

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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DEC 19 2016

SC Court of Appeals

Appeal from Pickens County

Honorable Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

v.

LESTER DEVARIA MOSLEY JR,

APPELLANT

APPELLATE CASE NO. 2014-002064

PETITION TO FILE SUPPLEMENTAL
RECORD ON APPEAL

Pursuant to Rule 212 of the South Carolina Appellate Court Rules, undersigned counsel requests leave to file supplemental records in the above titled appeal. In support of the motion, counsel submits the following.

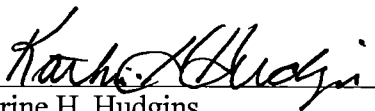
1. On September 10, 2015, counsel filed a brief pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967), raising the issue of whether the trial judge erred in instructing the jury that malice can be inferred if one intentionally kills another during the commission of a felony.

2. On December 2, 2016, this Court directed the parties to brief the issue of whether the trial court erred in instructing the jury on accomplice liability in response to the jury's questions during deliberations.

3. Upon preparation of the brief of Appellant addressing the issue with regard to the recharge on accomplice liability, undersigned counsel discovered she had failed to include Court's Exhibit #6, the note form the jury and Court's Exhibits #7 and #8, the judge's written recharge to the jury.

4. As indicated below, opposing counsel consents to this request.

WHEREFORE, counsel for Appellant requests leave to file a supplemental record in the above titled appeal.


Kathrine H. Hudgins
Appellate Defender

ATTORNEY FOR APPELLANT

December 19, 2016

I consent:


Donald J. Zelenka, Esquire

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Pickens County

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THE STATE,

RESPONDENT,

V.

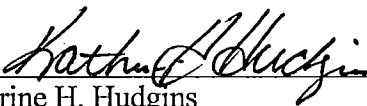
LESTER MEVARIA MOSLEY JR.,

APPELLANT

APPELLATE CASE NO. 2014-002064

CERTIFICATE OF SERVICE

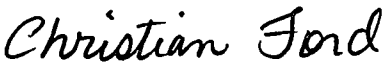
The undersigned attorney hereby certifies that a true copy of the Petition to File Supplemental Record on Appeal in the above referenced case has been served upon Donald J. Zelenka, Esquire, this 19th day of December, 2016.



Kathrine H. Hudgins
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 19th day of December, 2016.

 (L.S.)

Notary Public for South Carolina
My Commission Expires: March 1, 2026.



ORIGINAL

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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

December 19, 2016

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

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SC Court of Appeals

RE: The State v. Lester Mevaria Mosely Jr.

Dear Ms. Kitchings:

Enclosed are an original and six copies of the Petition to File Supplemental Record on Appeal in the above-captioned case. Thank you for your assistance in this matter.

Sincerely,

Kathrine H. Hudgins
Appellate Defender

KHH/ccf

Enclosure

cc: Donald J. Zelenka, Esquire
Lester Mevaria Mosely Jr.