

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal From Spartanburg County  
Honorable J. Durham Cole, Circuit Court Judge  
Appellate Case Tracking Number 2009149006  
\_\_\_\_\_

The State,

Respondent,

v.

Gerald Pitts,

Appellant.  
\_\_\_\_\_

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

In addition to the matter designated by Appellant, Respondent proposes the following to be included in the Record on Appeal:

**(1) True-billed Indictment(s); and**

**(2) Trial transcript pages 31-149; 151-177; 179-181; 188.**

To facilitate the preparation of the Final Brief, Respondent requests that counsel for Appellant retain the page numbers of the trial transcript in the Record on Appeal, in addition to the new page numbers.

The undersigned hereby certifies this Designation contains no matter which is irrelevant to this appeal.


ALAN WILSON  
Attorney General

JOHN W. McINTOSH  
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BY:   
\_\_\_\_\_  
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ATTORNEYS FOR RESPONDENT

July 6, 2012

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**PROOF OF SERVICE**

I, Ellen R. DuBois, certify that I have served the within Initial Brief of Respondent and Designation of Matter on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Robert M. Dudek, Esquire  
Chief Appellate Defender  
S.C. Commission on Indigent Defense  
Division of Appellate Defense  
Post Office Box 11589  
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.  
This 6<sup>th</sup> day of July, 2011.

*Ellen R. DuBois*

ELLEN R. DuBOIS

Legal Assistant

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