

STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

Sep 01 2020

Appeal from Anderson County
R. Lawton McIntosh, Circuit Court Judge

SC Court of Appeals

Appellate Case No: 2017-002204

THE STATE.

Respondent,

vs.

PHILLIP WESLEY WALKER,

Appellant.

**MOTION TO SUPPLEMENT THE
THE DESIGNATION OF MATTER AND
RECORD ON APPEAL**

This case is scheduled for oral argument at 10:40 a.m. on September 10, 2020. Respondent now moves to supplement its designation of matter and the record on appeal with the bail bond form on file with the Anderson County Clerk of Court. The supplemental designation of matter and the supplemental record are attached to this motion. This bail bond form was referenced in Respondent's brief and Respondent noted in its brief that it was proper for this Court could take judicial notice of the form. Colonial Penn Ins. Co. V. Coil, 887 F.2d 1236, 1239 (4th Cir. 1989) (Judicial notice of a fact may be raised for the first time on appeal); see also Freeman v. McBee, 280 S.C. 490, 313 S.E.2d 325 (Ct. App. 1984) (finding a court may take judicial notice of its own records, filed, and proceedings including facts established in its records). However, undersigned counsel neglected to designate the form or otherwise provide a copy to this Court until

undersigned counsel caught the mistake in preparing for oral argument.

Undersigned counsel has consulted with opposing counsel, Charles Grose, Esquire, who has graciously indicated he has no objection to supplementing the record with the document.

III.

WHEREFORE, Respondent prays that this Court accept the supplemental record on appeal.

Respectfully submitted,

ALAN WILSON
Attorney General

DAVID SPENCER
Senior Assistant Attorney General

BY: s/David Spencer
DAVID SPENCER

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

ATTORNEYS FOR RESPONDENT

September 1, 2020