

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Certiorari to Abbeville County

Honorable L. Casey Manning, Circuit Court Judge

KEITH DENVER TATE,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2020-000496

MOTION TO FILE
SUPPLEMENTAL APPENDIX

Counsel for Keith Tate seeks to supplement the appendix pursuant to Rule 243, SCACR. In support of this motion counsel shows:

1. The petition for writ of certiorari and accompanying appendix were served and filed on November 9, 2020.
2. Today, counsel for Respondent notified undersigned counsel by email that the appendix previously filed is missing Respondent's Exhibit Nos. 1-4 (Emails) from the post-conviction relief (PCR) hearing.
3. Counsel confirmed that Respondent's Exhibit Nos. 1-4 (Emails) were inadvertently excluded from the appendix.

4. Therefore, inasmuch as Rule 243(f)(1), SCACR, requires the entire lower court record be included in the appendix, counsel requests leave to file a supplemental appendix containing Respondent's Exhibit Nos. 1-4 (Emails).

5. Counsel makes this request in good faith and not for purpose of delay.

6. Counsel has been authorized to state that counsel for Respondent consents to this request.

7. The supplemental appendix is being filed simultaneously with this motion.

WHEREFORE, undersigned counsel respectfully requests this Court allow the appendix to be supplemented to include Respondent's Exhibit's Nos. 1-4 (Emails).

Respectfully submitted,

s/ Lara M. Caudy
Lara M. Caudy
Appellate Defender

ATTORNEY FOR PETITIONER

February 12, 2021