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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

John C. Hayes, III, Circuit Court Judge

Case No. 2014-CP-46-1307

RECEIVED
SEP 20 2019
SC Court of Appeals

Russell Shane Carter,.....Respondent,

v.

Bruce Bryant,.....Appellant.

MOTION TO SUPPLEMENT
THE RECORD ON APPEAL

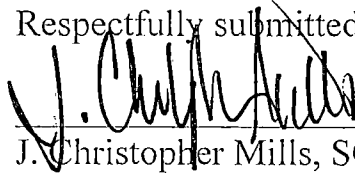
Respondent hereby moves the Court for leave pursuant to Rule 212(b), SCACR, to file a supplement to the Record on Appeal. On September 13, 2019, the Friday prior to Oral Argument, Respondent became aware of a problem with Plaintiff's Exhibit 2, found at page 558 of the Record on Appeal. Specifically, the original disk was not provided to the Court with the Record on Appeal. As a result, the Court ordered defense counsel to transport the exhibit from the York County Clerk of Court in an Order dated June 3, 2019. Counsel for Respondent

went to the Court to confirm the contents of the disk the morning of September 13, 2019, and it discovered only Deputy Gwinn's video on the disk. As reflected on the trial court exhibit list (attached), Exhibit 2 was a DVD disk containing a compilation of 5 videos. There were two videos from Deputy Kevin Gwinn, two from Sgt. Lee Wright, and one from Deputy Jonathon Reed. The entering of Exhibit 2 can be found in the Record on Appeal, Vol. 1, page 168. At that time, we played Deputy Wright's video for the jury. On pages 233 - 234 of the Record on Appeal, Vol. 1, Deputy Reed's video was played for the jury. On page 390 of the Record on Appeal, Vol. II, parts of Deputy Gwinn's video was played for the jury. Counsel for Respondent makes this Motion to Supplement the Record on Appeal, as these exhibits include important evidence relevant to the appeal.

Rule 212(b) provides "after argument commences, a party desiring to supplement the Record on Appeal must move the appellate court for leave to do so." This Motion does not technically supplement the record, but corrects the record to include the actual exhibit entered at trial and intended by the parties to be included on appeal.

Pursuant to Rule 209(c), SCACR, counsel certifies that this proposed Appendix contains no matter which is irrelevant to the appeal. Furthermore, counsel certifies that this proposed Appendix does not include matter that was not presented to or provided by the lower court.

Respectfully submitted,



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Attorneys for Respondent/Appellant

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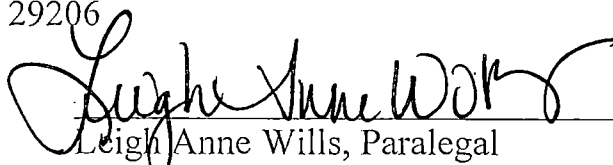
v.

Bruce Bryant,.....Appellant.

CERTIFICATE OF SERVICE

The undersigned employee of Chris Mills Law, counsel for the Respondent, does hereby certify that service of the **Motion To Supplement The Record On Appeal** in the above-captioned matter was made upon all counsel of record by placing copies in the United States Mail, first class postage, at the below listed addresses clearly indicated on said envelopes this the 20th day of September, 2019:

Andrew F. Lindemann, Esquire
Lindemann, Davis & Hughes, PA
5 Calendar Court
Columbia, SC 29206


Leigh Anne Wills, Paralegal
For J. Christopher Mills