

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County
R. Keith Kelly, Circuit Court Judge

RECEIVED

Jul 08 2021

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DAVID VIRON LEWIS GARRETT,

APPELLANT.

APPELLATE CASE NO. 2020-001183

MOTION TO SERVE AND FILE AN
AMENDED DESIGNATION OF MATTER

Counsel for David Viron Lewis Garrett respectfully requests to serve and file an amended Designation of Matter in the above captioned case, pursuant to Rules 209 and 240, SCACR. In support of this motion, counsel shows:

1. The Initial Brief of Appellant and Designation of Matter were filed with this Court on March 15, 2021. The Initial Brief of Respondent and Designation of Matter were filed on June 1, 2021. The Record on Appeal and Final Brief of Appellant were filed on July 1, 2021.
2. While preparing the Record on Appeal and Final Brief of Appellant, counsel discovered the Designation of Matter filed on March 15, 2021 inadvertently failed to include the Motion for Resentencing filed July 8, 2016; the Return to Motion for Resentencing filed March

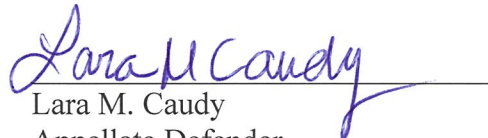
21, 2017; the Motion for Reconsideration of Sentence filed August 7, 2020; and the Return to Motion for Reconsideration filed August 12, 2020, all of which were cited in the Initial Brief of Appellant.

3. Counsel filed an Amended Designation of Matter, including the inadvertently omitted documents, with this Court on July 1, 2021. A copy of the Amended Designation of Matter previously filed is attached to this motion.

4. On June 30, 2021, opposing counsel, Tommy Evans, Jr., kindly consented to this request.

WHEREFORE, the undersigned counsel respectfully requests the Court grant counsel's request to amend the Designation of Matter in the above captioned case, pursuant to Rules 209 and 240, SCACR.

Respectfully submitted,


Lara M. Caudy
Appellate Defender

S.C. Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

This 8th day of July, 2021.

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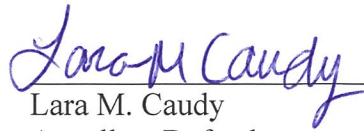
DAVID VIRON LEWIS GARRETT,

APPELLANT.

APPELLATE CASE NO. 2020-001183

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 serve and file an amended designation of matter in the above referenced case has been served upon Tommy Evans, Jr., Esquire at the primary e-mail address listed in the Attorney Information System (AIS), this 8th day of July, 2021.



Lara M. Caudy
Appellate Defender

ATTORNEY FOR APPELLANT

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

Appellant proposes the following be included in the Record on Appeal:

- (1) Complete Transcripts Dated January 8, 2020; July 30, 2020; and August 20, 2020;
- (2) Court's Exhibit No. 1 (Guilty Plea Transcript Dated February 24, 2009);
- (3) State's Exhibit No. 9 (Autopsy Report);
- (4) State's Exhibit No. 11 (Sheriff's Office Case File);
- (5) State's Exhibit No. 12 (Transcript of Defendant's Statement);
- (6) Defendant's Exhibit No. 1 (Report from Kara Richards-Baker);
- (7) Defendant's Exhibit No. 2 (Report from Leonard Mulbry);
- (8) Defendant's Exhibit No. 4 (Apology Letter);
- (9) Motion for Resentencing filed July 8, 2016;
- (10) Return to Motion for Resentencing filed March 21, 2017;
- (11) Motion for Reconsideration of Sentence filed August 7, 2020;
- (12) Return to Motion for Reconsideration filed August 12, 2010;
- (13) Indictments; and
- (14) Sentence Sheets.

I certify that this designation contains no matter which is irrelevant to this appeal.


Lara M. Caudy
Appellate Defender

S.C. Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

July 1, 2021.

STATE OF SOUTH CAROLINA

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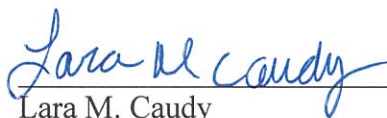
DAVID VIRON LEWIS GARRETT,

APPELLANT.

APPELLATE CASE NO. 2020-001183

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 Amended Designation of Matter in the above referenced case has been served upon Tommy Evans, Jr., Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and David Viron Lewis Garrett, #333334, at Leiber Correctional Institution, P.O. Box 205, Ridgeville, SC 29472, this 1st day of July, 2021.



Lara M. Caudy
Appellate Defender

ATTORNEY FOR APPELLANT