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APR 06 2016

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County
Robin B. Stillwell, Circuit Court Judge

THE STATE,

Respondent,

vs.

MARIA MOYAO,

Appellant.

Appellate Case No. 2014-002317

**RESPONDENT'S MOTION TO
AMEND DESIGNATION OF MATTER;
MOTION FOR APPELLANT TO CORRECT
RECORD; MOTION TO HOLD ALL
TIMELINES IN ABEYANCE**

Respondent now moves for this Court to allow Respondent to amend the designation of matter and have Appellant include the newly designated matter in the record on appeal. Further, Respondent moves for this Court to order and allow Appellant leave to correct the record on appeal. Finally, Respondent moves to hold all timelines in abeyance pending this Court's determination of Respondent's motion.

I.

Respondent moves for this Court to allow Respondent to amend the designation of matter to include State's Exhibit No. 2, the SLED Breath Alcohol Analysis Test Report omitted from the

designation of matter by inadvertance. Respondent references this document in Respondent's initial brief, but neglected to designate the report. Respondent's understanding from opposing counsel is that opposing counsel graciously does not object to allowing Respondent to amend the designation of matter. Respondent also requests that this exhibit be included in a corrected Record on Appeal.

II.

Respondent would also move for the Record on Appeal to be corrected by removing items struck by this Court upon previous motion of Respondent. Still photographs struck from the record by this Court's order were included in the Record on Appeal inadvertently by Appellant. Respondent spoke with opposing counsel who explained the still photographs were inadvertently included; opposing counsel indicated he was willing to submit a corrected record removing the still photographs and including State's exhibit No. 2.

III.

Respondent moves to have all timelines held in abeyance pending this Court's decision on Respondent's motions.

[Signature Block appears on following page]

Respectfully submitted,

ALAN WILSON
Attorney General

DAVID SPENCER
Senior Assistant Attorney General
Bar # 68571

BY: 

DAVID SPENCER

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

ATTORNEYS FOR RESPONDENT

April 6, 2016

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Honorable Robin B. Stillwell, Circuit Court Judge

THE STATE,

RESPONDENT,

vs.

MARIA MOYAO,


APPELLANT.

PROOF OF SERVICE

I, Norma Bigbee, certify that I have served the Respondent's Motion To Amend Designation Of Matter; Motion For Appellant To Correct Record; Motion To Hold All Timelines In Abeyance and Amended Designation of Matter on Petitioner by depositing a copy of the same in the United States mail, postage prepaid, addressed to: Daniel J. Farnsworth, Jr., Esquire, 2 Williams St., Greenville, SC 29604.

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

This 6th day of April, 2016.


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



ALAN WILSON
ATTORNEY GENERAL

April 6, 2016

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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. Maria Moyao**
Appellate Case No: 2014-002317

Dear Ms. Kitchings:

Enclosed please find the Original Respondent's Motion To Amend Designation Of Matter:
Motion For Appellant To Correct Record; Motion To Hold All Timelines In Abeyance and
Amended Designation of Matter.

Sincerely,

David Spencer
Senior Assistant Attorney General
Bar No: 68571

DS/nb

Enclosures

cc: Daniel J. Farnsworth, Jr., Esquire
Trisha Allen