

THE STATE OF SOUTH CAROLINA
COURT OF APPEALS
APPEAL FROM BARNWELL COUNTY
COURT OF GENERAL SESSIONS

The Honorable Doyet A. Early, III, Circuit Court Judge

Indictments Nos. 2013-GS-06-76, 2013-GS-06-77, 2013-GS-06-78, & 2013-GS-06-79

The State of South Carolina Respondent,

v.

Eric VanCleave Appellant.

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

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SC Court of Appeals

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

1. Indictment No. 2013-GS-06-76: Criminal Sexual Conduct with a Minor, victim under 16 years of age - 2nd Degree, dated February 25, 2013;
2. Indictment No. 2013-GS-06-77: Lewd Act upon a Child, dated February 25, 2013;
3. Indictment No. 2013-GS-06-78: Assault and Battery of a High and Aggravated Nature, dated February 25, 2013;
4. Indictment No. 2013-GS-06-79: Criminal Sexual Conduct - 3rd Degree, dated February 25, 2013;
5. Arrest Warrant K-338463: Criminal Sexual Conduct with a Minor - 11-14 years of age - 2nd Degree, dated March 30, 2010;
6. Arrest Warrant K-338467: Sex/Lewd Act, Commit/Attempt Lewd Act on Minor, dated March 30, 2013;
7. Arrest Warrant K-338465: Sex/Lewd, Commit/Attempt Lewd Act on Minor, dated March 30, 2010;
8. Arrest Warrant K-338461: Sex/Criminal Sexual Conduct with Minor 11-14 years of age - 2nd Degree, dated March 30, 2010;
9. Indictment No. 2010-GS-06-272: Criminal Sexual Conduct with a Minor - 2nd Degree;
10. Indictment No. 2010-GS-06-273: Criminal Sexual Conduct with a Minor - 2nd Degree;
11. Indictment No. 2010-GS-06-274: Lewd Act Upon a Minor;

12. Indictment No. 2010-GS-06-275: Lewd Act Upon a Minor;
13. Arrest Warrant K-338462: Sex/Criminal Sexual Conduct with a Minor, dated March 30, 2010;
14. Arrest Warrant K-338464: Criminal Sexual Conduct with a Minor Under 16 years of age - 2nd Degree, dated March 30, 2010;
15. Arrest Warrant K-338466: Sex/Lewd Act, Commit/Attempt Lewd Act on Minor, dated March 30, 2010;
16. Arrest Warrant K-338468: Sex/Lewd Act, Commit/Attempt Lewd Act on Minor, dated March 30, 2010;
17. Sentencing Orders dated April 2, 2013;
18. Notice of Intent to Appeal dated April 9, 2013;
19. Order granting extension of time to submit Brief and Designation of Matter until September 23, 2013;
20. (a.) Transcript of February 25, 2013 proceedings: pp. 3-17;
(b.) Transcript of April 1-2, 2013 proceedings: pp. 5-33, 64-70, 86-137, 139-183, 190-266, and 292-321.
21. State's Exhibits 1-21;
22. Appellant's (Defendant's) Exhibits 1-4;
23. Appellant's Motion for Discovery and Disclosure of Evidence dated June 25, 2012;
24. Notice of Motion and Motion for Speedy Trial dated July 24, 2012;
25. Notice of Motion and Motion for Speedy Trial dated January 14, 2013;
26. Notice of Motion and Motion for Disclosure of Evidence by Defendant Pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure for indictment numbers 2010-GS-06-272, 2010-GS-06-273, 2010-GS-06-274, and 2010-GS-06-275.

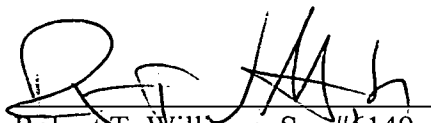
To facilitate the preparation of the Final Brief, Appellant requests that counsel for

Respondent retain the page numbers of the hearing transcript in addition to the new numbers.

CERTIFICATE OF COUNSEL

Pursuant to Rule 209(c), I certify that this designation contains no matter which is irrelevant to this appeal.

September 14, 2013


Robert T. Williams, Sr., #6149
Benjamin A. Stitely, # 75339
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206 East Main Street
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Attorneys for Appellant

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The State of South Carolina Respondent,

v.

Eric VanCleave Appellant.

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 September 17, 2013, addressed to Susanna Ringler, Assistant Solicitor and Jack W. Hammack, Jr., Assistant Solicitor, Second Judicial Circuit, P.O. Box 723 Barnwell, South Carolina 29812 and P.O. Box 583, Aiken, South Carolina 29802; and Alan Wilson Attorney General, John W. McIntosh, Chief Deputy Attorney General, and Sally W. Elliott, Assistant 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: September 18, 2013



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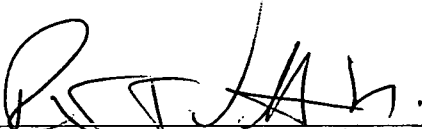
Eric VanCleave Appellant.

PROOF OF SERVICE

I certify that I have served the **Initial Brief** on the Respondent by depositing copies of it in the United States Mail, postage prepaid, on September 18, 2013, addressed to Susanna Ringler, Assistant Solicitor and Jack W. Hammack, Jr., Assistant Solicitor, Second Judicial Circuit, P.O. Box 723 Barnwell, South Carolina 29812 and P.O. Box 583, Aiken, South Carolina 29802; and Alan Wilson Attorney General, John W. McIntosh, Chief Deputy Attorney General, and Sally W. Elliott, Assistant Attorney General, Office of the Attorney General, P.O. Box 11549 Columbia, South Carolina 29211-1549.

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September 18, 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. Eric VanCleave
Indictments No.: 2013-GS-06-76, 2013-GS-06-77, 2013-GS-06-78, 2013-GS-0679

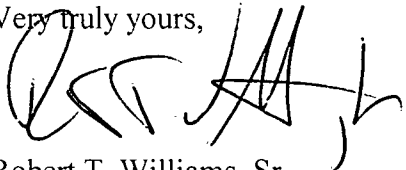
Dear Ms. Kitchings:

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,



Robert T. Williams, Sr.

RTW/as

Enclosures

cc: Alan Wilson, Attorney General
Susanna Ringler, Assistant Solicitor
Jack W. Hammack, Jr., Assistant Solicitor
John W. McIntosh, Chief Deputy Attorney General
Sally W. Elliott, Assistant Attorney General
Eric VanCleave

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Located in historic downtown Lexington at 206 East Main Street

