

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Oct 29 2020

S.C. SUPREME COURT

Certiorari to the Court of Appeals
Appeal from Charleston County
Honorable Roger L. Couch, Circuit Court Judge
S.C. Ct. App. Appellate Case No. 2017-001111

THE STATE,

Petitioner,

v.

MACK SEAL WASHINGTON,

Respondent.

MOTION TO INCLUDE RECORDING OF ORAL ARGUMENT IN APPENDIX

The State through its undersigned counsel, would respectfully show unto the Court as follows:

On April 17-18, 2017, Mack Seal Washington stood trial before a jury in the Charleston County Court of General Sessions with the Honorable Roger L. Couch, presiding. At the conclusion of trial, Washington was convicted of first-degree burglary, malicious injury to a house under the enhancement provision of S.C. Code Ann. § 16-1-57, and obtaining goods by false pretenses under the enhancement provision of § 16-1-57. Judge Couch sentenced Washington to an aggregate term of fifteen years' imprisonment. Washington timely filed a notice of appeal. On September 16, 2019, the Court of Appeals held an oral argument in Washington's case with the Honorable Chief Judge James E. Lockemy presiding along with the Honorable Judge Aphrodite K. Konduros and the Honorable Judge D. Garrison Hill sitting in a three judge panel. On September 16, 2020, the Court of Appeals issued a published opinion

reversing each of Washington's convictions. State v. Washington, Op. No. 5773 (S.C. Ct. App. filed September 16, 2020) (Shearhouse Adv. Sh. No. 36). The State filed a petition for rehearing on September 24, 2020. On October 7, 2020, the Court of Appeals granted the State's petition for rehearing, dispensed with further briefing, and substituted a new opinion. State v. Washington, Op. No. 5773 (S.C. Ct. App. filed October 7, 2020) (Shearhouse Adv. Sh. No. 39).

Pursuant to Rule 242 SCACR, on October 29, 2020 the State filed a petition with this Court for a writ of certiorari and an accompanying Appendix. The State hereby respectfully requests this Court to allow the State to include an audio recording of the oral argument that occurred on September 16, 2019 as part of the Appendix. The State submits the recording is relevant and necessary for this Court's consideration in determining whether to grant a writ of certiorari in Washington's case. The State served opposing counsel with a recording of the oral argument on a disk. Opposing counsel consents to the State's motion.

WHEREFORE, Petitioner prays that this Court will allow the State to include an audio copy of the oral argument as part of the appendix in the above captioned case.

Respectfully submitted,

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October 29, 2020