

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County
On Denial of Motion for New Trial
John C. Hayes, III, Circuit Court Judge

Appellate Case No. 2013-000975

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NOV 06 2014

SC Court of Appeals

THE STATE,

Respondent,

v.

ANTONIO GORDON,

Appellant

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

Respondent proposes the following to be included in the Record on Appeal:

PRESENT PROCEEDINGS

- 6
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1. State v. Gordon, Motion for New Trial based on After Discovered Evidence Pursuant to Rule 29(b), SCRCrimP, dated November 15, 2012 and attachments.
 2. State v. Gordon, Order Denying Motion for New Trial, (Judge John Hayes – April 22, 2013)
 3. State v. Gordon, Motion Hearing, Transcript of Testimony pages 1-224 March 4-8, 2013)

MATERIALS BEFORE HEARING JUDGE

1. Transcript of pretrial hearings, guilty pleas and sentencing transcripts of Antonio Gordon, Monta Gordon and Terrance McCreary, July 1999.
 - a. Antonio Gordon v. State, PCR Appeal Appendix (Judge Kinard – 2001-cp-46-1866) – two volumes - 567 pages.
 - b. Monta Gordon v. State, PCR Appeal appendix, 2001 –CP-46-2217 , p. 419-469; PCR transcript, p. 452-469.

2. Written Statements of July 23, 1999 to Rock Hill Police Department by Antonio Gordon, Monta Gordon, Terrance McCreary, and Gary Moffitt.
3. Antonio Gordon v. State – transcript of PCR testimony of Antonio Gordon – Hearing July 29, 2003.
4. Antonio Gordon v. State, 2008-CP-46-4951, PCR Hearing Transcript (Alford – December 1, 2009) – Transcript pages 72-84 (testimony of Daniel D’Agostino
5. State v. Monta Gordon , Written Plea Agreement, July 16, 1999.
6. Written Statement of Monta Gordon, August 6, 2012,
7. McCreary v. State, PCR Testimony, Terrance McCreary – December 16, 2002 PCR Proceeding.
8. Written Statement of Terrance McCreary, July 13, 2012.
9. Antonio Gordon v. State, Order of Dismissal and Maxton Order, (Judge Alford, January 4, 2010).

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



DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

November 3, 2014

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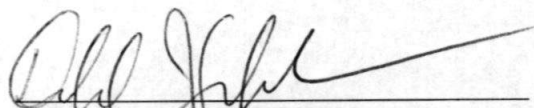
CERTIFICATE OF SERVICE

I, Donald J. Zelenka, hereby certify that I have served **Initial Brief of Respondent and**

Designation of Matter on:

Antonio Gordon, #259798
Allendale Correctional Institution
P.O. Box 1151
Fairfax, S.C. 29827

by depositing copies in the Mail with sufficient postage this 3rd day of November, 2014.



DONALD J. ZELENKA
Senior Assistant Deputy Attorney General



ALAN WILSON
ATTORNEY GENERAL

November 3, 2014

Honorable Jenny A. Kitching
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

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SC Court of Appeals

Re: The State v. Antonio Gordon
Appellate Case No. 2013-000975

Dear Ms. Kitchings:

Enclosed please find the **Initial Brief of Respondent and Designation of Matter** in the above-captioned matter for filing in your office. By copy of this letter, I am serving Appellant with same.

Sincerely,

Lonetta B. Brawley
Legal Assistant to Donald J. Zelenka
Senior Assistant Deputy Attorney General

/lbb
Enclosures

cc: Antonio Gordon, #259798
Kevin S. Brackett, Solicitor
Trisha Allen, Victims Assistance