

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions

Roger M. Young, Circuit Court Judge

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AUG 22 2016

SC Court of Appeals

Case Nos. 2014-GS-10-00763
2014-GS-10-00765 and 2014-GS-10-00767

Appellate Case No. 2015-000709

The State, Respondent,

v.

Denzel Heyward Appellant

Motion to Designate Additional Matter to be Included in the Record on Appeal

Donald Michael Mathison,
Bar # 101803
215 S. Holly Street
Columbia, SC 29205
T: (843) 384-3761
Email: dmichaelmathison@yahoo.com

Columbia, South Carolina.

August 22, 2016.

The Appellant proposes to include the following additional materials to be included in the Record on Appeal, to be served on today's date, August 22, 2016.

1. Transcript of Trail Vol. 2, pp. 145-179.

The additional materials to be designated were referenced in both the Respondent's Brief and the Appellant's Reply Brief, but were omitted from the Designations of Matter filed by both parties.

I have consulted with counsel for Respondent, J. Clayton Mitchell, III, prior to filing this motion, and he has consented to the inclusion of these materials (See Attachment). The inclusion of these materials will not delay the service of the Record on Appeal, which is due to be served on August 22, 2016.

Respectfully Submitted,



D. Michael Mathison
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dmichaelmathison@yahoo.com
Attorney for the Appellant

August 22, 2016.

Columbia, South Carolina.

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Appellate Case No. 2015-000709

The State, Respondent,

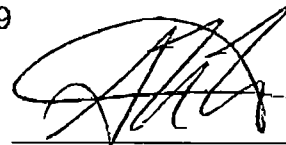
v.

Denzel Heyward Appellant

PROOF OF SERVICE

I certify that, on August 22, 2016, I served the Motion to Designate Additional Matter to be Included in the Record on Appeal and the Record on Appeal, by delivering copies of same to the address below, and leaving them with a person of suitable age and discretion:

J. Clayton Mitchell, III, Esquire
Alan M. Wilson, Esquire
Office of the Attorney General
1000 Assembly Street, Room 519
Columbia, S.C. 29201



D. Michael Mathison
Attorney for the Appellant

**RICHLAND COUNTY PUBLIC DEFENDER
RICHLAND COUNTY JUDICIAL CENTER**

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REENTRY PROGRAM

FAX TRANSMITTAL SHEET

TO: The Honorable Jenny Abbott Kitchings
(803) 734-1839

FROM: D. Michael Mathison, Richland County Public Defender's Office

DATE: 8/22/2016

RE: Appellate Case No. 2015-00709

Total Pages Including Cover: ~~5~~ 6

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AUG 22 2016
SC Court of Appeals

Notes: Please see the Following:
1) Motion to Designate Additional
Matter in the Record on Appeal
2) Proof of Service for the
Record on Appeal and
Motion Referenced in No 1
above.

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MICHAEL MATHISON

From: Clay Mitchell <CMitchell@scag.gov>
Sent: Monday, August 22, 2016 2:47 PM
To: MICHAEL MATHISON
Subject: RE: State v. Denzel Heyward (2015-000709) - Record on Appeal

Mike,

Thanks for catching that. I think including it the way you are is the best way to handle it. No objection of course.

Clay

From: MICHAEL MATHISON [mailto:MATHISONM@rcgov.us]
Sent: Monday, August 22, 2016 2:39 PM
To: Clay Mitchell
Subject: RE: State v. Denzel Heyward (2015-000709) - Record on Appeal

Clay,

I will be delivering the ROA this afternoon. When I was reviewing it, I noticed that neither you nor I included the testimony of Verna Lockhart-Carter (Tr. Vol 2 pp. 145-179), though we both referenced it in our briefs (mine in reply).

I have included her testimony (in toto) in the ROA, and I am filing a motion to include additional matter in the record. However, I am including the additional material in the record I am serving today, so as not to delay service of the ROA any further.

Please let me know if you have any objection to the motion.

Thanks.

D. Michael Mathison
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Donald Michael Mathison**Attorney at Law**

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August 22, 2016
VIA FACSIMILE and U.S. MAIL

The Honorable Jenny Abbott Kitchings
Clerk of Court for the South Carolina
Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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AUG 22 2016

SC Court of Appeals

Re: The State of South Carolina v. Denzel Marquise Heyward
Appellate Case No. 2015-000709

Dear Ms. Kitchings,

Enclosed please find the Appellant's Motion to Designate Additional Matter to be Included in the Record on Appeal. Opposing Counsel has consented to this motion.

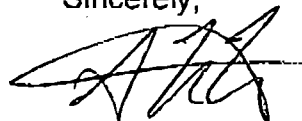
Also enclosed is the original Proof of Service for the Record on Appeal and the Motion.

Pursuant to Rule 240(d), this motion does not require a filing fee, because it relates to a criminal matter.

Please let me know if anything further is needed.

With kind regards, I am

Sincerely,



D. Michael Mathison

Cc: J. Clayton Mitchell, III, Esq.
Alan M. Wilson, Esq.
Robert M. Dudek, Esq.