

COPY

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Kershaw County
James Barber, Circuit Court Judge

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SEP 29 2016

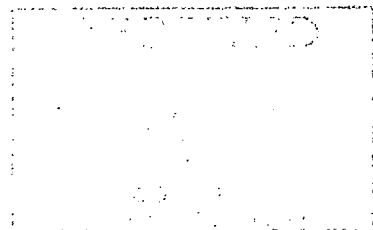
SC Court of Appeals

Case No. 2014-000165

The StateAppellee

V.

Ernest Allen.....Appellant



**APPELLANT'S MOTION TO SUPPLEMENT FINAL BRIEF OF APPELLANT
BASED ON RECENTLY DECIDED CASE LAW.**

NOW COMES the Appellant, who moves this Honorable Court for leave to supplement the Final Brief of Appellant. Appellant's request is based on the fact that this Court's decision in State v. King (S.C. App: 2015), having been decided after the initial filing of Appellant's brief and having recently come to the attention of Appellant's counsel, presents a new legal issue which was not available at the time Appellants Brief was filed. Appellant seeks leave to include the following as a third point of argument:

III. *Did the trial Court commit reversible error when the Court instructed the jury that specific intent to kill was not an element of attempted murder statute S.C. Code §16-3-29?*

Appellant further contends that this issue has otherwise been preserved for appeal, is likely to be dispositive, and the interest of justice so requires.

Earnest M. Allen(Pickett)#310134
M.C.C.I. F3-B-120
386 Redemption Way
McCormick SC, 29899

September 22, 2016

South Carolina Court of Appeals
Jenny Abbott Kitchings, Clerk
Post Office Box 11629
Columbia, South Carolina 29211

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Re: State v. Earnest M. Allen - Appellate Case No. 2014-000165

Dear Ms. Kitchings:

On September 12th, 2016 I received a letter from you informing me that The Clerk Of Kershaw County is directed to return the remittitur to The Clerk Of SC Court Of Appeals. By the time you receive this letter ten (10) days would have gone by; I would like to now ask the status of A Motion To Supplement Final Brief Based On Recently Decided Case Law, that was submitted to the Court by Appeal Counsel on February 24th, 2016.

Included is a copy of the cover letter showing that the motion was stamped by The SC Court Of Appeals; But I never received a reply informing me of whether or not that motion was granted or denied.

Sincerely,

Earnest M. Allen(Pickett)
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Pro'Se

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