

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County
Thomas A. Russo, Circuit Court Judge

THE STATE,

Respondent,

vs.

LYWONE S. CAPERS,

Appellant.

APPELLATE CASE NO. 2014-001174

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

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

- (1) Tr. pp. 1-7; p. 339; pp. 394-401; and
- (2) State's Exhibit No. No. 13 (Exxon surveillance video);
and
- (3) State's Exhibit No. 18 (Nehemiah Dixon's statement to
law enforcement).

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.

Respectfully submitted,

ALAN WILSON
Attorney General

DAVID SPENCER
Senior Assistant Attorney General

DONALD V. MYERS
Solicitor, Eleventh Judicial Circuit

By: 

DAVID SPENCER

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ATTORNEYS FOR RESPONDENT

August 31, 2015

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal From Lexington County
Thomas A. Russo, Circuit Court Judge

STATE OF SOUTH CAROLINA,

Respondent

v.

LYWONE S. CAPERS,

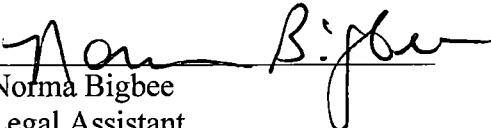
Appellant.

PROOF OF SERVICE

I, Norma Bigbee, 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: Wanda H. Carter, Esquire, Deputy Chief Appellate Defender, SC Commission on Indigent Defense, Division of Appellate Defense, P.O. Box 11589, Columbia, SC 29211.

I further certify that all parties required by Rule to be served have been served.

This 31st day of August, 2015.


Norma Bigbee
Legal Assistant
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727



RECEIVED

AUG 31 2015

SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

August 31, 2015

VIA HAND DELIVERY

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

Re: **State v. Lywone S. Capers**
Appellate Case No: 2014-001174

Dear Ms. Kitchings:

Enclosed please find the original of the **Initial Brief of Respondent and Designation of Matter** in the above matter for filing in your office. By copy of this letter we are serving opposing counsel with this brief today.

Sincerely,

David Spencer
Senior Assistant Attorney General
Bar No: 68571

DS/nb
Enclosures

cc: Wanda H. Carter, Esquire (2 copies enclosed)
Trisha Allen, Victim Services (1 copy enclosed)