

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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AUG 15 2016

SC Court of Appeals

Appeal from York County
Roger L. Couch, Circuit Court Judge
Appellate Case No. 2015-000611

THE STATE,

RESPONDENT,

V.

ORLANDO COLEMAN,

APPELLANT

RETURN TO MOTION TO STRIKE

Appellant, Orlando Coleman, through his undersigned counsel, would respectfully show unto the Court as follows:

1. Appellant received a copy of Respondent's Motion to Strike via U.S. mail on or about August 3, 2016. Upon review of the Respondent's motion and the Trial Transcript for the underlying case, Appellant noted that the incident report, as cited to in the Appellant's Initial Brief and Designation of Matter, had not been filed with the York County Clerk of Court as it originally had been believed to have been.¹

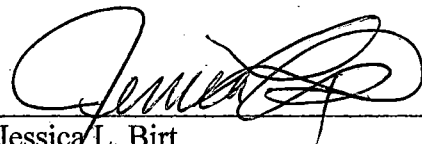
¹ When the discovery file was received by Appellant's counsel, the documents were double-sided with the arrest warrant on the front of the page and the incident on the back of the page, leading to the mistaken belief that both documents were filed under the same file stamp as appearing on the Arrest Warrant. Pursuant to Respondent's Motion footnote 2, Respondents have no objection to the arrest warrant being presented to this Court as it was filed with the York County Clerk of Court and available for consideration by the trial court.

2. Counsel for Appellant conferred with Counsel for Respondent and confirmed that the only two references referred to in Respondent's Motion are on pages 14 (fn. 4) and 15 (fn. 5) of Appellant's Initial Brief. These two references will be stricken from the Final Brief of Appellant.

3. Therefore, Appellant consents to the Respondent's request to strike any reference made to the incident report in Appellants Final Brief as well as refrain from including those documents in Appellant's Record on Appeal.

WHEREFORE, the undersigned counsel would respectfully enter Appellant's consent to Respondent's motion as stated above.

Respectfully submitted,



Jessica L. Birt
Robert Dudek
Appellate Defender

August 11, 2016

CC: Benjamin J Aplin, Esquire
Mark R. Farthing, Esquire

Dixon Law Firm
Criminal, Domestic & Civil Litigation

105 Wappoo Creek Drive, Suite 3-B
Charleston, SC 29412

(843) 637-4695 phone/ (866) 514-5156 fax
www.dixonlawfirm.net

August 11, 2016

VIA U.S. MAIL AND FAX

Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211
Fax: 803.734.1839

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SC Court of Appeals

Re: State v. Orlando Coleman
Case No.: 2015-000611

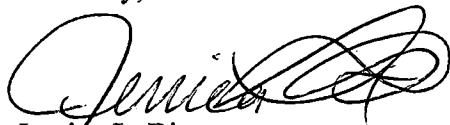
Dear Clerk,

Enclosed for filing please find the original and one (1) copy of the Appellant's Return to Respondent's Motion to Strike for the above referenced matter.

By copy of this letter, opposing counsel is being served a copy of the same by U.S. mail.

Upon filing, please return the filed copies to my office via the self-addressed, stamped envelope provided. Should you have any questions or require any additional information, please do not hesitate to contact my office.

Sincerely,



Jessica L. Birt
Associate Attorney at Dixon Law Firm
SC Bar No. 100421

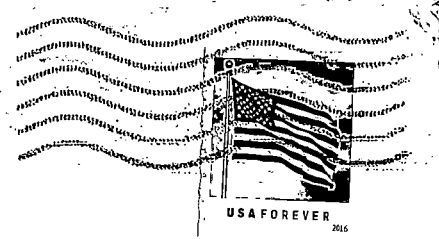
Enclosures: as stated

cc: Mark R. Farthing, Esq.
Client

Dixon Law Firm
105 Wappoo Creek Drive, Suite 3-B
Charleston, SC 29412

CHARLESTON SC 294

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