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**Sep 28 2021**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal From Laurens County  
Honorable Donald B. Hocker, Circuit Court Judge

Appellate Case No: 2020-001162

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THE STATE,

Respondent,

v.

LUTAVIOUS DENARD ELMORE,

Appellant.

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**MOTION TO SERVE AND FILE A SUPPLEMENTAL RECORD ON APPEAL**

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Respondent herein seeks to supplement the Record on Appeal, pursuant to Rule 210, SCACR, on the following grounds.

I.

While attempting to prepare the Final Brief of Respondent, Respondent discovered that a page from the August 3-11, 2020 trial, page 728 were inadvertently not designated by the Respondent. The undersigned counsel submits that this page is necessary and useful to this Court's full and complete understanding of the issues involved in this appeal.

II.

Respondent has prepared the Supplemental Record on Appeal to include this page.

WHEREFORE, having made Motion to Supplement the Record on Appeal,

Respondent would respectfully request this Court to grant the Motion to include page 728 from the August 3-11, 2020 trial, and for such other and further relief as this Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General  
ID No. 14244

TOMMY EVANS JR.  
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BY: s/ Tommy Evans, Jr.

ATTORNEYS FOR RESPONDENT

September 28, 2021  
Columbia, South Carolina

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**PROOF OF SERVICE**

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I, Donna D'Alessio, am an employee of the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Motion to Serve and File a Supplemental Record on Appeal and Proof of Service has been forwarded to Appellant's counsel, Lara M. Caudy, Esq., via email today, September 28, 2021 to [lcaudy@sccid.sc.gov](mailto:lcaudy@sccid.sc.gov), and to her assistant at [lmatthews@sccid.sc.gov](mailto:lmatthews@sccid.sc.gov).

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

This 28<sup>th</sup> day of September, 2021.

  
\_\_\_\_\_  
Donna D'Alessio,  
Legal Assistant to Tommy Evans, Jr.,  
Assistant Attorney General

## Donna D'Alessio

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**From:** Donna D'Alessio  
**Sent:** Tuesday, September 28, 2021 3:51 PM  
**To:** Lara Caudy (lcaudy@sccid.sc.gov)  
**Cc:** 'lmatthews@sccid.sc.gov'  
**Subject:** Elmore, Lutavious D. - Appellate Case No. 2020-001162 - Motion to Serve and File a Supplemental ROA; Supplemental ROA; and Final Brief of Respondent  
**Attachments:** Elmore, Lutavious D. - Appellate Case No. 2020-001162 - Motion to Serve and File a Supplemental ROA 9-28-21 (02724786xD2C78).pdf; Elmore, Lutavious D. - Appellate Case No. 2020-001162 - Supplemental Record on Appeal 9-28-21 (02724787xD2C78).pdf; Elmore, Lutavious D. - Appellate Case No. 2020-001162 - Final Brief of Respondent 9-28-21 (02724804xD2C78).pdf

Dear Ms. Caudy:

Attached are scanned copies of the Respondent's Motion to Serve and File a Supplemental Record on Appeal, Supplemental Record on Appeal, and Final Brief of Respondent in the above matter. The Motion, Supplemental Record on Appeal, and Final Brief of Respondent are being submitted to the South Carolina Court of Appeals through e-filing, along with a copy of this email.

Hope you are well and thank you.

Donna D'Alessio, Legal Assistant  
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