

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM GREENWOOD COUNTY  
Court of General Sessions

Donald B. Hocker, Presiding Circuit Judge – Greenwood County

RECEIVED

JUN 15 2016

Indictment Nos. 2015-GS-24-209, 210

SC Court of Appeals

**MATTHEW BENJAMIN CAPLEY,**

**Appellant,**

v.

**STATE OF SOUTH CAROLINA,**

**Respondent.**

NOTICE OF APPEAL

Matthew Benjamin Capley appeals the Honorable Donald B. Hocker's denial of his Motion for Judgment of Acquittal dated June 8, 2016, and a filed copy of which was received on June 13, 2016. The Appellant was tried by a jury on January 13-14, 2016. The jury acquitted the Appellant of common law robbery but was unable to reach a verdict on burglary 1st degree. A mistrial was declared. Judge Hocker heard arguments on the Appellant's Motion for Judgment of Acquittal on April 21, 2016, in Greenwood.

★1

**THE HENDERSON LAW FIRM, P.C.**

Trial Attorney for the Appellant

By: 

Carson M. Henderson  
109-B Oak Avenue  
Greenwood, S.C. 29646  
Phone: (864) 229-8000  
Fax: (864) 229-8001

Greenwood, South Carolina

June 13, 2016

Other Counsel of Record:

Assistant Solicitor Elizabeth P. White  
Eighth Circuit Solicitor's Office  
P.O. Box 516  
Greenwood, S.C. 29648-0516

S.C. Commission on Indigent Defense  
Appellate Division  
Attention: Sharon Graham  
P.O. Box 11433  
Columbia, S.C. 29211-1433



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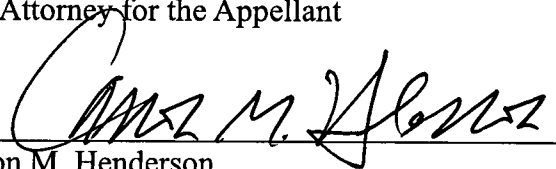
**Respondent.**

\_\_\_\_\_  
PROOF OF SERVICE  
\_\_\_\_\_

I certify that I have served the Notice of Appeal on the Respondent, State of South Carolina, by depositing a copy of it in the United States Mail, postage prepaid, on June 13, 2016, addressed to its attorney of record, Assistant Solicitor Elizabeth P. White, Eighth Circuit Solicitor's Office, P.O. Box 516, Greenwood, South Carolina 29648-0516, with a copy also being mailed to S.C. Commission on Indigent Defense, Appellate Division, Attention: Sharon Graham, P.O. Box 11433, Columbia, S.C. 29211-1433.

**THE HENDERSON LAW FIRM, P.C.**  
Trial Attorney for the Appellant

By: \_\_\_\_\_

  
Carson M. Henderson  
109-B Oak Avenue  
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Greenwood, South Carolina

June 13, 2016

LAW OFFICE

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**THE HENDERSON LAW FIRM, P.C.** JUN 15 2016  
**Carson M. Henderson** SC Court of Appeals  
ATTORNEY AND COUNSELOR AT LAW

109-B Oak Avenue  
Greenwood, South Carolina 29646

Telephone: (864) 229-8000  
Facsimile: (864) 229-8001

June 13, 2016

Honorable Jenny Abbott Kitchings  
Clerk of Court  
S.C. Court of Appeals  
1015 Sumter Street  
P.O. Box 11629  
Columbia, S.C. 29211

Re: Matthew Benjamin Capley  
Greenwood County Indictment Nos. 2015-GS-24-209, 210

Dear Clerk Kitchings:

Enclosed file the enclosed Notice of Appeal and Proof of Service and return clocked copies of both documents to me and the S.C. Commission on Indigent Defense, Appellate Division in the enclosed envelopes provided for your convenience.

My email address is [carson@carsonhendersonlawfirm.com](mailto:carson@carsonhendersonlawfirm.com).

Thank you for your assistance and cooperation in this matter.

Cordially yours,

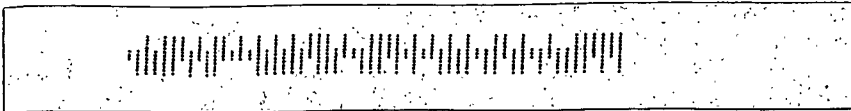
**THE HENDERSON LAW FIRM, P.C.**

  
Carson M. Henderson

CMH/lhc  
enclosures as indicated

Cc: Assistant Solicitor Elizabeth P. White  
Eighth Circuit Solicitor's Office  
P.O. Box 516  
Greenwood, S.C. 29648-0516

S.C. Commission on Indigent Defense  
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