACR for an order granting his Motion to Amend the Designation of Matter to be Included in the Record on Appeal and to file his Initial Reply Brief outside of time.

Counsel for Appellant initially designated all exhibits from the trial in the circuit court as part of the Record on Appeal. After several months of research and inquiry, it appears that there are a number of exhibits that are no longer available from the clerk's office, the solicitor's office, or defense counsel. As such, Appellant requests the Court's permission to amend his Designation of Matter to accurately reflect its contents.

Appellant further requests that, under the circumstances, the Court allow him to file his Initial Reply Brief Outside of Time within 10 days of this motion. Appellant's counsel has previously discussed this issue with Respondent's counsel, and understands that Respondent's counsel does not object to the relief requested.

Respectfully submitted,



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Robert M Dudek  
Chief Appellate Defender  
SC Commission on Indigent Defense  
Appellate Division  
1330 Lady Street, Suite 401  
PO Box 11589  
Columbia, SC 29201-1589  
(803) 734-1330

September 29, 2014

cc: T. Parkin C. Hunter, Esq  
Assistant Attorney General

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

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Case No.: 2011-GS-10-05232

Case No.: 2011-GS-19-04844

**SC Court of Appeals**

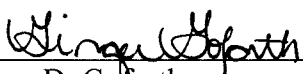
The State of South Carolina.....Respondent,

v.

Robert Harvey Payne ..... Appellant.

**PROOF OF SERVICE**

I, the undersigned, hereby certify the Motion to Amend Designation of Matter to be Included in Record on Appeal and to File initial Reply Brief of Appellant Outside of Time in the above referenced matter was mailed, postage prepaid, to Respondent's Attorney, T. Parkin C. Hunter, Assistant Attorney General, at Rembert Dennis Building, 1000 Assembly Street, Columbia, SC 29201 on September 29, 2014.

  
\_\_\_\_\_  
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**ATTORNEYS FOR APPELLANT**

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September 29, 2014

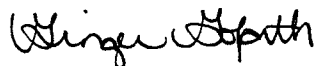
The Honorable Jenny Abbott Kitchings  
SC Court of Appeals Clerk  
PO Box 11629  
Columbia, SC 29211

**Re: *State of South Carolina v. Robert Harvey Payne***  
**In the Court of Common Pleas for Charleston County**  
**C.A. No: 2011-GS-10-05232 & 2011-GS-19-04844**

Dear Ms. Kitchings:

Enclosed for filing is an original and one copy of the Motion to Amend Designation of Matter to be Included in Record on Appeal and to File initial Reply Brief of Appellant Outside of Time in the above case. I also include a Proof of Service certifying service of this document upon Respondent's Attorney, T. Parkin C. Hunter. Please file the original and send a clocked copy back to me in the envelope I have enclosed for your convenience. I appreciate your assistance in this regard.

Sincerely,



Ginger D. Goforth  
Robert M. Dudek

GDG: jeh  
Enclosures  
cc: T. Parkin C. Hunter, Esq.

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**SC Court of Appeals**

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THE HONORABLE JENNY ABBOTT KITCHINGS  
CLERK OF COURT FOR COURT OF APPEALS  
PO BOX 11629  
COLUMBIA SC 29211-1629

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**SC Court of Appeals**