

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM LEXINGTON COUNTY  
J. Michael Baxley, Circuit Court Judge

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Indictment Nos. 2011-GS-32-0242  
2011-GS-32-0243  
2011-GS-32-0244

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**RECEIVED**  
MAY 28 2014  
**SC Court of Appeals**

EX PARTE:

South Carolina Department of Disabilities  
and Special Needs, ..... Appellant.

IN RE:

State of South Carolina, ..... Respondent,

v.

Rocky A. Linkhorn, ..... Respondent.

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

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The Appellant South Carolina Department of Disabilities and Special Needs  
proposes that the following be included in the Record on Appeal:

1. Order Granting Solicitor's Rule to Show Cause; Requiring DDSN to Accept Involuntary Commitment; and Prohibiting Future Refusal by DDSN in Similar Cases, filed September 26, 2013
2. Order for Criminal Responsibility and Capacity to Conform Evaluation (M'Naughten), filed February 8, 2011
3. Order for Competency to Stand Trial Evaluation Pursuant to *State v. Blair*, filed February 8, 2011
4. Finding of Present Lack of Competence to Stand Trial but Likely to Become Competent with Treatment, filed June 21, 2011
5. Finding of Lack of Competence to Stand Trial for the Foreseeable Future and Ordering Probate Commitment Proceedings, filed November 2, 2011
6. Amended Order Finding of Lack of Competence to Stand Trial for the Foreseeable Future and Ordering Probate Commitment Proceedings, filed February 28, 2012
7. Order of Chief Justice Jean Hoefer Toal, filed March 12, 2013
8. Finding of Lack of Competence to Stand Trial for the Foreseeable Future and Ordering Probate Commitment Proceedings, filed August 22, 2013
9. Petition for Judicial Admission, filed January 5, 2012
10. Motion for Rule to Show Cause, filed January 2, 2013
11. Return to Rule on Behalf of South Carolina Department of Mental Health, filed August 19, 2013
12. Return to Rule on Behalf of South Carolina Department of Disabilities and Special Needs, filed July 30, 2013
13. Letter dated April 12, 2013, from Judge J. Michael Baxley to Counsel

14. Letter dated April 10, 2013, from Judge J. Michael Baxley to Beattie I. Butler, Esquire
15. Court Exhibit #1
16. Court Exhibit #2
17. Court Exhibit #3
18. Court Exhibit #4
19. Court Exhibit #5
20. Court Exhibit #6
21. Court Exhibit #7
22. Transcript of Hearing, August 20, 2013  
pp. 1-107
23. Affidavit of David A. Goodell
24. Affidavit of Steve von Hollen

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

DAVIDSON & LINDEMANN, P.A.

BY:   
\_\_\_\_\_

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-AND-

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*Counsel for Appellant South Carolina  
Department of Disabilities and Special Needs*

Columbia, South Carolina

May 23, 2014

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**CERTIFICATE OF SERVICE**

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The undersigned employee of Davidson & Lindemann, P.A., attorneys for the Appellant, South Carolina Department of Disabilities and Special Needs, does hereby certify that service of the **Initial Brief of Appellant** and **Appellant's Designation of Matter to be Included in the Record on Appeal** in the above-captioned matter was made upon all counsel of record by placing copies in the United States Mail, first

class postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 23rd day of May 2014:

Tana Vanderbilt, Esquire  
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South Carolina Department of  
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Columbia, South Carolina 29240

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# DAVIDSON & LINDEMANN, P.A.

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May 23, 2014

Of Counsel  
Kenneth P. Woodington

Writer's Email: [alindemann@dml-law.com](mailto:alindemann@dml-law.com)

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

RE: Ex Parte: South Department of Disabilities and Special Needs  
In Re: State of South Carolina v. Rocky A. Linkhorn  
Appellate Case Number: 2013-002208  
Indictment Numbers: 2011-GS-32-0242; 2011-GS-32-0243; 2011-GS-32-0244  
Our File Number: 79.9313

Dear Ms. Kitchings:

Please find enclosed for filing the originals and one copy each of the **Initial Brief of Appellant** and **Appellant's Designation of Matter to be Included in the Record on Appeal** with regard to the above referenced matter. Please file the originals and return a clocked-in copy of each document to me in the enclosed envelope.

By copy of this letter, I am serving copies on all counsel of record.

Thank you for your assistance in this matter.

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

AFL/jmb  
Enclosures

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The Honorable Jenny Abbott Kitchings  
May 23, 2014  
Page Two

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cc: (w/ Enclosures)

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