

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

ORIGINAL

Appeal from Spartanburg County
Honorable R. Scott Sprouse, Circuit Court Judge

RECEIVED

AUG 29 2017

S.C. SUPREME COURT
PETITIONER

KEVIN C. CASEY,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2016-001686

CONSENT TO RESPONDENT'S MOTION TO SUPPLEMENT APPENDIX

In response to the State's motion to supplemental the Appendix in this case, counsel for Petitioner states as follows:

A. With the exception of the two exhibits from Petitioner's original guilty plea hearing, the only documents that were date-stamped by the Clerk's Office as having been filed and thus a part of the lower court record in this case, are: (1) the Applicant's Objection to Judge Couch's Order and (2) Judge Jefferson's Order Continuing the PCR hearing. *See* Supp. App. 17; Supp. App. 23. Both of those documents were included in the Appendix filed by Petitioner. App. 84; App. 92.

B. There is no evidence that the remaining documents contained in the Supplemental Appendix were filed with the Spartanburg County Clerk of Court. Consequently, they were not provided to Petitioner's counsel by the Clerk in the preparation of the original Appendix.

C. Therefore, while counsel for Petitioner avers that the original Appendix contains what is required under Rule 243(f), SCACR, she consents to the filing of the Supplemental Appendix.

WHEREFORE, the undersigned counsel leaves this matter to the sound discretion of this Court.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Laura R. Baer", is written over a horizontal line.

LAURA R. BAER
Appellate Defender

This 29th day of August, 2017.

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a copy of the Consent to Respondent's Motion to Supplement Appendix in the above-entitled case has been served upon Valerie Garcia Giovanoli, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 29th day of August, 2017.

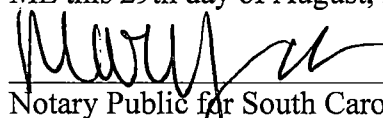


Laura R. Baer

Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO BEFORE
ME this 29th day of August, 2017.

 (L.S)
Notary Public for South Carolina

My Commission Expires: May 12, 2027