

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Sep 28 2020

Appeal from Calhoun County
Honorable Maite Murphy, Circuit Court Judge
Appellate Case No. 2019-000926

SC Court of Appeals

THE STATE,

Respondent,

vs.

DERRICK TYLER MILLS,

Appellant.

**MOTION TO ALLOW FILING OF
SUPPLEMENTAL RECORD ON APPEAL**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

On August 27, 2020, the State filed and served its Initial Brief of Respondent and Designation of Matter. In its Designation of Matter, the State properly designated numerous items, including the verdict form and three exhibits, for inclusion in the Record on Appeal. The verdict form and all three designated exhibits are paper documents.

II.

On September 21, 2020, Appellant Derrick Tyler Mills served and filed the Record on Appeal. In the Record the Appeal as filed, Appellant included all the matter designated by the State except the verdict form and the three exhibits. As to those items, Appellant submitted a

proposed transportation order seeking for the documents to be released for physical transportation to this Court.

III.

Since the properly-designated verdict form and exhibits are all paper documents, those items are capable of being reproduced in the Record on Appeal without need for physical transportation to this Court. See Rule 210(f), SCACR (“Photographs, plats and diagrams, and other paper exhibits shall be inserted in the Record on Appeal where they can reasonably be reduced or drawn to a size which permits them to be printed and inserted in the Record on Appeal, without folding more than one time.”). Accordingly, in lieu of issuing a transportation order for those items, the State asks this Court to permit and accept the filing of a Supplemental Record on Appeal containing the properly-designated matter that not been included in the Record on Appeal as currently filed.

WHEREFORE, Respondent prays that this Court will allow the State to file a Supplemental Record on Appeal; accept the filing of the State’s Supplemental Record on Appeal; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Senior Assistant Attorney General



By: _____
Mark R. Farthing
S.C. Bar Number 76901

September 28, 2020

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Appellant.

PROOF OF SERVICE

I, Mark R. Farthing, certify I have served the within Motion to Allow Filing of Supplemental Record on Appeal and the Supplemental Record on Appeal on Appellant by sending electronic copies via email to the address listed in AIS for the following individual:

Tommy A. Thomas, Esq.
Post Office Box 88
Irmo, SC 29063

I further certify all parties required by Rule to be served have been served.
This 28th day of September, 2020.



MARK R. FARTHING
Senior Assistant Attorney General
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211

From: Mark Farthing
To: ["thomaslaw@me.com"](mailto:thomaslaw@me.com)
Cc: ["jackie@paroleme.com"](mailto:jackie@paroleme.com); [Shana Montgomery](#)
Subject: State v. Derrick Tyler Mills -- Motion to Allow Filing of Supplemental Record on Appeal & Supplemental Record on Appeal
Date: Monday, September 28, 2020 11:39:00 AM
Attachments: [Mills.Supplemental Record on Appeal \(02389389xD2C78\).pdf](#)
[Mills.Motion to File Supplemental Record on Appeal \(02389618xD2C78\).pdf](#)

Mr. Thomas,

Attached are electronic copies of the State's Motion to Allow Filing of Supplemental Record on Appeal and the Supplemental Record on Appeal in [State v. Derrick Tyler Mills](#). These documents are being electronically submitted to the Court of Appeals shortly. If you would also like physical copies of these documents or if you have any other questions or concerns, please let me know. Thanks.

Sincerely,
Mark



Mark R. Farthing
Senior Assistant Attorney General

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