

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHESTERFIELD COUNTY  
Paul M. Burch, Circuit Court Judge

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Appellate Case No: 2016-000779

**RECEIVED**  
DEC 11 2017  
SC Court of Appeals

THE STATE,

RESPONDENT,

v.

GARY MOORE,

APPELLANT.

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MOTION TO AMEND INTITAL BRIEF  
AND DESIGNATION OF MATTER TO BE INCLUDED  
IN RECORD ON APPEAL

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This matter is now before the Court pursuant to a Motion to amend Initial Brief and Designation of Matter to be included in Record on Appeal. On February 10, 2017, Tricia A. Blanchette, Esquire, was substituted as Appellant's counsel by way of written Order. On February 15, 2017, Tricia A. Blanchette, Esquire, notified the Court that she had obtained the transcripts. Upon reading the transcripts dated February 17, 2016 and April 5-6, 2016, counsel discovered that she needed to obtain additional transcripts and filed a Motion to Hold Time for Filing Initial Brief and Designation of Matter to be Included in Record on Appeal in Abeyance on March 22, 2017.

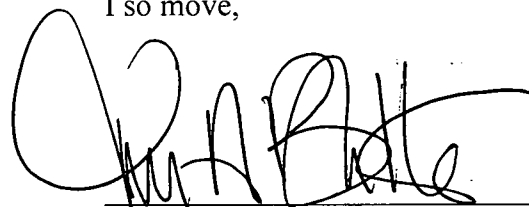
Thereafter, counsel requested the immunity hearing ruling transcript and deferred sentencing hearing transcript. A copy of the letter requesting the immunity hearing ruling

transcript is attached. After speaking directly with Lisa Carter and Hattie Gordon, counsel wrote the Court on July 11, 2017 stating that the sentencing hearing transcript was received and the ruling transcript could not be located, a copy of which is attached. On August 9, 2017, Appellant, through counsel, submitted the Initial Brief and Designation, noting that the ruling transcript could not be located.

Subsequently, the State has obtained three extensions for filing. On December 4, 2017, Mark Farthing, Assistant Attorney General, contacted counsel and informed her that Lisa Carter had located the requested transcript from February 18, 2016. Based upon this information, counsel reviewed the Initial Brief and Designation and determined both were erroneous based upon the discovery of the requested transcript.

Therefore, Appellant, through counsel, is requesting the opportunity to amend both filings. Counsel submits she exercised due diligence in trying to locate the transcript and only proceeded after speaking directly with the court reporter and being told it did not exist. Counsel has been informed that opposing counsel agrees with this assertion and does not oppose this request. This Motion is not made for the purposes of delay, but to ensure that Appellant's Brief and the Record on Appeal are properly prepared and submitted to this Court.

I so move,

A handwritten signature in black ink, appearing to read 'Tricia A. Blanchette', written over a horizontal line.

Tricia A. Blanchette – Bar #74904  
Law Office of Tricia A. Blanchette  
PO Box 2147  
Leesville, SC 29070  
(803) 908-3266

LAW OFFICE OF  
TRICIA A. BLANCHETTE

June 26, 2017

Lisa S. Carter  
P.O. Box 1134  
Darlington, SC 29540

RE: State v. Gary Moore; Appellate Case No.: 2016-000799  
Indictment No.: 2015-GS-13-0398

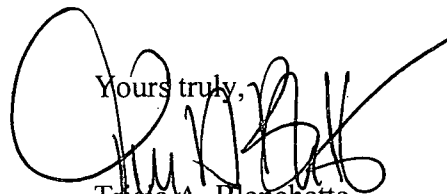
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Dear Ms. Carter:

I am writing to request the transcript from the ruling of Judge Henderson on the immunity hearing in the case of State v. Gary Moore, Indictment No. 2015-GS-13-0398. The immunity hearing was held on February 17, 2016 in front of Judge Henderson at the Chesterfield County Courthouse. It is my understanding that he reconvened with counsel later in the week to put his ruling on the record, and you were the court reporter present (possible dates of February 18<sup>th</sup> or 19<sup>th</sup>). I agree to pay the costs associated with this transcription request.

Please contact me by email preferably if any additional information is needed or if you were not the court reporter present. Thank you for your assistance with this matter.

Yours truly,



Tricia A. Blanchette  
Attorney at Law

cc: South Carolina Court of Appeals  
J. Benjamin Aplin, Office of the Attorney General  
Gary Moore

LAW OFFICE OF  
**TRICIA A. BLANCHETTE**

July 11, 2017

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

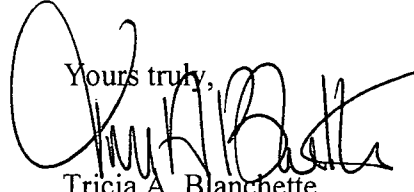
**RECEIVED**  
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RE: State v. Gary Moore; Appellate Case No.: 2016-000799

Dear Madam Clerk:

I am writing to inform the Court that I received the sentencing transcript from Hattie Gordon, Circuit Court Reporter, today. Last week, I received a verbal response from Lisa Carter, Circuit Court Reporter, that no transcript was available for the dates given for the Immunity Hearing ruling by Judge Henderson. Therefore, it appears I have all available transcripts and would ask that my 30 days for filing the Initial Brief and Designation of Matter be set from the date of this letter.

Thank you for your assistance with this matter. Please contact me if any additional information is needed.

Yours truly,  
  
Tricia A. Blanchette  
Attorney at Law

cc: J. Benjamin Aplin, Office of the Attorney General  
Gary Moore

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHESTERFIELD COUNTY

Roger E. Henderson, Circuit Court Judge

Paul M. Burch, Circuit Court Judge

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THE STATE,

RESPONDENT,

v.

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CERTIFICATE OF SERVICE

I, Tricia A. Blanchette, Attorney for Appellant, hereby certify that I place in the mail this 8<sup>th</sup> day of December 2017, a copy of a Motion to Amend Initial Brief and Designation of Matter to be Included in Record on Appeal to Mark Farthing of the Attorney General's Office, at:

Office of the Attorney General  
ATT: Mark Farthing, Assistant Attorney General  
PO Box 11549  
Columbia, SC 29211



Tricia A. Blanchette  
PO Box 2147  
Leesville, SC 29070  
(803) 908-3266

December 8, 2017

LAW OFFICE OF  
**TRICIA A. BLANCHETTE**

December 8, 2017

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

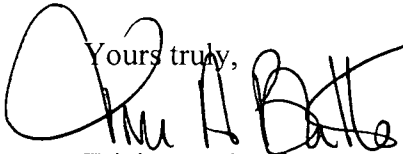
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RE: State v. Gary Moore; Appellate Case No.: 2016-000799

Dear Madam Clerk:

For filing, attached please find an original and six copies of a Motion and a Certificate of Service.

Thank you for your assistance with this matter. Please contact me if any additional information is needed.

Yours truly,  
  
Tricia A. Blanchette  
Attorney at Law

cc: Mark Farthing, Assistant Attorney General  
Gary Moore