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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
In the Court of General Sessions

Thomas L. Hughston, Jr., Circuit Court Judge

Appellate Case No. 2018-000561
Lower Court Case No. 2016-GS-10-02883

The StateRespondent,

v.

General T. Little.....Appellant.

**CONSENT MOTION FOR LEAVE TO FILE AN
AMENDED FINAL REPLY BRIEF OF APPELLANT**

Pursuant to Rule 240, SCACR, Appellant General T. Little, by and through the undersigned counsel, moves the Court for leave to file an Amended Final Reply Brief of Appellant in the above-captioned matter. For the reasons that follow, the Court should grant Appellant’s motion for good cause shown.

The basis for this motion is that the Final Reply Brief contains an argument that became moot in between the initial and final briefing stages of this appeal and, thus, is no longer accurate. See App.’s Final Reply Brief at pp. 6–7. By way of background, Appellant designated as matter to be included in the Record on Appeal a PowerPoint slide referencing the suppressed ring that the State published to the jury during its closing argument. The undersigned counsel thereafter asked the State to produce a copy of the demonstrative slide. At the time Appellant filed his Initial Reply

Brief, the State had not produced the PowerPoint slide, and Appellant's counsel was under the impression it was not available. Before the parties submitted final briefs, however, the State produced the slide to Appellant's counsel. Cf. Rule 211(b)(2), SCACR (allowing only for the correction of "obvious typographical errors and misspellings which were contained in the initial brief" in the party's final brief). Upon further review of the file after receiving the conflict letter from the Court for the November 2020 Term, the undersigned realized this matter had not yet been addressed with the Court.

Appellant wishes to withdraw the paragraph raising a Cheeseboro argument, as well as the sentence referencing this argument in the conclusion paragraph of Part II, in his Final Reply Brief. Further, Appellant respectfully requests leave to file the enclosed Amended Final Reply Brief to reflect these revisions. See Ex. A. Because the State produced the slide for this Court to consider on appeal, Appellant's initial argument regarding the State's failure to produce the slide is moot. See Sloan v. Greenville Cty., 380 S.C. 528, 535, 670 S.E.2d 663, 667 (Ct. App. 2009) (recognizing that mootness "arises when some event occurs making it impossible for the reviewing court to grant effectual relief"). Appellant certainly does not wish to waste the Court's time on an issue that became moot shortly before the parties filed Final Briefs and the Record on Appeal in this matter. See Byrd v. Irmo High Sch., 321 S.C. 430, 431, 468 S.E.2d 861, 864 (1996) (stating our courts "will not pass on moot and academic questions or make an adjudication when there remains no actual controversy"). And the undersigned apologizes for not raising the issue sooner.

For good cause shown, Appellant therefore respectfully requests that the Court grant this motion and enter an Order giving him leave to file the enclosed Amended Final Reply removing the moot argument—and amending the tables accordingly—in the interests of judicial economy. The State does not oppose this motion.

Respectfully submitted,

ROBINSON GRAY STEPP & LAFFITTE, LLC

By: /s/Vordman Carlisle Traywick, III
Vordman Carlisle Traywick, III
SC Bar No. 102123
1310 Gadsden Street
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400
ltraywick@robinsongray.com

COMMISSION ON INDIGENT DEFENSE

Robert M. Dudek
Chief Appellate Defender
SC Bar No. 1767
Post Office Box 11589
Columbia, South Carolina 29211
(803) 734-1330
rdudek@sccid.sc.gov

Attorneys for Appellant General T. Little

Columbia, South Carolina
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