

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Aiken County
The Honorable Doyet A. Early, III, Circuit Court Judge

Appellate Case No: 2014-000344

RECEIVED
MAY 22 2015
SC Court of Appeals

THE STATE,

Respondent,

v.

FRANK MUNS,

Appellant.

MOTION TO SERVE AND FILE A SUBSTITUTE RECORD ON APPEAL

Respondent herein seeks to replace the currently filed Record on Appeal and Supplemental Record on Appeal with a Substitute 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 pages of the trial transcript which had been designated were missing in various places in the Record on Appeal and submits that these pages are necessary and useful to this Court's full and complete understanding of the issues involved in this appeal.

II.

Respondent has prepared a Substituted Record on Appeal to include all matters designated by both Appellant and Respondent. The undersigned counsel has contacted opposing counsel,

Nicholas A. Shalosky, for consent via email and he has no objections to the request.

WHEREFORE, having made Motion to Substitute the Record on Appeal, Respondent would respectfully request this Court to grant the Motion to use the Substitute Record on Appeal for use of the Court; and for such other and further relief as this Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

J. BENJAMIN APLIN
Assistant Attorney General
S.C. Bar No: 8729

BY: 

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ATTORNEYS FOR RESPONDENT

May 22, 2015

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PROOF OF SERVICE

I, Angela Bennett, certify that I have served the Motion to Serve and File a Substitute 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 Robert M. Dudek, Esquire, S.C. Commission on Indigent Defense, Division of Appellate Defense, Post Office Box 11589, Columbia, South Carolina 29211-1589 and Nicholas Shalosky, Esquire, 414 King Street, Charleston, South Carolina 29403.

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

This 22nd day of May, 2015.



ANGELA BENNETT
Administrative Assistant
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