

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Feb 23 2021

SC Court of Appeals

Appeal from Greenwood County

Honorable Frank R. Addy, Circuit Court Judge

THE STATE,

Respondent,

v.

XZARIERA OKEVIS GRAY,

Appellant.

Appellate Case No. 2019-001109

**MOTION TO SUBSTITUTE AND AMEND  
THE FINAL BRIEF OF RESPONDENT**

Respondent, the State, respectfully moves this Court to allow Respondent to substitute and amend the Final Brief which was originally filed on November 3, 2020. Opposing counsel has graciously consented. Counsel would respectfully show the Court the following:

Respondent originally filed the Final Brief on November 3, 2021. Respondent's counsel believed that it was a final brief properly prepared under Rule 221(b), SCACR. By happenstance, counsel opened the brief copy in document management and found errors. Counsel also checked the C-track records and confirmed a copy of the incorrect brief was submitted to the Court. Undersigned counsel has attempted to determine what occurred that caused the changes including changes to the cover page and items here and there in the brief; however, at this time, counsel has been unable to trace the error back. Counsel has requested an audit of all final briefs filed from August 2020 forward to determine if other briefs filed in PDF format have unintended errors or changes that were previously undetected.

Counsel for Respondent has consulted with opposing counsel, Ms. Hackett, and she has graciously consented.

Counsel for Respondent apologizes for the error, and respectfully requests that the Court accept the amended Final Brief of Respondent. Counsel for Respondent is conditionally submitting the proposed amended brief with this motion.

WHEREFORE, undersigned counsel for Respondent respectfully moves this Court to allow Respondent to substitute and amend the final brief, and asks this Court to accept the submitted Amended Brief of Respondent in place of the previously filed brief.

Respectfully submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General  
SC Bar No. 14244

MICHAEL D. ROSS  
Assistant Attorney General  
SC Bar No. 12990

*s/Melody J. Brown*  
By: \_\_\_\_\_

*s/Michael D. Ross*  
By: \_\_\_\_\_

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February 23, 2021  
Columbia, South Carolina

ATTORNEY FOR RESPONDENT

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CERTIFICATE OF SERVICE

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I, Brandy Rankin, as an employee of the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Motion to Substitute and Amend The Final Brief of Respondent, and Certificate of Service has been forwarded to Appellant's counsel, Susan B. Hackett, Esq., via email today, February 23, 2021 to [shackett@sccid.sc.gov](mailto:shackett@sccid.sc.gov), and her assistant Kat Kasperski @ [kkasperski@sccid.sc.gov](mailto:kkasperski@sccid.sc.gov).

I further certify that all parties required by Rule to be served have been served.

This 23rd day of February 2021.



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Brandy Rankin,  
Legal Assistant to Michael D. Ross  
Assistant Attorney General