

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM JASPER COUNTY  
Court Of Common Pleas  
The Honorable R. Keith Kelly, Circuit Court Judge

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Appellate Case No. 2023-000790

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THE STATE,

Respondent,

v.

STEVEN FRANTZ,

Appellant.

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**MOTION TO ALLOW FILING OF  
AMENDED DESIGNATION OF MATTER**

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

**I.**

On September 30<sup>th</sup>, 2021, a Jasper County Magistrate found Appellant Steven Frantz guilty of trespassing. Appellant filed a notice of appeal with the Jasper County Circuit Court and the Circuit Court affirmed Appellant’s convictions.

**II.**

At present, Frantz’s appeal is currently pending before this Court. Initial briefing has been completed, the parties have filed their designations of matter, and the Record on Appeal has been filed.

### III.

In its brief, the State included numerous citations to the transcripts from the Circuit Court Hearing on April 20, 2023. However, in preparing its designation of matter, the State erroneously mistyped the transcripts date of the hearing.

### IV.

Pursuant to our state's appellate court rules, the Record on Appeal shall contain all matter designated by the parties and can include any matter presented to the lower court or tribunal. Rule 210(c), SCACR.

### V.

In the case at bar, the transcript from Frantz's hearing could appropriately be designated for inclusion and included in the Record on Appeal since the transcript was a part of the trial court record. Rule 209(b), SCACR; Rule 210(c), SCACR. The State moves to file an Amended Designation of Matter properly reflecting the matter outlined above.

### VI.

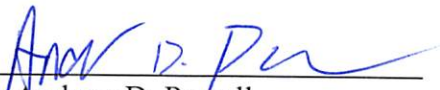
Along with this motion, the State is contemporaneously submitting its Amended Designation of Matter. Furthermore, the undersigned counsel apologizes for any inconvenience her error has caused the Appellant or the Court.

**WHEREFORE**, Respondent prays that this Court will grant this motion, the Amended Designation of Matter; accept the filing of the State's Amended Designation of Matter; hold the time limits for filing the Final Brief of Respondent in abeyance pending a ruling on this motion; and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

ANDREW D. POWELL  
Assistant Attorney General

By:   
\_\_\_\_\_  
Andrew D. Powell  
S.C. Bar Number #106415

January 28, 2025

**RECEIVED**

**Jan 28 2025**

**SC Court of Appeals**

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**PROOF OF SERVICE**

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I, Andrew D. Powell, certify I have served the within Motion to Allow Filing of Amended Designation of Matter and Amended Designation of Matter on Appellant by sending copies via U.S. mail at the address provided:

Steven Frantz  
536 S. Summit Street  
Smithville, OH 44677

I further certify all parties required by Rule to be served have been served.  
This 28<sup>th</sup> day of January, 2025.



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ANDREW D. POWELL  
Assistant Attorney General

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