

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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DEC 07 2015

Appeal from Horry County
The Honorable D. Craig Brown, Circuit Court Judge SC Court of Appeals

Appellate Case No: 2014-001848

THE STATE,

Respondent,

vs.

BENNY L. WEBB,

Appellant.

MOTION TO COMPEL FILING OF COMPLETE RECORD ON APPEAL

The State hereby requests that this Court require Appellant to file a complete Record on Appeal. Appellant originally filed the Record on Appeal on June 17, 2015. This was prior to the filing of Respondent's initial brief and designation of matter on October 2, 2015. Appellant subsequently filed an Amended Designation of Matter on November 13, 2015. Following the filing of Appellant's Amended Designation of Matter, this Court sent Appellant a letter dated November 19, 2015 advising him that if he wished to amend his designation of matter, he would need to file a motion to that effect. Furthermore, this Court advised Appellant that the record on appeal must include all matters contained in Appellant's designation of matter as well as Respondent's designation of matter. Appellant filed a Motion to Amend Designation of Matter on December 1, 2015.

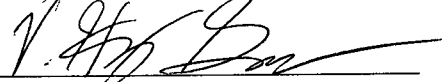
In Appellant's original Record on Appeal, he neglected to include the vast majority of items included in Respondent's designation of matter. Specifically, Appellant failed to include State's Exhibit #1 (Audio Tape); Transcript of Circuit Court Hearing dated May 14, 2014, Pages 1-2, 8-9; Magistrate's Return of a Criminal Appeal dated April 29, 2013; Notice of Appeal from Conviction in Magistrate's Court to Circuit Court dated January 6, 2013; and Magistrate's Court transcript pages 8-15, 18-19, 36-55, 61-96, 100-101, 104-109, 115-116, 118-119, 121-129, 131-139, 141-143, 146-159, 161-162, 189, and 197-207. Appellant's Amended Designation of Matter and Motion to Amend Designation of Matter only seek to modify the Record on Appeal to include Magistrate's Court transcript pages 45-48 and 141-142. Appellant, thus, has continued to refuse to include the State's Designation of Matter in his Record on Appeal. The State therefore requests that this Court order Appellant to file a record on appeal that fully complies with the requirements of Rule 210 of the South Carolina Appellate Court Rules. In the event of further noncompliance by Appellant, the State requests that this Court dismiss this appeal with prejudice.

Respectfully submitted,

ALAN WILSON
Attorney General

V. HENRY GUNTER, JR.
Assistant Attorney General

JIMMY A. RICHARDSON, II.
Solicitor, Fifteenth Judicial Circuit

BY: 
V. Henry Gunter, Jr.
S.C. Bar No. 102259

Office of the Attorney General
Post Office Box 11549
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(803) 734-3727

December 7, 2015

ATTORNEYS FOR RESPONDENT

STATE OF SOUTH CAROLINA

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Honorable D. Craig Brown, Circuit Court Judge

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THE STATE,

RESPONDENT,

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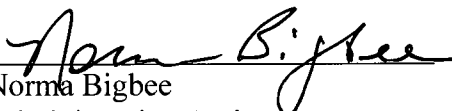
APPELLANT.

PROOF OF SERVICE

I, Norma Bigbee, certify that I have served the Motion to Compel Filing Of Complete Record on Appeal on Appellant by depositing a copy of the same in the United States mail, postage prepaid, addressed to Benny L. Webb, 710 Windrow Drive, Sumter, SC 29150.

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

This 7th day of December, 2015.


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



ALAN WILSON
ATTORNEY GENERAL

December 7, 2015

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SC Court of Appeals

VIA HAND DELIVERY

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

RE: **State of South Carolina v. Benny L. Webb**
Appellate Case No: 2014-001848

Dear Ms. Kitchings:

Enclosed please find the Original Motion to Compel Filing of Complete Record on Appeal in the above case.

Sincerely,

V. Henry Gunter, Jr.
Assistant Attorney General
Bar No: 102259

VHG/nb

Enclosures

cc: Benny L. Webb
Trisha Allen