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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Charleston County  
The Honorable R. Markley Dennis, Jr., Circuit Court Judge

\_\_\_\_\_  
Appellate Case No. 2013-002379

RONALD COULTER,

Appellant,

v.

STATE OF SOUTH CAROLINA,

Respondent.

\_\_\_\_\_  
**MOTION TO REQUIRE THE APPELLANT AMEND THE RECORD ON APPEAL  
PURSUANT TO RULE 210(b)**  
\_\_\_\_\_

COMES NOW, Respondent, by and through undersigned counsel, making its Motion to Require the Appellant to Amend the Record on Appeal pursuant to Rule 210(b) of the South Carolina Appellate Court Rules. The Respondent respectfully shows this Court:

I.

The Respondent is in receipt of the Record on Appeal compiled by the Appellant in this matter. The Respondent respectfully requests this Court require the Appellant to amend the Record on Appeal to include the matters designated to be included in the Record on Appeal by the Respondent. South Carolina Appellate Court Rule 210(b) states "The Record on Appeal shall include all matter designated to be included by any party under Rule 209." (emphasis added). The Respondent submits the Appellant has only included two of the twenty-three documents the Respondent designated to be included in the Record on Appeal.

## II.

The Respondent submits the following documents designated to be included in the Record on Appeal by the Respondent were excluded by the Appellant in the Record on Appeal:

1. Indictment #2002-GS-10-2443 and sentencing sheet
2. Application for post-conviction relief filed July 16, 2004 (2004-CP-10-2999)
3. Respondent's Return to application for post-conviction relief dated June 23, 2005
4. Appellant's Brief of Amended Issues
5. Form Order dated June 2, 2006 denying post-conviction relief
6. Order of Dismissal dated November 6, 2006
7. Trial and guilty plea transcripts
8. Notice of Appeal from denial of post-conviction relief dated November 8, 2006
9. Johnson Petition for Writ of Certiorari
10. Appellant's *pro se* response to the Johnson petition
11. Court of Appeals Order denying certiorari dated May 19, 2008
12. Remittitur issued June 8, 2008
13. Federal Petition for Writ of Habeas Corpus filed August 22, 2008
14. Respondent's Return and Memoranda of Law in Support of Summary Judgment dated November 31, 2008
15. Report and Recommendation dated August 3, 2009
16. Order granting the Respondent's Motion for Summary Judgment dated September 16, 2009
17. Order denying appealability to the 4<sup>th</sup> Circuit Court of Appeals
18. United States Supreme Court Order denying certiorari.
19. State Petition for Writ of Habeas Corpus filed April 11, 2013
20. Appellant's Motion to Alter or Amend filed September 13, 2013
21. Order denying the Appellant's Motion to Alter or Amend filed September 30, 2013

## III.

In view of the foregoing, the Respondent respectfully requests this Court compel the Appellant to amend the Record on Appeal to include the matters designated for inclusion by the Respondent. The Respondent also asks this Court to hold in abeyance the filing of the Respondent Final Brief until the Respondent has been served an amended copy of the Record on Appeal.

IV.

WHEREFORE, it is respectfully requested that this motion be granted.

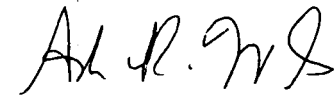
Respectfully submitted,

ALAN WILSON  
Attorney General

ASHLEIGH R. WILSON  
Assistant Attorney General  
S.C. Bar # 100269

P.O. Box 11549  
Columbia, S.C. 29211  
(803) 734-3737

By:



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**Attorney for the Respondent**  
Columbia, South Carolina  
November 4, 2014

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SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal From Beaufort County  
The Honorable R Markley Dennis, Jr., Circuit Court Judge

RONALD COULTER

Petitioner,

v.

STATE OF SOUTH CAROLINA,

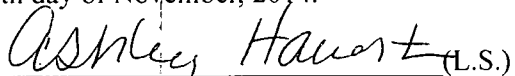
Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Motion to Require the Appellant to Amend the Record on Appeal Pursuant to Rule 210(b) To The SC Court of Appeals has been served upon the applicant, Ronald Coulter, at Broad River Correctional Institution, this 4<sup>th</sup> day of November 2014.

  
Anne R. Henley  
Legal Assistant

SWORN to before me this  
4th day of November, 2014.

 (L.S.)

Notary Public for South Carolina.

My Commission Expires: 3-18-23



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SC Court of Appeals

ALAN WILSON  
ATTORNEY GENERAL

November 4, 2014

The Honorable Jenny Abbott Kitchings  
1015 Sumter Street  
Columbia, SC 29201

**Re: Ronald Coulter v. State, 2013-002379**

Dear Ms. Kitchings:

Enclosed for filing in the Court of Appeals is the original and six (6) copies the Respondent's Motion to Require Appellant to Amend the Record on Appeal in the above referenced matter. An affidavit of service of this motion on the Appellant has also been included for filing.

Sincerely,

Ashleigh R. Wilson  
Assistant Attorney General

Cc: Ronald Coulter, #300410