

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

RECEIVED

JAN 20 2017

SC Court of Appeals

Appeal from Horry County

Honorable Benjamin H. Culbertson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

KENNETH RAY BOYNTON,

APPELLANT

APPELLATE CASE NO. 2016-001153

**MOTION TO FILE AMENDED
BRIEF OF APPELLANT**

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, undersigned counsel moves to file an amended initial brief of appellant. In support of this request, counsel shows:

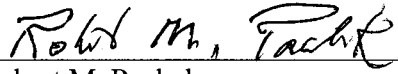
(1) The initial brief of appellant was served and filed with this Court on January 19, 2017. The brief filed with this Court, served on the state, and served on appellant included an editing note on page three. Counsel's intent was for the edit to be made and the brief to be filed without the editing note. Unfortunately, the editing note was *not* removed. Thus, this Court, the state, and appellant received a brief in which there were two (2) "Argument" pages. Counsel seeks to file an amended brief of appellant in order to correct this error.

(2) Along with this motion, counsel is filing an amended initial brief of appellant. The brief has been amended to remove the editing note.

(3) Counsel makes this request in good faith and not for purposes of delay. Counsel is embarrassed by the error and apologizes to the Court, opposing counsel, and appellate for any inconvenience the error has caused.

(4) Counsel has informed Benjamin Aplin, Esquire of the errors via email today. Mr. Aplin consents to counsel's request to file an amended initial brief of appellant as shown by his signature below.

WHEREFORE, counsel for Appellant respectfully requests the Court accept the amended initial brief of appellant as filed.

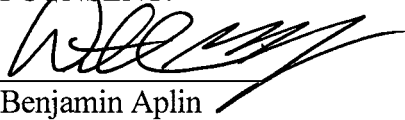


Robert M. Pachak
Appellate Defender

ATTORNEY FOR APPELLANT

January 20, 2017

I CONSENT:


for Benjamin Aplin

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Motion to Accept the Amended Initial Brief of Appellant in the above referenced case has been served upon Benjamin Aplin, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, and Kenneth R. Boynton, #192112, at Kershaw Correctional Institution, 4848 Gold Mine Highway, Kershaw, SC 29067-8069, this 20th day of January 2017.

Robert M. Pachak
Robert M. Pachak
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me
this 20th day of January 2017.

Christian Ford (L.S.)
Notary Public for South Carolina
My Commission Expires: March 1, 2026.