

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Hampton County

Carmen T. Mullen, Circuit Court Judge

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Sep 30 2020

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

TONY ORLANDA SINGLETON,

APPELLANT

APPELLATE CASE NO. 2019-001391

MOTION TO AMEND
INITIAL BRIEF OF APPELLANT

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, undersigned counsel requests leave to file an amended initial brief of appellant in the above-referenced case. In support of this motion, counsel submits the following.

1. On May 18, 2020, undersigned counsel filed the initial brief of appellant and designation of matter in the above-referenced case. Counsel served opposing counsel at that time.

2. By email dated September 29, 2020, opposing counsel, David Spencer, Esquire, alerted undersigned counsel to several irregularities in the initial brief of appellant. Specifically, Mr. Spencer advised counsel that the brief contained references to matters that

did not appear in the transcript. At that time, Mr. Spencer graciously consented to undersigned counsel filing an amended initial brief of appellant.

3. Upon review of the initial brief, undersigned counsel agreed with Mr. Spencer's assessment. On pages 12 and 13 of the initial brief of appellant, undersigned counsel included matters within her analysis that were not contained within the transcript. This was an error on counsel's part and was the result of counsel using language from another brief and failing to edit the language properly to reflect what transpired during the Appellant's trial. Undersigned counsel is embarrassed by her oversight and grateful for the professionalism and courtesy extended by opposing counsel.

4. Along with this motion, counsel is filing an amended initial brief of appellant. The brief has been amended to remove the language from pages 12 and 13 that was not reflected in the transcript of Appellant's trial.

WHEREFORE, counsel for Appellant respectfully requests leave to file an amended initial brief of Appellant. Further, counsel respectfully requests this Court accept the amended initial brief of appellant as filed.

s/Susan B. Hackett

Susan B. Hackett
Appellate Defender

ATTORNEY FOR APPELLANT

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CERTIFICATE OF SERVICE

Pursuant to the Supreme Court's Order "RE: Operation of the Appellate Courts During the Coronavirus Emergency," dated March 20, 2020, the undersigned hereby certifies a true copy of the Motion to Amend the Initial Brief of Appellant and Designation of Matter in the above-referenced case has been served upon David Spencer, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), which is dspencer@scag.gov, and a copy of the Motion to Amend the Initial Brief of Appellant and Designation of Matter have been served on Tony Orlanda Singleton, #381026, at Broad River Correctional Institution, 4460 Broad River Road, Columbia, SC 29210, this 30th day of September, 2020.

s/Susan B. Hackett

Susan B. Hackett
Appellate Defender

ATTORNEY FOR APPELLANT