

5

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal From Cherokee County  
The Honorable R. Keith Kelly, Circuit Court Judge

Appellate Case No: 2013-002455

RECEIVED  
DEC 29 2014  
SC Court of Appeals

THE STATE,

Respondent,

v.

KENNETH GERALD BUTLER,

Appellant.

**MOTION TO SERVE AND FILE A SUPPLEMENTAL RECORD ON APPEAL**

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

I.

While attempting to prepare the Final Brief of Respondent, Respondent discovered that Transcript page 4 of the trial transcript was missing from the Record on Appeal. The undersigned counsel designated this page in her designation of matter but was not included in the Record on Appeal as required by Rule 210, SCACR. Counsel submits that this page is necessary and useful to this Court's full and complete understanding of the issues involved in this appeal.

II.

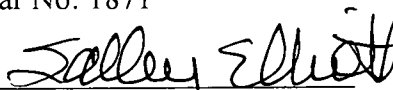
Respondent has prepared the Supplemental Record on Appeal to include page 4 of the trial transcript.

WHEREFORE, having made Motion to Supplement the Record on Appeal, Respondent would respectfully request this Court to grant the Motion to include page 4 of the trial transcript; and for such other and further relief as this Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

SALLEY W. ELLIOTT  
Senior Assistant Deputy Attorney General  
S.C. Bar No: 1871

BY:   
SALLEY W. ELLIOTT

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727

ATTORNEYS FOR RESPONDENT

December 29, 2014

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

RECEIVED  
DEC 29 2014  
SC Court of Appeals

Appeal From Cherokee County  
The Honorable R. Keith Kelly, Circuit Court Judge

Appellate Case No: 2013-002455

THE STATE,

Respondent,

v.

KENNETH GERALD BUTLER,


Appellant.

**PROOF OF SERVICE**

I, Angela Bennett, certify that I have served the Supplemental Record on Appeal and Motion to Serve and File a Supplemental Record on Appeal on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to his attorney of record LaNelle C. DuRant, Esquire, S.C. Commission on Indigent Defense, Division of Appellate Defense, Post Office Box 11589, Columbia, South Carolina 29211-1589.

I further certify that all parties required by Rule to be served have been served.

This 29<sup>th</sup> day of December, 2014.

  
\_\_\_\_\_  
ANGELA BENNETT  
Administrative Assistant  
Office of Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727