

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Fairfield County
Honorable R. Knox McMahon, Circuit Court Judge

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OCT 01 2015

SC Court of Appeals

THE STATE,

Respondent,

v.

DEREKEE JOHNSON,

Appellant.

Appellate Case No. 2014-000920

**MOTION TO ALLOW FILING OF
SUPPLEMENTAL RECORD ON APPEAL**

The Respondent, above-named, through its undersigned counsel, would respectfully show unto this Court the following:

I.

On June 25, 2015, the State filed and served its Initial Brief of Respondent and Designation of Matter. In the Initial Brief of Respondent, counsel made reference to Trial Transcript pages 50-53, 300-07, 421-22, 589-91, 657-59, and 732-38. In its Designation of Matter, the State inadvertently failed to designate Trial Transcript pages 300-07, 421-22, 589-91, 657-59, and 732-38. Transcript pages 50-53 were designated, however, were inadvertently omitted by counsel for the Appellant. Below-signed counsel realized this when preparing the Final Brief of Respondent for filing on October 1, 2015. On September, 29, 2015, counsel for the Appellant advised counsel of his consent to allow the record to be supplemented to include

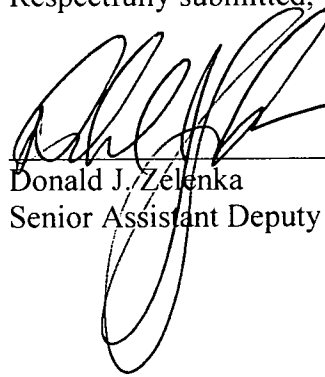
this material.

II.

Because cited portions of the trial transcript within the Initial Brief of Respondent was inadvertently omitted from the Respondent's original Designation of Matter and Record on Appeal, the State believes it is necessary to file a Supplemental Record on Appeal containing the inadvertently omitted matter. See Rule 210(c), SCACR ("The Record on Appeal shall include all matter designated to be included by any party under Rule 209[.]"). Counsel for Appellant has indicated to the undersigned counsel for the State that he has no objection to the request. For the foregoing reasons, the State asks this Court to permit and accept the filing of a Supplemental Record on Appeal containing the designated matter inadvertently omitted from the Record on Appeal.

Wherefore, Respondent prays that this Court will allow the State to file a Supplemental Record on Appeal; accept the filing of the State's Supplemental Record on Appeal; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. J. Zelenka', is written over a horizontal line. The signature is stylized and cursive.

Donald J. Zelenka
Senior Assistant Deputy Attorney General

October 1, 2015

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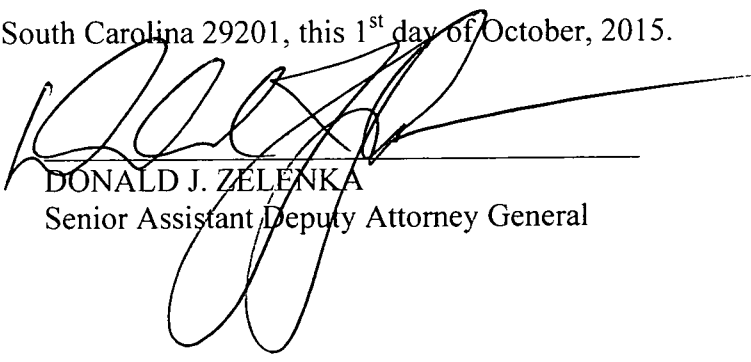
DEREKEE JOHNSON,

Appellant.

Appellate Case No. 2014-000920

CERTIFICATE OF SERVICE

I, **Donald J. Zelenka**, hereby certify that I have served the Motion to File Supplemental Record on Appeal in the foregoing action by depositing copy of same in the United States Mail to R. Morrison M. Payne, Esquire. P.O. Box 315, Walterboro, SC 29488 and the InterAgency Mail to Robert M. Dudek, Chief Appellate Defender, SCCID/Division of Appellate Defense, 1330 Lady Street, Suite #401, Columbia, South Carolina 29201, this 1st day of October, 2015.


DONALD J. ZELEŃKA
Senior Assistant Deputy Attorney General



ALAN WILSON
ATTORNEY GENERAL

October 1, 2015

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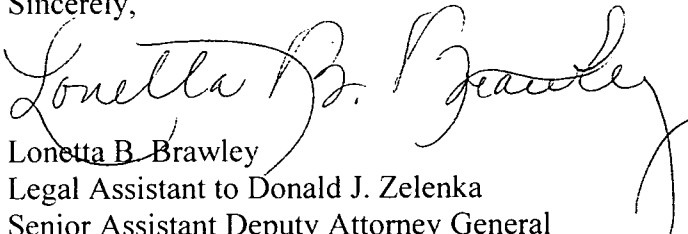
Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

Re: The State v. Derekee Johnson
Appellate Case No. 2014-000920

Dear Ms. Kitchings:

Enclosed please find the original and fourteen (14) copies of the **Final Brief of Respondent** in the above-referenced case for filing. Also, enclosed please find **Respondent's Motion to File a Supplemental Record on Appeal to Include Matters Missing From the Record on Appeal** along with the original and one (1) copy of the **Supplemental Record on Appeal** in this matter. By copy of this letter, I am serving opposing counsel with same.

Sincerely,


Lonetta B. Brawley
Legal Assistant to Donald J. Zelenka
Senior Assistant Deputy Attorney General

/lbb
Enclosures

cc: R. Morrison Payne, Esquire
Robert M. Dudek, Esquire
Randy E. Newman, Jr., Solicitor
Trisha Allen, Victim Assistance