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Mar 24 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Calhoun County
Honorable Maite Murphy, Circuit Court Judge
Appellate Case No. 2019-000926

THE STATE,

Respondent,

vs.

DERRICK TYLER MILLS,

Appellant.

**MOTION TO ALLOW FILING OF
AMENDED SUPPLEMENTAL RECORD ON APPEAL**

Respondent (“the State”), through its undersigned counsel, would respectfully show unto the Court as follows:

I.

On August 27, 2020, the State filed and served its Designation of Matter, which designated numerous items—including the verdict form and three exhibits—for inclusion in the Record on Appeal. Thereafter, on September 21, 2020, Appellant Derrick Tyler Mills served and filed the Record on Appeal. In the Record the Appeal, Appellant included all the matter designated by the State except the verdict form and the three exhibits.

II.

Based on the omission of the verdict form and the three exhibits from the Record on Appeal, the State filed a motion seeking permission from this Court to file a Supplemental

Record on Appeal and submitted one containing the three omitted exhibits along with a verdict form. On September 29, 2020, this Court issued an order granting the State's request to file the Supplemental Record on Appeal and accepting the one submitted as filed.

III.

On March 24, 2021, this Court requested the parties submit additional bound copies of the briefs and records filed in Appellant's appeal. Prior to submitting the additional copies as requested, the State discovered the Supplemental Record on Appeal in its current form inadvertently contains a verdict form related to Appellant's co-defendant, Quintin Mills, instead of the verdict form related to Appellant himself. Appellant's verdict form is the verdict form pertinent to Appellant's appeal and is the matter the State intended to include in the Supplemental Record on Appeal when it was originally filed.

IV.

Because the Supplemental Record on Appeal as presently filed does not contain the correct verdict form related to Appellant's appeal, the State believes it is necessary for an Amended Supplemental Record on Appeal to be substituted in place of that document to ensure the correct designated matter will be before this Court. See Rule 210(c), SCACR ("The Record on Appeal shall include all matter designated to be included by any party[.]"). Therefore, this State asks this Court to permit the filing of an Amended Supplemental Record on Appeal containing the three exhibits and verdict form that were previously omitted from the Record on Appeal and to substitute that document in place of the Supplemental Record on Appeal, which mistakenly contains a verdict form not directly relevant to Appellant's appeal.

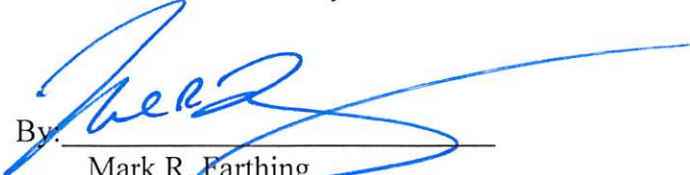
WHEREFORE, Respondent prays that this Court will allow the State to file an Amended Supplemental Record on Appeal; substitute the Amended Supplemental Record on

Appeal in place of the Supplemental Record on Appeal; accept the filing of the State's Amended Supplemental Record on Appeal; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

MARK R. FARTHING
Senior Assistant Attorney General

By: 
Mark R. Farthing
S.C. Bar Number 76901

March 24, 2021

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THE STATE,

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Appellant.

PROOF OF SERVICE

I, Shana Montgomery, certify I have served the within Motion to Allow Filing of Supplemental Record on Appeal and the Supplemental Record on Appeal on Appellant by sending electronic copies via email to the address listed in AIS for the following individual:

Tommy A. Thomas, Esq.
Post Office Box 88
Irmo, SC 29063

I further certify all parties required by Rule to be served have been served.
This 24th day of March, 2021.



SHANA MONTGOMERY
Legal Assistant
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211

Shana Montgomery

From: Shana Montgomery
Sent: Wednesday, March 24, 2021 4:34 PM
To: thomaslaw@me.com
Cc: Shana Montgomery; William Blitch; Mark Farthing
Subject: State V. Derrick T. Mills ; Appellate Case No. 2019-000926 Amended Supplemental ROA and Motion to File Amended Supplemental ROA
Attachments: Mills.Motion to File Amended Supplemental Record on Appeal (02523163xD2C78).pdf; Mills.Amended Supplemental Record on Appeal (02523130xD2C78).pdf

Good Afternoon,

Attached please find a copy of the Motion To File Amended Supplemental Record On Appeal and Amended Supplemental Record on Appeal for State V. Derrick T. Mills (2019-000926). Please confirm receipt. This motion and supplemental ROA will be submitted to the South Carolina Court of Appeals today via the AIS One Drive System. In addition to this email, a hard copy will be placed in today's mail. Please don't hesitate to contact us should you have any questions or concerns.

Thank You.

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