

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Charleston County

Honorable R. Markley Dennis, Circuit Court Judge  
\_\_\_\_\_

THE STATE,

RESPONDENT,

V.

ANTONIO O. SIMMONS,

APPELLANT

APPELLATE CASE NO 2020-00088  
\_\_\_\_\_

MOTION TO AMEND DESIGNATION OF MATTER  
TO BE INCLUDED IN RECORD ON APPEAL  
\_\_\_\_\_

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, the undersigned counsel moves to amend the Designation of Matter to be Included in Record on Appeal filed on January 4, 2021. Further, counsel moves to replace the Designation of Matter to be Included in Record on Appeal with the Amended Designation of Matter to be Included in Record on Appeal filed simultaneous with this motion. In support of this motion, counsel submits the following facts.

1. After further review of the Designation undersigned counsel recognized the need for removal of the post-conviction relief hearing transcript from the Designation, as it was not before the lower court.
2. Undersigned counsel corresponded with Mark Farthing, the attorney representing the Attorney General's office, and Mark Farthing did not object to the filing of this Motion to Amend Designation of Matter to be Included in Record on Appeal.

**RECEIVED**

**Jun 17 2021**

**SC Court of Appeals**

WHEREFORE, counsel moves this Court to amend the Designation of Matter to be Included in Record on Appeal filed on January 4, 2021 and replace it with the Amended Designation of Matter to be Included in Record on Appeal filed simultaneous with this motion.

Respectfully submitted,

A handwritten signature in blue ink that reads "Victor R. Seeger". The signature is written in a cursive style with a horizontal line extending to the right across the signature.

Victor R. Seeger  
Appellate Defender

Attorney for Appellant

June 17, 2021

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CERTIFICATE OF SERVICE

Pursuant to the Supreme Court's Order "RE: Operation of the Appellate Courts During the Coronavirus Emergency," dated March 20, 2020, the undersigned hereby certifies a true copy of the Motion to Amend Designation of Matter to be Included in Record on Appeal in the above referenced case has been served upon Mark Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 17<sup>th</sup> day of June, 2021.



Victor R. Seeger  
Appellate Defender

ATTORNEY FOR APPELLANT