

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Richland County
Robert E. Hood, Circuit Court Judge

Appellate Case No: 2014-001203

RECEIVED

JUL 01 2015

SC Court of Appeals

THE STATE,

Respondent,

v.

ROBERT ANTONIO GUINYARD,

Appellant.

and

Appellate Case No: 2014-001198

THE STATE,

Respondent,

v.

COURTNEY SHANTE THOMPSON,

Appellant.

MOTION TO CONSOLIDATE
and
SUPPLEMENT DESIGNATIONS OF MATTER
TO BE INCLUDED IN RECORD ON APPEAL

Respondent, through its undersigned counsel, would respectfully move this Court to consolidate these appeals as provided for in Rule 214, SCACR, for the limited purpose of preparing a single appellate record and to, regardless of its ruling on that motion, to all supplementation of Respondent's Designation of Matter to be Included in Record on Appeal filed in both cases. In support of this motion, the undersigned counsel shows unto this Court as follows:

I.

Robert Antonio Guinyard and Courtney Shante Thompson were jointly tried for homicide by child abuse and unlawful conduct towards a child. Both were convicted and have appealed.

The transcript from their joint trial is 1826 pages long, most of which is relevant to the issues presented on appeal. Appellants, in their designation of Matter have proposed including only isolated portions of the evidence presented by the defense.

There were over 200 exhibits used at trial, a number of which are relevant to the issues presented on appeal.

On appeal, both appellants have challenged the trial court's denial of their motions for directed verdict and the admission of photographs.

II.

Each appellant in these cases is represented by a different volunteer attorney working with the South Carolina Commission on Appellate Defense. Respondent in both cases is represented by the same volunteer attorney for the Office of the Attorney General of South Carolina. Appellate Defense will be preparing the Record on Appeal in both cases.

III.

The Designations of Matter filed in both cases establish that the Records on Appeal, if filed separately, will be long and will contain almost the same material. Also, any exhibits that cannot be copied for inclusion into the bound appellate record, will need to be shared between the two cases.

IV.

Inclusion of all of the entire portions of the testimony presented by both Appellants at trial (Tr. p. 1446, line 1 – p. 1477, line 25; p. 1480, line 12 – p. 1503, line 22; p. 1506, line 21 – p. 1592,

line 20; p. 1595, line 5 – p. 1653, line 16) will place the testimony in context, and allow this Court to have a more complete and necessary understanding of the evidence presented. This is so regardless of whether the cases are consolidated on appeal for the purpose of preparing a single Record on Appeal.

V.

Consolidation of these cases for appeal *for the limited purpose of creating and filing a single appellate record* will allow for the preparation of only one bound Record on Appeal, consisting of matter designated by counsel in both cases. Such a consolidation will not prejudice the parties, but will conserve resources of the parties and this Court.

VI.

This request is not intended to prejudice the appellants, and Respondent recognizes that it is not desirable to consolidate the cases for oral argument because the appellants do not necessarily have the same interests. The request to consolidate is simply to consolidate the cases for purposes of a single Record on Appeal for use by the parties and this Court.

WHEREFORE, Respondent prays that the Court grant this motion and allow for the supplementation of the appellate record in these cases to include the entire portions of the testimony presented by both Appellants at trial (Tr. p. 1446, line 1 – p. 1477, line 25; p. 1480, line 12 – p. 1503, line 22; p. 1506, line 21 – p. 1592, line 20; p. 1595, line 5 – p. 1653, line 16); the consolidation of these appeals for the purpose of preparation of a single Record on Appeal; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

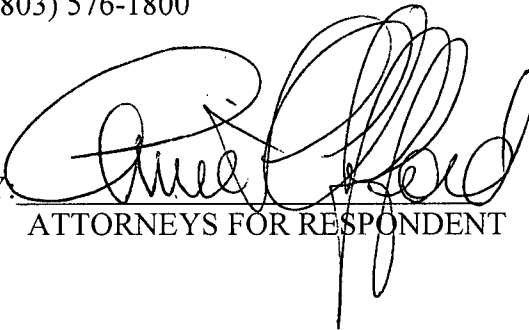
ALAN MCCRORY WILSON
Attorney General

AMIE L. CLIFFORD
Special Assistant Attorney General
aclifford@cpc.sc.gov

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727

DANIEL E. JOHNSON
Solicitor, Fifth Judicial Circuit

P.O. Box 192
Columbia, South Carolina 29202
(803) 576-1800

BY: 
ATTORNEYS FOR RESPONDENT

July 1, 2015

Columbia, South Carolina

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Richland County
Robert E. Hood, Circuit Court Judge

Appellate Case No: 2014-001203

THE STATE,

v.

ROBERT ANTONIO GUINYARD,

and

Appellate Case No: 2014-001198

THE STATE,

v.

COURTNEY SHANTE THOMPSON,

RECEIVED

JUL 01 2015

SC Court of Appeals

Respondent,

Appellant.

Respondent,

Appellant.

PROOF OF SERVICE

I, Anne Mueller, certify that I have today served the Motion to Consolidate on Appellants by depositing one copy of the each in the United States mail, postage prepaid, addressed to the attorney of record for each:

- Courtney Shante Thompson: Mitzi Campbell Williams, Esquire, P.O. Box 84171, Lexington, South Carolina 29073; and Robert M. Dudek, South Carolina Commission of Indigent Defense, Office of Appellate Defense, P.O. Box 11589, Columbia, South Carolina 29211.
- Robert Antonio Guinyard: Matthew G. Gerald, Esquire, Barnes, Alford, Stork & Johnson, LLP, P.O. Box 8448, Columbia, South Carolina 29202; and Robert M. Dudek, South Carolina Commission of Indigent Defense, Office of Appellate Defense, P.O. Box 11589, Columbia, South Carolina 29211.

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



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

July 1, 2015

Columbia, South Carolina



ALAN WILSON
ATTORNEY GENERAL

RECEIVED

JUL 01 2015

SC Court of Appeals

July 1, 2015

Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Re: *State v. Robert Antonio Guinyard* (Appellate Case No. 2014-001203)
State v. Courtney Shante Thompson (Appellate Case No. 2014-001198)

Dear Ms. Kitchings:

Enclosed please find two originals and twelve (12) copies of the Motion to Consolidate in the above-referenced cases. I have also enclosed the original Proof of Service.

By copy of this letter, opposing counsel are being served with a copy of Motion.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

Amie L. Clifford
Special Assistant Attorney General
aclifford@cpc.sc.gov
S.C. Bar No. 1285

Enclosures

cc: Matthew G. Gerrald, Esquire, Counsel for Appellant Guinyard
Mitzi Campbell Williams, Counsel for Appellant Thompson
Robert M. Dudek, Chief Appellate Defender, Counsel for Appellants Guinyard and
Thompson
(each with one copy of the Motion and Proof of Service)