

STATE OF SOUTH CAROLINA
In The Court of Appeals

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Feb 17 2021

APPEAL FROM RICHLAND COUNTY
Court of General Sessions

SC Court of Appeals

Clifton Newman, Circuit Court Judge

Appellate Case No. 2018-001852

THE STATE,

Respondent,

v.

JAMES KESTER,

Appellant.

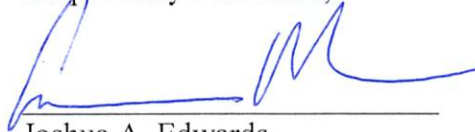
**MOTION TO AMEND THE DESIGNATION OF MATTER TO BE INCLUDED IN THE
RECORD ON APPEAL**

Counsel for Respondent respectfully request's the Court's permission to amend the Designation of Matter to be included in the Record on Appeal. In support of this motion counsel shows:

1. The Initial Brief of Respondent and Designation of Matter was filed and served on August 26, 2019.
2. The Designation of Matter designates three exhibits, State's #76, 77, and 81, which were marked for identification but not introduced at trial.
3. Therefore, counsel respectfully moves this Court to allow Respondent to amend the Designation of Matter to be included in the Record on Appeal.
4. Respondent has consulted with Counsel for Appellant, Dayne C. Phillips, who has kindly consented to this request via electronic mail.

WHEREFORE, the undersigned counsel respectfully requests this Court's permission to amend the Designation of Matter to be included in the Record on Appeal.

Respectfully Submitted,



for

Joshua A. Edwards
Bar # 101188
Assistant Attorney General

Attorney for Respondent

February 17, 2021

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Appellant.

**AMENDED DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL**

In addition to the matter designated by Appellant, Respondent proposes the following to be included in the Record on Appeal:

(1) Trial transcript.

(3) State's Exhibits 1-2; 4-7; 20-27; 32-75; 78-80, 82-86; 90-91.

The undersigned hereby certifies this Amended Designation contains no matter which is irrelevant to this appeal.

ALAN WILSON
Attorney General

JOSHUA A. EDWARDS
Assistant Attorney General

BYRON GIPSON
Solicitor, Fifth Judicial Circuit

BY: 
fo ✓

Joshua A. Edwards
Bar # 101188
Assistant Attorney General

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ATTORNEYS FOR RESPONDENT

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PROOF OF SERVICE

I, Anne Mueller, certify that I have served the within Amended Designation of Matter to be Included in the Record on Appeal and Motion to Amend the Designation of Matter to be Included in the Record on Appeal by email to Appellant's counsel of record, Dayne C. Phillips, at the email address provided by the Attorney Information System (AIS).

I further certify that all parties required by Rule to be served have been served.
This 17th day of February, 2021.



Anne A. Mueller
Legal Assistant

Office of the Attorney General
Post Office Box 11549
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(803) 734-3727

From: [Anne Mueller](#)
To: dayne@pricebenowitz.com
Cc: [Victim Services](#); [Josh Edwards](#); [William Blitch \(wblitch@scag.gov\)](mailto:wblitch@scag.gov); [Anne Mueller \(amueller@scag.gov\)](mailto:amueller@scag.gov)
Subject: State v. James Kester, 2018-001852
Date: Wednesday, February 17, 2021 11:52:00 AM
Attachments: [Kester James - Motion To Amend Designation of Matter To Be Included In The Record On Appeal & Amended Designation Of Matter \(02491827xD2C78\).PDF](#)

Good morning, Mr. Phillips,

Attached to this email is the State's Motion to Amend The Designation Of Matter To Be Included In The Record On Appeal and the Amended Designation Of Matter To Be Included In The Record On Appeal. This motion and amended designation will be filed with the Court later today.

If you will, please respond by return email to confirm you have received this email and the attachment.

Thank you.

Sincerely,

Anne Mueller, Legal Assistant to Assistant Attorney General Joshua A. Edwards



Anne A. Mueller
Legal Assistant, Criminal Appeals Division
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