

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

MAY 19 2016

Appeal from Richland County
Honorable G. Thomas Cooper, Circuit Court Judge
Appellate Case Tracking No. 2014-002358

SC Court of Appeals

The State,

Respondent,

vs.

John Henry Dial, Jr.,

Appellant.

**CONSENT MOTION TO EXCLUDE
WARRANTS FROM RECORD ON APPEAL**

Respondent, through its undersigned counsel and with consent of Appellant's counsel, would respectfully show unto this Court as follows:

I.

Both Appellant and Respondent designated the original warrants brought against Appellant as items to be included in the Record on Appeal. The warrants were only included for background information and are not directly involved in any issues on appeal. Neither counsel has copies of the warrants. Additionally, counsel has been informed the magistrate court will be unable to provide copies for an extended period of time because the file has been transferred to the court's archives.

II.

With the consent of Appellant's counsel, the State asks this Court to allow completion of the Record on Appeal without inclusion of the designated warrants. The issue on appeal would not be impacted by the lack of the warrants, and proceeding without the warrants would allow completion of the Record in a timely manner.

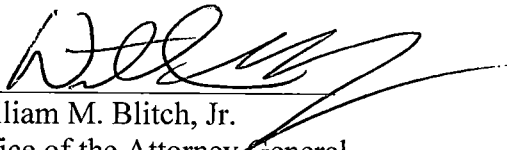
WHEREFORE, Respondent, prays that the Court hold this matter in abeyance pending ruling on this motion; allow the completion of the Record on Appeal without the inclusion of the designated warrants; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

WILLIAM M. BLITCH, JR.
Assistant Attorney General

BY:


William M. Blitch, Jr.
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

May 19, 2016

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Appellant.

PROOF OF SERVICE

I, Sally Ellison, certify that I have served the Consent Motion to Exclude Warrants from Record on Appeal on Appellant by depositing a copy of same in the United States mail, postage prepaid, addressed to:

Robert W. Mills, Esquire
1728 Main Street
Columbia, South Carolina 29201

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

This 19th day of May, 2016.



SALLY ELLISON
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

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SC Court of Appeals

May 19, 2016

VIA HAND DELIVERY

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

Re: State v. John Henry Dial, Jr.
Appellate Case Tracking No. 2014-002483

Dear Ms. Kitchings:

Enclosed please find the original and six (6) copies of a Consent Motion to Exclude Warrants from Record on Appeal along with proof of service for filing in the above-referenced appeal.

Sincerely,

William M. Blich, Jr.
Assistant Attorney General

Enclosures

cc: Robert W. Mills, Esquire
Victim Services