

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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NOV 25 2015

SC Court of Appeals

Appeal from York County
The Honorable J. Derham Cole, Circuit Court Judge
Appellate Case No. 2013-001953

THE STATE

Respondent

V.

JULIA B. PHILLIPS,

Appellant

**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 August 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 21-22, 1171-75, 1192, and 1177. In its Designation of Matter, the State inadvertently failed to designate Trial Transcript pages 21-22, 1171-75, 1192, and 1177. Below-signed counsel realized this when preparing the Final Brief of Respondent for the November 25, 2015 filing on November 20, 2015.

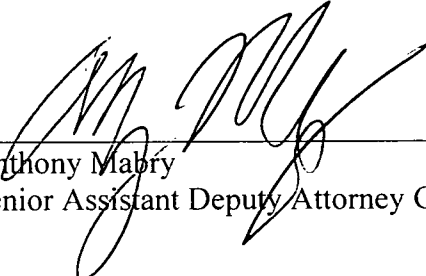
On November 23, 2015, Robert Dudek, counsel for the Appellant advised below-signed counsel of his consent to allow the record to be supplemented to include this material.

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,



Anthony Mabry
Senior Assistant Deputy Attorney General

November 25, 2015

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CERTIFICATE OF SERVICE

I, **Anthony Mabry**, 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 Michael P. Scott, Esquire, Nexsen Pruet, LLC P.O. Box 486, Charleston, SC 29402 and by InterAgency Mail to Robert M. Dudek, Chief Appellate Defender, SCCID/Division of Appellate Defense, 1330 Lady Street, Suite #401, Columbia, South Carolina 29201, this 25th day of November, 2015.



ANTHONY MABRY
Assistant Attorney General



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ALAN WILSON
ATTORNEY GENERAL

November 25, 2015

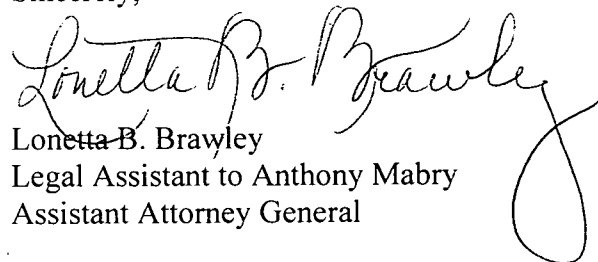
Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

Re: The State v. Julia B. Phillips
Appellate Case No. 2013-001953

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 Allow Filing of 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 Anthony Mabry
Assistant Attorney General

/lbb
Enclosures

cc: Michael P. Scott, Esquire
Robert M. Dudek, Esquire
Jimmy A. Richardson, Solicitor
Trisha Allen, Victim Assistance