

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**  
AUG 12 2015  
SC Court of Appeals

Appeal From Darlington County  
The Honorable J. Michael Baxley, Circuit Court Judge

Appellate Case No: 2014-000392

THE STATE,

Respondent,

v.

CHRISTOPHER JERMANE HICKS,

Appellant.

**MOTION TO SERVE AND FILE A SECOND SUPPLEMENTAL RECORD ON APPEAL**

Respondent herein seeks to supplement the Record on Appeal, pursuant to Rule 210, SCACR, on the following grounds.

I.

Appellant filed and served a notice of appeal and subsequently submitted a brief and record on appeal pursuant to Anders v. California, 386 U.S. 738 (1967). Upon review, this Court found the record to be incomplete and asked Appellant's counsel to file a Supplemental Record on Appeal containing Appellant's sentence sheets and documents submitted to the trial court establishing Appellant's prior convictions. (See letter from this Court to counsel dated January 26, 2015). The Supplemental Record on Appeal was filed and served on February 5, 2015, and contained Appellant's sentence sheets and Court's Exhibit 1. Thereafter, this Court issued an order filed April 20, 2015, directing the parties to address the issue whether the trial court erred in

enhancing Appellant's sentences based upon his prior convictions.

II.

While preparing its responsive brief, Respondent discovered the "Receipt for Exhibits" that accompanied Court's Exhibit 1 and which verifies that the documents relating to Appellant's prior convictions were presented to the trial judge in court on February 25, 2014, and were thereafter delivered to and filed by the Darlington County Clerk of Court. The document is necessary to this appeal in that it establishes the date and manner the documents were received by the trial court. Because this appeal previously proceeded pursuant to Anders v. California, 386 U.S. 738 (1967), Respondent has not previously designated matter for the record on appeal. Respondent, therefore, moves this Court to accept its Second Supplemental Record on Appeal to include the "Receipt for Exhibits" in order to complete the record of matters before the lower court. Respondent submits that its Second Supplemental Record on Appeal is necessary and useful to this Court's full and complete understanding of the issue involved in this appeal.

III.

Respondent has prepared the Second Supplemental Record on Appeal to include this particular document. The undersigned counsel has contacted Wanda H. Carter, opposing counsel, for consent via email and she has no objection to the request.

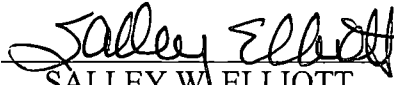
WHEREFORE, having made motion to supplement the record on appeal, Respondent would respectfully request this Court to grant its request to accept the Second Supplemental Record on Appeal and for such other and further relief as this Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

SALLEY W. ELLIOTT  
Senior Assistant Deputy Attorney General

WILLIAM B. ROGERS  
Solicitor, Fourth Judicial Circuit

BY:   
SALLEY W. ELLIOTT  
S.C. Bar No: 1871

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

ATTORNEYS FOR RESPONDENT

August 12, 2015

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**PROOF OF SERVICE**

I, Angela Bennett, certify that I have served the Second Supplemental Record on Appeal and Motion to Serve and File a Second Supplemental 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 Wanda H. Carter, Esquire, S.C. Commission on Indigent Defense, Division of Appellate Defense, Post Office Box 11589, Columbia, South Carolina 29211-1589.

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

This 12<sup>th</sup> day of August, 2015.



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