

STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

JUN 30 2015

APPEAL FROM ABBEVILLE COUNTY
Thomas L. Hughston, Jr., Circuit Court Judge

SC Court of Appeals

Appellate Case No. 2013-002655

THE STATE,

Respondent,

vs.

CHARLES BRANDENBURG,

Appellant.

RESPONDENT'S MOTION TO FILE A SUPPLEMENTAL RECORD ON APPEAL

Counsel for Respondent hereby moves that this Court supplement the Record on Appeal, pursuant to Rules 210(c) and (f), and Rule 212(b) of the South Carolina Appellate Court Rules. In support of this motion, counsel for Respondent shows the following:

1. Appellant was indicted for stalking during the December 2013 term of the Abbeville Grand Jury. He proceeded to trial on December 4-5, 2013 before the Honorable Thomas J. Hughston and a jury. Over Appellant's objection, the trial court instructed the jury on harassment in the first and second degrees as lesser included offenses. The jury convicted Appellant of harassment in the first degree. The trial court sentenced Appellant to three years imprisonment, suspended upon the service of sixteen months imprisonment followed by five years' probation.

Appellant filed a timely notice of appeal and a brief pursuant to Anders v. California, 386 U.S. 738 (1967), was submitted on his behalf. By Order dated March 17, 2015, this Court denied counsel's motion to be relieved and directed the parties to file merits briefs. Because of this unique procedural situation, Respondent was not afforded the opportunity to designate matters for inclusion in the Record on Appeal filed by Appellant.

2. While preparing its Brief of Respondent, counsel for Respondent noticed that the Court's Exhibit from Petitioner's trial was not included in the Record on Appeal. Additionally, Respondent noticed that Appellant's Motion to Quash and Motion for Severance, both filed before trial and argued at the start of trial, were also omitted from the Record on Appeal. Respondent submits that the Court's Exhibit and the motions are necessary to establish a complete record of the lower court proceedings, is material to the issue raised by Appellant on appeal, and should be included in the record before this Court. Accordingly, Respondent requests that this Court permit it to file a Supplemental Record on Appeal to include the three above referenced items omitted from the Record on Appeal

5. **WHEREFORE**, Respondent prays that this Court allows the State to file a Supplemental Record on Appeal; hold the time limits for the filing of the Brief of Respondent in abeyance pending a ruling on this motion, and for such other and further relief as this Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

MEGAN HARRIGAN JAMESON
S.C. Bar No. 100108
Assistant Attorney General

By: Megan Harrigan Jameson
Attorneys for Respondent

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3737

June 30, 2015

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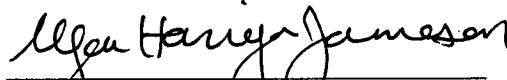
Appellant.

PROOF OF SERVICE

I, Megan Harrigan Jameson, certify that I have served the within Motion to File Supplemental Record On Appeal on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Robert M. Pachak, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.
This 30th day of June, 2015.



Megan Harrigan Jameson
Assistant Attorney General
S.C. Bar No. 100108

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



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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

June 30, 2015

Robert M. Pachak, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, South Carolina 29211-1589

Re: The State v. Charles Moody Brandenburg
Appellate Case No: 2013-002655

Dear Mr. Pachak:

Enclosed please find two copies of both Respondent's Motion to File a Supplemental Record on Appeal, and the proposed Supplemental Record on Appeal, along with proofs of service.

Sincerely,

Megan Harrigan Jameson
Assistant Attorney General
S.C. Bar No: 100108

MHJ/aam
Enclosures

cc: The Honorable Jenny A. Kitchings
(with original and 6 copies of motion and original and 9 copies of proposed
Supplemental Record On Appeal)
Ms. Trisha Allen (with motion)