

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Chester County
The Honorable Roger E. Henderson, Circuit Court Judge
Appellate Case No. 2016-000193

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OCT 12 2016

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

CHARLES HAYES,

APPELLANT.

MOTION TO STRIKE

Respondent hereby moves pursuant to Rule 208(b) and 210(c), SCACR, to strike matter from Appellant's Designation of Matter to be Included in the Record on Appeal.

In support of this Motion, Respondent submits the following:

1. This appeal arises from Appellant's convictions for possession with intent to distribute marijuana, possession of a stolen pistol, and possession with intent to distribute cocaine. Specifically, Appellant alleges the circuit court erred in admitting evidence seized from his bedroom and his statements to law enforcement.

2. Appellant's Designation of Matter to be included in the Record on Appeal includes the following:

5. Incident Report – Agent Albert Crawford, case 2014 01906, dated August 29, 2014

9. Arrest Warrants of Pauline Hayes, #2014A1210400076,
2014A1210400077, dated August 27, 2014
10. Arrest Warrants of Quinton Feaster, #2014A1210400078,
2014A1210400080, dated August 27, 2014
11. Booking Report of Pauline Hayes, August 29, 2014

3. After careful review of the circuit court record and Appellant's Initial Brief, the undersigned determined the documents listed above was never entered as evidence in the circuit court, or even provided to the circuit court for review. Further, Appellant does not cite to the documents in any of the four issues raised in his Initial Brief. Therefore, the documents are clearly irrelevant to this appeal, and cannot be included in the Record on Appeal.

4. If the documents are included in the Record on Appeal, the undersigned will have to obtain copies and address them in the Initial Brief of Respondent.

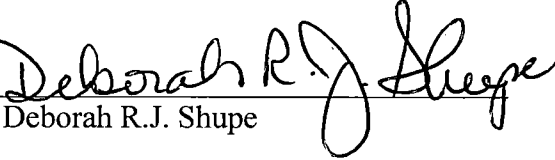
Based on the foregoing, Respondent respectfully asks this Court to strike the above listed portions of Appellant's Designation of Matter, and require Appellant to amend, serve and a Designation of Matter without any reference to the matter stricken. Respondent further asks the Court to hold the appeal and all time lines in abeyance pending a ruling on this Motion, and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General

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Senior Assistant Deputy Attorney General

BY: 
Deborah R.J. Shupe

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ATTORNEYS FOR RESPONDENT

October 12, 2016

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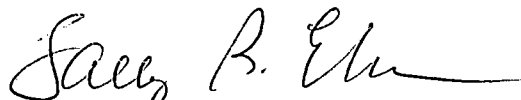
PROOF OF SERVICE

I, Sally B. Ellison, certify I served Respondent's Motion to Strike on Appellant by depositing a copy in the United States mail, postage prepaid, addressed to:

William G. Yarborough, III, Esquire
522 N. Church Street
Greenville, South Carolina 29601

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

This 12th day of October, 2014.



SALLY B. ELLISON
Office of Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-4156



ALAN WILSON
ATTORNEY GENERAL

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SC Court of Appeals

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VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Re: The State v. Charles Hayes
Appellate Case No. 2016-000193

Dear Ms. Kitchings:

Enclosed for filing are the original and two (2) copies of a Motion to Strike, with proof of service, in the above-referenced appeal.

Sincerely,

Deborah R.J. Shupe
Senior Assistant Deputy Attorney General

DRJS/sbe
Enclosures

cc: William G. Yarborough, III, Esquire (w/ enclosure)
Victim Services (w/ enclosure)