

ORIGINAL

STATE OF SOUTH CAROLINA

COURT OF APPEALS

APPEAL FROM LEXINGTON COUNTY

COURT OF GENERAL SESSIONS

The Honorable Alexander Macaulay, Circuit Court Judge

Indictments Nos. 2011-GS-32-2259, 2011-GS-32-2261

The State of South Carolina Respondent,

v.

Benjamin J. Newman Appellant.

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

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

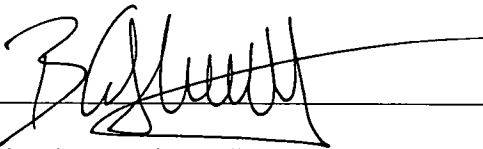
1. Indictment No. 2011-GS-32-2259: Trafficking marijuana (10 pounds or more, but less than 100 pounds);
2. Indictment No. 2011-GS-32-2261: Trafficking cocaine (400 grams or more);
3. Search Warrant and Return dated June 5, 2011;
4. Audio Recording of events on June 5, 2011;
5. Sentencing Orders dated October 17, 2012;
6. Notice of Intent to Appeal October 23, 2012;
7. Notices granting the Court Reporter an extension to deliver the Transcript of Record in the case dated January 4, 2013, February 4, 2013, and March 4, 2013
8. Order granting extension to submit Brief and Designation of Matter until June 5, 2013;
9. Transcript of October 15-17, 2012 proceedings: pp. 4, 6-49, 79-140, 160-357, 359-363, 376-384, 386-387, 452, and 457-458.

To facilitate the preparation of the Final Brief, Appellant requests that counsel for Respondent retain the page numbers of the hearing transcript in addition to the new numbers.

CERTIFICATE OF COUNSEL

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

May 14, 2013



Benjamin A. Stitely, #75339
Robert T. Williams, #6149
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200 East Main Street
Post Office Box 849
Lexington, South Carolina 29071
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Attorneys for Appellant

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The State of South Carolina Respondent,

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PROOF OF SERVICE

I certify that I have served the **Designation of Matter to be Included in the Record on Appeal** on the Respondent by depositing copies of it in the United States Mail, postage prepaid, on May 14, 2013, addressed to Rick Hubbard, Deputy Solicitor, 205 East Main Street, Lexington, South Carolina 29072, Dale Scott, Deputy Solicitor, Eighth Judicial Circuit, Suite 203 Park Plaza, 600 Monument Street, PO Box 516, Greenwood, SC 29649; and Alan Wilson, Attorney General, Office of the Attorney General, P.O. Box 11549, Columbia, South Carolina 29211-1549.

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

Dated: May 14, 2013



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Attorneys for Appellant

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WILLIAMS, HENDRIX, STEIGNER & BRINK, P.A.

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Benjamin A. Stitely
David K. Allen

May 14, 2013

Jenny Abbott Kitchings, Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: State of South Carolina v. Benjamin J. Newman
Indictments No.: 2011-GS-32-2259, 2011-GS-32-2261

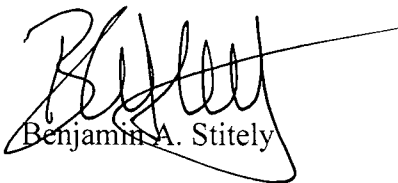
Dear Ms. Kitchings:

Please find enclosed for filing the original and one copy of the Initial Brief of Appellant and Designation of Matter in the case noted above. After filing, please return a clocked copy to this office in the envelope provided for your convenience.

If you have any questions, please give me a call.

With kindest regards, I am

Very truly yours,


Benjamin A. Stitely

BAS/gma

Enclosures

cc: Alan Wilson, Attorney General
Rick Hubbard, Deputy Solicitor
Dale Scott, Deputy Solicitor
Benjamin Newman

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Alan Wilson, Attorney General
Office of the Attorney General
P.O. Box 11549
1000 Assembly Street
Columbia, South Carolina 29211

Re: State of South Carolina v. Benjamin J. Newman
Indictments No.: 2011-GS-32-2259, 2011-GS-32-2261

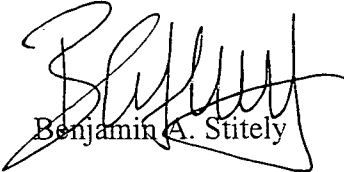
Dear Mr. Wilson:

Please find the enclosed two copies of the Initial Brief of Appellant and Designation of Matter relative to the above referenced case which I hereby serve upon you. By copy of this letter with enclosures, I am also serving Rick Hubbard and Dale Scott, Deputy Solicitors.

If you have any questions, please give me a call.

With kindest regards, I am

Very truly yours,


Benjamin A. Stitely

BAS/gma

Enclosure

cc: Jenny Abbott Kitchings, Clerk
Rick Hubbard, Deputy Solicitor
Dale Scott, Deputy Solicitor
Benjamin Newman

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