

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Marlboro County

Brooks P. Goldsmith., Circuit Court Judge

RECEIVED

JUN - 3 2015

S.C. Supreme Court

CLARENCE COOK,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2013-000366

MOTION TO SUPPLEMENT
THE APPENDIX

Petitioner respectfully moves to supplement the appendix in the above case pursuant to Rule 212(b), SCACR, based on the following grounds:

I.

On November 20, 2014, this Court granted a belated appeal pursuant to White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974). On March 23, 2015, Petitioner filed a brief pursuant to White v. State. The issue raised was whether the trial judge erred in charging the jury with the lesser included offense of voluntary manslaughter when there was no evidence of the element of sudden heat of passion required for voluntary manslaughter.

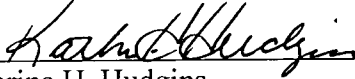
II.

Respondent filed a brief on May 22, 2015. Part of Respondent's argument in support of the trial judge charging the jury with voluntary manslaughter is based on statements attributed to Petitioner by the State. Petitioner's videotaped statement to police was admitted in evidence without objection and played for the jury. The videotape, marked as State's Exhibit #1, was not transcribed. The videotape was not made a part of the original Appendix.

III.

Counsel for Petitioner now respectfully moves to supplement the Appendix to include State's Exhibit #1, the videotape of Petitioner's statement to police. In the event that this Court grants the motion to supplement the Appendix, counsel has attached a transportation order for State's Exhibit #1.

Respectfully submitted,



Kathrine H. Hudgins
Appellate Defender

Attorney for Petitioner

This 3rd day of June, 2015.

STATE OF SOUTH CAROLINA

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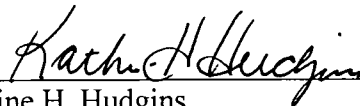
STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2013-000366

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Motion To Supplement the Appendix in the above referenced case has been served upon opposing counsel, Joshua L. Thomas, Esquire and Clarence Cook #345807 at Broad River Correctional Institution this 3rd day of June, 2015.



Kathrine H. Hudgins
Appellate Defender

Attorney for Petitioner

SUBSCRIBED AND SWORN TO before me
this 3rd day of June, 2015.



Notary Public for South Carolina
My Commission Expires: October 24, 2021



SCCID

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Joseph L. Savitz, III, Chief Attorney
Wanda H. Carter, Deputy Chief Attorney

June 3, 2015

The Honorable Daniel E. Shearouse
Clerk, S.C. Supreme Court
PO Box 11330
Columbia, SC 29211

Re: Clarence Cook v. State of South Carolina, Appellate Case No. 2013-000366

Dear Mr. Shearouse:

Enclosed are an original and six copies of the Motion to Supplement the Appendix in the above-captioned case. Thank you for your assistance in this matter.

Sincerely,

Kathrine H. Hudgins
Appellate Defender

KHH/brr

Enclosure

cc: Joshua L. Thomas, Esquire