

 ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

J. Derham Cole, Circuit Court Judge

RECEIVED

APR 29 2015

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ROBERT ODELL BROWN,

APPELLANT

Appellate Case No. 2013-001411

MOTION TO WITHDRAW AMENDED INITIAL BRIEF
OF APPELLANT AND FILE SECOND
AMENDED INITIAL BRIEF OF APPELLANT

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, the undersigned counsel moves to withdraw the Amended Initial Brief of Appellant and Designation of Matter filed on January 22, 2015 and replace it with the Second Amended Initial Brief of Appellant and Designation of Matter accompanying this motion. In support of this motion, counsel submits the following facts.

1. Undersigned counsel filed an Amended Initial Brief of Appellant and Designation of Matter in this case on January 22, 2015. In the brief, counsel listed the name of a law enforcement officer as it appeared in an exhibit.

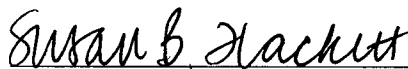
2. On March 13, 2015, Respondent sent a letter to counsel, which was copied to this Court. In the letter, Respondent “raised concerns about public disclosure of certain information contained in the personnel file of a law enforcement officer who appeared as a witness at trial.” Principally, Respondent was concerned about “brief references to a second individual who was also identified in those personnel records.” Respondent sought counsel’s assistance and consent in assigning a different pseudonym for the second individual and using that pseudonym when filing a Second Amended Initial Brief of Appellant as well as the future Record on Appeal.

3. In light of Respondent’s request and the fact that the identity of the second officer is not critical to the outcome of the legal issue presented in the brief, counsel for Appellant has agreed to file a Second Amended Initial Brief of Appellant redacting the name and replacing it with a pseudonym – “Senior Officer.”

4. Undersigned counsel has discussed this motion and the accompanying brief with Counsel for Respondent, who consents to the filing of this motion and the filing of the accompanying brief.

WHEREFORE, counsel moves this Court to withdraw the Amended Initial Brief of Appellant and Designation of Matter filed on January 22, 2015 and replace it with the Second Amended Initial Brief of Appellant and Designation of Matter accompanying this motion.

Respectfully submitted,



Susan B. Hackett
Appellate Defender

Attorney for Appellant

April 29, 2015

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County
J. Derham Cole, Circuit Court Judge

THE STATE,

RESPONDENT,

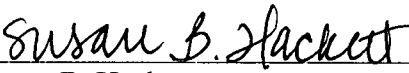
V.

ROBERT ODELL BROWN,

APPELLANT

MOTION TO WITHDRAW AMENDED INITIAL BRIEF
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The undersigned attorney hereby certifies that a true copy of the Motion to withdraw amended initial brief of appellant and file Second Amended Initial Brief of Appellant in the above referenced case has been served upon J. Benjamin Aplin, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 29th day of April, 2015.



Susan B. Hackett
Appellate Defender

Attorney for Appellant

SUBSCRIBED AND SWORN TO before me
this 29th day of April, 2015.



(L.S.)
Notary Public for South Carolina
My Commission Expires: October 30, 2022.



SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

 ORIGINAL

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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

April 29, 2015

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SC Court of Appeals

The Honorable Jenny Kitchings
Clerk, S.C. Court of Appeals
PO Box 11629
Columbia, SC 29211

Re: State of South Carolina v. Robert Odell Brown, Appellate Case No. 2013-001411

Dear Ms. Kitchings:

Enclosed are an original and six copies of the Motion to Withdraw Amended Initial Brief of Appellant and Designation of Matter and file Second Amended Initial Brief of Appellant and Designation of Matter in the above-captioned case. Additionally, the Second Amended Initial Brief of Appellant and Designation of Matter is enclosed. Thank you for your assistance in this matter.

Sincerely,

Susan B. Hackett
Appellate Defender

SBH/smf

Enclosure

cc: J. Benjamin Aplin, Esquire (w/ enclosure)
Robert O. Brown (w/ enclosure)