

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CALHOUN COUNTY
Court of General Sessions

Diane Schafer Goodstein, Circuit Court Judge

CASE NO.: 2013-001496

State of South Carolina,Respondent,

v.

David Jamar Benjamin,Appellant.

APPELLANT'S DESIGNATION OF MATTER TO BE INCLUDED
IN THE RECORD ON APPEAL

James L. Goldsmith, Jr.
Brownstone, P.A.
P.O. Box 2047
Winter Park, Florida 32790
(855) 776-2773
Attorney for Appellant

Donald J. Zelenka
Office of the Attorney General
P.O. Box 11549
Columbia, South Carolina 29211
(803) 734-3601
Attorney for Respondent

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SC Court of Appeals

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

Appellant, pursuant to Rule 210, hereby designates the following matter to be included in the record on appeal:

Pleadings

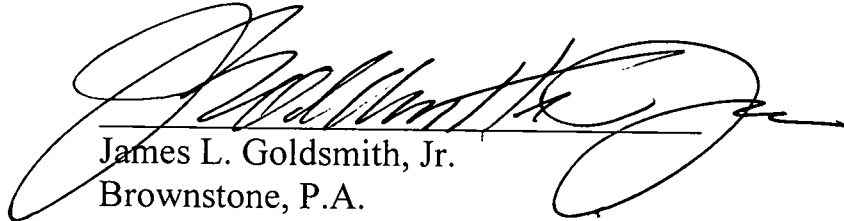
Document Description	Date
Arrest Warrant	10/04/2011
Indictment	02/25/2013
Verdict	03/07/2013
Motion for New trial	03/15/2013
Motion to Reconsider Sentence	03/15/2013
Order Denying Motion to Reconsider	07/01/2013
Notice of Appeal	07/10/2013

Transcript of Record

Document Description	Date	Page(s) Cited
Trial Transcript – Vol. I	03/04/2013	109-112; 120-121; 123-124; 127-128; 131-135; 137-139; 144
Trial Transcript – Vol. II	03/05/2013	203-205; 207; 209; 211-216; 218- 219; 260-262, 264-266; 268-280; 282-285; 287-288; 290-293; 304-304; 306-308; 317-319; 332; 343; 345- 346; 370-378; 386-387; 389; 397; 405; 409-411; 414; 423-426; 429-432
Trial Transcript – Vol. III	03/06/2013	448; 454-457; 459; 464-468; 476; 479; 484-485; 490; 494; 498; 500- 505; 530-531; 534-538; 541; 558; 560-561; 563-564; 572; 578; 583-585
Trial Transcript – Vol. IV	03/07/2013	682-683; 687-688; 692-693

CERTIFICATE OF COMPLIANCE

I, James L. Goldsmith, Jr., counsel for Appellant David Benjamin, hereby certify that the foregoing Designation of Matter to be Included in the Record on Appeal does not contain any matter which is irrelevant to the instant appeal and that this Designation of Matter includes those portions of the transcript, pleadings, orders, exhibits, or other materials which are properly included in the Record on Appeal pursuant to Rule 210(c).



James L. Goldsmith, Jr.
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THE STATE OF SOUTH CAROLINA
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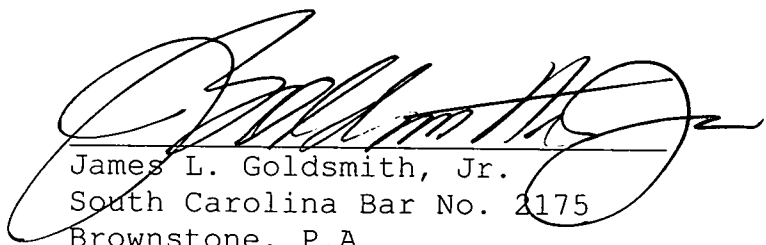
The State of South Carolina.....Respondent,

v.

David Jamar Benjamin.....Appellant.

PROOF OF SERVICE

I certify that I have served the foregoing Designation of Matter to be Included in the Record on Appeal on the Respondent by depositing a copy of the Brief in the United States Mail, postage prepaid, on March 12, 2014, addressed to Respondent's attorney of record, Donald J. Zelenka, Assistant Attorney General, Post Office Box 11549, Columbia, South Carolina 29211.



James L. Goldsmith, Jr.
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SC Court of Appeals

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12 March 2014

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

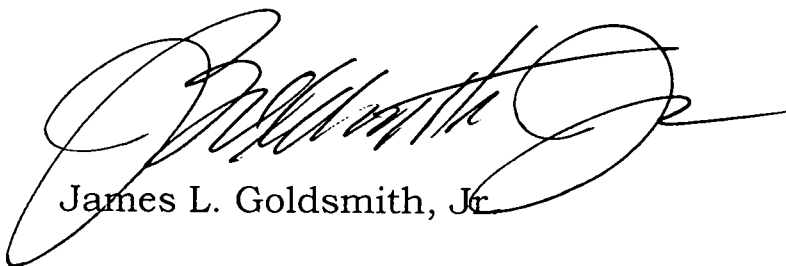
Re: *State of South Carolina v. David Jamar Benjamin*
Appellate Case No. 2013-001496

Dear Sir or Madam:

In response to your letter of 5 March 2014, I have enclosed Appellant's Designation of Matter to be Included in the Record on Appeal and Proof of Service upon Respondent's attorney, Donald J. Zelenka.

I have also enclosed a signed original of page 40 of Appellant's Brief and a revised cover indicating Donald J. Zelenka as attorney for the Respondent.

Sincerely,



James L. Goldsmith, Jr.

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cc: Donald J. Zelenka
Office of the Attorney General

SC Court of Appeals