

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

RECEIVED

APPEAL FROM RICHLAND COUNTY

DEC 08 2015

Court of General Sessions
Robert E. Hood, Circuit Court Judge

SC Court of Appeals

Court of Appeals Case No. 2014-001203

The State of South Carolina,

Respondent,

v.

Robert Antonio Guinyard,

Appellant.

**MOTION TO FILE A SUPPLEMENTAL RECORD ON APPEAL
AND FOR EXTENSION OF TIME FOR SERVING AND FILING
THE FINAL BRIEF OF RESPONDENT**

Respondent herein seeks to supplement the Record on Appeal, pursuant to Rule 210, SCACR, and hold the time for filing the Final Brief of Respondent in Abeyance, pursuant to Rule 263, on the following grounds.

I.

Yesterday, while changing the citations in from the trial transcript to the Record on Appeal for purposes of preparing the Final Brief of Respondents in this case and that of the co-defendant, Courtney Shante Thompson (No. 2014-001198), the undersigned counsel discovered that three trial transcript pages, which include the Co-Defendant's renewal of her motion for a directed verdict at the close of the defense case and the trial court's ruling thereon, had not been

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included in the Record on Appeal. They were not included because, while the undersigned counsel cited to such in the Initial Brief of Respondent, neither she nor opposing counsel included those particular pages in their Designations of Matter. The undersigned counsel submits that these pages are relevant to one of the two issues involved in this appeal – Appellant’s challenge to the trial court’s denial of her motions for directed verdict.

II.

On August 19, 2015, this Court granted Respondent’s motion to consolidate this case with *State v. Courtney Shante Thompson* for the purpose of allowing the compilation of a single record on appeal. A consolidated Record on Appeal was filed in both cases.

III.

Respondent is preparing a Supplemental Record on Appeal to include these transcript pages. The undersigned counsel has contacted Mitzi Williams and Robert Michael Dudek, counsel for Courtney Shante Thompson, and Matthew Gregory Gerrald and Robert Michael Dudek, counsel for Appellant, via email to inform them of the missing pages and the undersigned counsel’s desire to prepare and submit a Supplemental Record on Appeal.

Handwritten initials and date:
JL
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IV.

The Final Brief of Respondent in this case is due to be served and filed today. Because of formatting issues, the undersigned counsel is unable to finish the Final Brief today and would ask for a two-day extension until Thursday, December 13, 2015.

WHEREFORE, having made Motion to Supplement the Record on Appeal, Respondent would respectfully request this Court to grant the Motion and to extend the time for serving and filing the Final Brief of Respondent until Thursday, December 13, 2015; and for such other and further relief as this Court may deem just and proper.

Respectfully submitted,

ALAN MCCRORY WILSON
Attorney General

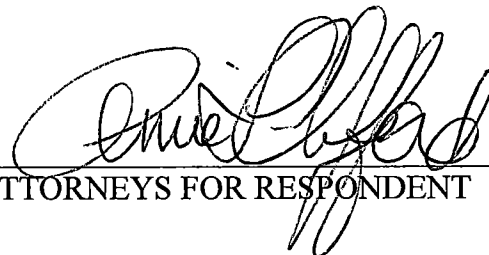
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BY: 
ATTORNEYS FOR RESPONDENT

December 8, 2015

Columbia, South Carolina

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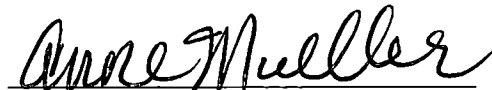
Robert Antonio Guinyard,

Appellant.

PROOF OF SERVICE

I, Anne Mueller, certify that I have served the Motion to File a Supplemental Record on Appeal And for Extension of Time for Serving and Filing the Final Brief of Respondent on Appellant by depositing one copy of the same in the United States mail, postage prepaid, addressed to each of his two attorneys of record, 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
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(803) 734-3727

December 8, 2015
Columbia, South Carolina



ALAN WILSON
ATTORNEY GENERAL

December 8, 2015

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SC Court of Appeals

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)

Dear Ms. Kitchings:

Enclosed please find the original and six copies of the State's Motion to File a Supplemental Record on Appeal and for Extension of Time for Filing the Final Brief of Respondent in the above-referenced case. I have also enclosed the original Proof of Service for this Motion.

By copy of this letter, opposing counsel is being served with a copy of the 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. Gerald, Esquire, Counsel for Appellant
Robert M. Dudek, Chief Appellate Defender, Counsel for Appellant
(each with one copy of the Motion and Proof of Service)