

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal From Berkeley County
The Honorable Deadra L. Jefferson, Circuit Court Judge

Appellate Case No: 2016-001793

RECEIVED

JAN 16 2018

SC Court of Appeals

THE STATE,

Respondent,

v.

TELLY DARNELL MCCLAM,

Appellant.

MOTION TO SERVE AND FILE A SUPPLEMENTAL RECORD ON APPEAL

Respondent herein seeks to supplement the Record on Appeal, pursuant to Rule 210, SCACR, on the following grounds.

I.

In preparing its Designation of Matter Respondent interpreted Appellant's designation "Transcript of Record, Trial, February 29, 2016 - March 3, 2016" to mean that the entire transcript would become a part of the record. Therefore, the Respondent did not designate the specific pages it was relying on in its initial brief. When the undersigned began to prepare Respondent's final brief, it was discovered that the entire transcript was not included in the Record, and page 677 of the transcript regarding the issue that is under appeal was omitted from the Record. The undersigned counsel submits that this page is necessary and useful to this Court's full and

complete understanding of the issues involved in this appeal.

II.

Respondent has prepared the Supplemental Record on Appeal to include this particular page of the trial transcript.

WHEREFORE, having made Motion to Supplement the Record on Appeal, Respondent would respectfully request this Court to grant the Motion to include page 677 of the trial transcript; and for such other and further relief as this Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

DAVID SPENCER
Assistant Attorney General
S.C. Bar No: 68571

BY:



David Spencer

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

January 16, 2018

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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THE STATE,

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TELLY DARNELL MCCLAM,

Appellant.

PROOF OF SERVICE

I, Anne Mueller, certify that I have served the Supplemental Record on Appeal and Motion to Serve and File a Supplemental Record on Appeal on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to his attorney of record William G. Yarborough, III, Esquire, 522 North Church Street, Greenville, South Carolina 29601.

I further certify that all parties required by Rule to be served have been served.

This 16th day of January, 2018.

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JAN 16 2018

SC Court of Appeals

Anne Mueller

Anne A. Mueller
Legal Assistant
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

January 16, 2018

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SC Court of Appeals

William G. Yarborough, III, Esquire
522 North Church St.
Greenville, SC 29601

Re: The State v. Telly Darnell McClam
Appellate Case No: **2016-001793**

Dear Mr. Yarborough:

Enclosed are copies of the State's Motion to Supplement Record On Appeal, my proposed Supplemental Record On Appeal, and the Final Brief of Respondent in the above referenced matter.

Sincerely,

David Spencer
Senior Assistant Attorney General
S.C. Bar No: 68571

DS/aam
Enclosures

cc: The Honorable Jenny A. Kitchings (with orig. + 6 Motion; orig. + 14 Supp. ROA and FBOR)
Victim Advocacy Division (with enclosures)