

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of General Sessions,

Edward B. Cottingham, Circuit Court Judge

Case No. 2012-GS-22-560, 561, 587, 588

RECEIVED
MAR 17 2014
SC Court of Appeals

The State,

Respondent,

V.

Michael Lee Cardwell,

Appellant.

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

Counsel for Michael D. Cardwell respectfully moves this Court to amend Appellant's Designation of Matter to Be Included in the Record on Appeal pursuant to Rule 209 and Rule 212(b) of the South Carolina Appellate Court Rules based on the following circumstances:

1. Appellant served and filed the Initial Brief and Designation of Matter to be included in the record on appeal on December 2, 2013. Respondent filed and served its Initial Brief and Designation of Matter to be included in the Record on Appeal on February 27, 2014.
2. Counsel for Appellant believes Court's Exhibit 3 from the trial below, which was not previously designated by Appellant, is pertinent to a specific issue raised in Respondent's

brief regarding Appellant's expectation of privacy.

3. Counsel for Appellant has corresponded with William Blich, counsel for Respondent, and he has indicated his consent to this motion.
4. Counsel makes this motion in good faith and not for purpose of delay.

WHEREFORE, the undersigned counsel respectfully asks this Court for permission to amend Appellant's Designation of the Matter to be Included in the Record on Appeal based on the above circumstances.

Respectfully submitted,



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March 14, 2014

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Attorneys for Appellants

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CERTIFICATE OF SERVICE

I certify that I have served the Motion to Amend Appellant's Designation of Matter to be Included in the Record on Appeal by depositing a copy of it in the United States Mail, postage prepaid, on March 14, 2014, addressed to Respondent's attorney of record, William Blitch, Esquire, Assistant Attorney General, S.C. Attorney General's Office, P.O. Box 11549, Columbia, SC 29211.

Respectfully submitted,

March 14, 2014



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March 14, 2014

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: The State v. Michael L. Cardwell
Appellate Case Number: 2012-213368

Dear Ms. Kitchings:

Enclosed please find the following:

- (1) The original and six (6) additional copies of Motion to Amend Appellant's Designation of Matter to be Included in the Record on Appeal;
- (2) Certificate of Service.

By copy of this letter to opposing counsel, I am hereby serving them with the same.

Thank you for your attention to this matter. If you should have any questions, please do not hesitate to contact me.

Very truly yours,

JOYE LAW FIRM, L.L.P.

Melissa A. Fried

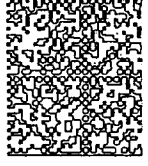
Enclosure

cc: William Blich, Esq. (w/enclosures)
Robert Michael Dudek (w/enclosures)

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