

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

FEB 24 2015

Appeal From Beaufort County  
The Honorable Carmen T. Mullen, Circuit Court Judge

**SC Court of Appeals**

Appellate Case No: 2013-002389

THE STATE,

Respondent,

v.

JAMES SIMMONS, JR.,

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 Brief of Respondent, Respondent discovered that page 300 of the trial transcript was referenced in its brief but not included in Respondent's Designation of Matter. The undersigned counsel submits that this page of the transcript 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 this page.

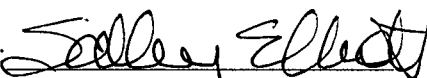
WHEREFORE, having made Motion to Supplement the Record on Appeal, Respondent would respectfully request this Court to grant the Motion to include page 300 of the trial transcript

and for such other and further relief as this Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

SALLEY W. ELLIOTT  
Assistant Attorney General  
S.C. Bar No: 79818

BY:   
SALLEY W. ELLIOTT

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ATTORNEYS FOR RESPONDENT

February 24, 2015

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**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 Susan B. Hackett, 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 24<sup>th</sup> day of February, 2015.



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



ALAN WILSON  
ATTORNEY GENERAL

February 24, 2015

Susan B. Hackett, Esquire  
S.C. Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, South Carolina 29211-1589

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**SC Court of Appeals**

Re: The State v. James Simmons  
Appellate Case No: 2013-002389

Dear Ms. Hackett:

Enclosed please find two (2) copies of the Motion to Serve and File a Supplemental Record on Appeal along with proof of service in the above-referenced case.

Sincerely,

Salley W. Elliott  
Senior Assistant Deputy Attorney General  
S.C. Bar No: 1871

SWE/ab  
Enclosures

cc: The Honorable Jenny A. Kitchings  
Ms. Trisha Allen - with enclosure