

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Spartanburg County

J. Derham Cole, Circuit Court Judge  
\_\_\_\_\_

RECEIVED

NOV 08 2013

SC COURT OF APPEALS

THE STATE,

RESPONDENT,

V.

JAMES IRBY,

APPELLANT

APPELLATE CASE NO. 2012-213028  
\_\_\_\_\_

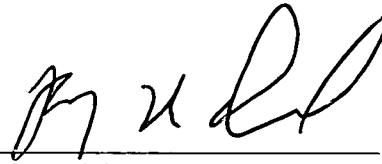
**DESIGNATION OF MATTER TO BE  
INCLUDED IN RECORD ON APPEAL**  
\_\_\_\_\_

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

- (1) True-billed indictment;
- (2) State's exhibits 1-5;
- (3) State's exhibits 2-3 (DVD's from the suppression hearing;
- (4) Defendant's exhibit 1 for ID;
- (5) Cover page of suppression hearing of January 29, 2011;
- (6) Tr. 5 - 98;
- (7) Cover page of the trial held November 18-19, 2012 (the court reporter lists the date as September 18-19, 2012 in his certificate);
- (8) Tr. 5-6;
- (9) Tr. 44-160;
- (10) Tr. 164-187;
- (11) Tr. 193-248;
- (12) Tr. 252-253.

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

November 8th, 2013



---

Robert M. Dudek  
Chief Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589  
(803) 734-1343

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Spartanburg County  
J. Derham Cole, Circuit Court Judge

RECEIVED

NOV 08 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

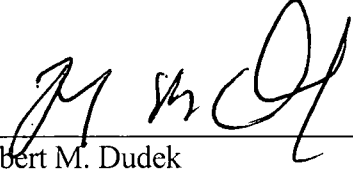
JAMES IRBY,

APPELLANT

APPELLATE CASE NO. 2012-213028


CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Initial Brief of Appellant and Designation of Matter in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 8th day of November, 2013.

  
Robert M. Dudek  
Chief Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me  
this 8th day of November, 2013.

 (L.S.)  
Notary Public for South Carolina  
My Commission Expires: August 21, 2023