

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Oconee County  
R. Scott Sprouse, Circuit Court Judge  
\_\_\_\_\_

*ORIGINAL*

**RECEIVED**

OCT 28 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

GEROME C. SMITH,

APPELLANT

APPELLATE CASE NO. 2015-001616  
\_\_\_\_\_

CONSENT MOTION TO AMEND APPELLANT'S DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL AND TO FILE A SUPPLEMENTAL  
RECORD ON APPEAL  
\_\_\_\_\_

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, the undersigned counsel requests leave to file an Amended Designated of Matter to be Included in the Record on Appeal and to file a Supplemental Record in the above captioned case. In support of this motion, counsel submits the following:

1. The initial brief of Appellant and Designation of Matter in the above titled case were filed with this Court on May 20, 2016. Through inadvertence, Appellant's Designation of Matter erroneously included State's Exhibit #5, which is listed as "crack cocaine."
2. Including this exhibit in the Designation was an error. Appellant intended to include State's Exhibit No.: 6, a sworn statement written by a police informant after purportedly making a controlled buy, in the Designation.

3. The initial brief of Respondent and Designation of Matter were filed with this Court on August 15, 2016. The Record on Appeal was filed on October 11, 2016

4. Counsel respectfully moves this Court to allow him to amend Appellant's Designation so as to remove State's Exhibit No.: 5 and to include State's Exhibit No.: 6. An Amended Designation of Matter to be Included in the Record on Appeal is enclosed with this motion.

5. Counsel further respectfully moves, pursuant to Rule 212(b), SCACR, for permission to file a Supplemental Record on Appeal that includes State's Exhibit No.: 6. To avoid further delay, the Supplemental Record is being filed simultaneously with this motion.

6. Counsel William F. Schumacher, IV, of the South Carolina Attorney General's Office has kindly consented by telephone to this request.

7. Counsel makes this request in good faith and not for purposes of delay.

WHEREFORE, the undersigned counsel respectfully requests this Court's permission to amend the Designation of Matter to be Included in the Record on Appeal and leave to file a Supplemental Record in the above titled appeal.

Respectfully Submitted,



John H. Strom  
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ATTORNEY FOR APPELLANT

October 28, 2016

I consent:



*for*  
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