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Aug 30 2021

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Honorable R. Markley Dennis, Jr., Circuit Court Judge
Appellate Case No. 2020-000088

THE STATE,

Respondent,

vs.

ANTONIO ORLANDO SIMMONS,

Appellant.

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

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

I.

On July 26, 2021, the State filed and served its Initial Brief of Respondent and Designation of Matter. In its Designation of Matter, the State properly designated numerous items, including all twenty arrest warrants associated with Appellant Antonio Orlando Simmons’s case, for inclusion in the Record on Appeal.

II.

On August 25, 2021, Appellant served and filed the Record on Appeal. In the Record the Appeal as filed, Appellant included the majority of the matter designated by the State. However,

Appellant only included a portion of the designated arrest warrants as he failed to include any of the accompanying affidavits that were a part of those documents.

III.

Because properly designated matter was omitted from the Record on Appeal, the State believes it is necessary to file a Supplemental Record on Appeal containing the omitted matter. See Rule 210(c), SCACR (“The Record on Appeal shall include all matter designated to be included by any party under Rule 209[.]”). Accordingly, the State asks this Court to permit and accept the filing of a Supplemental Record on Appeal containing the designated matter omitted from the Record on Appeal.

WHEREFORE, Respondent prays that this Court will allow the State to file a Supplemental Record on Appeal; accept the filing of the State’s 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

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PROOF OF SERVICE

I, Leigh Ann Stone, 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:

Victor R. Seeger, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify all parties required by Rule to be served have been served.
This 30th day of August, 2021.


LEIGH ANN STONE
Legal Assistant
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211

Leigh Ann Stone

From: Leigh Ann Stone
Sent: Monday, August 30, 2021 3:50 PM
To: vseeger@sccid.sc.gov
Cc: Mark Farthing; William Blich; Stock, Chris
Subject: The State v. Antonio Orlando Simmons (2020-000088)
Attachments: Simmons.Motion to File Supplemental Record on Appeal (02695220xD2C78).PDF; Simmons.Supplemental Record on Appeal (02694528xD2C78).PDF

Good Afternoon Mr. Seeger,

Attached please find the Motion to Allow Filing of Supplemental Record on Appeal and the Supplemental Record on Appeal in The State v. Antonio Orlando Simmons (2020-000088). These documents will be submitted to the South Carolina Court of Appeals today via the AIS One Drive System.

If you will, please reply to confirm receipt of this email.

LEIGH ANN STONE, Legal Assistant
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