

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
The Honorable William P. Keesley, Circuit Court Judge

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AUG 09 2017

SC Court of Appeals

The State of South Carolina,

Respondent,

vs.

Kevin Lamar Gary,

Appellant.

Appellate Case No. 2016-001603

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

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

- (1) State's exhibits 1-32 (photographs),
- (2) State's Exhibit 37 (recording of jail phone call),
- (3) State's Exhibit 40 (statement of defendant),
- (4) Transcript pp. 82-93.

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.

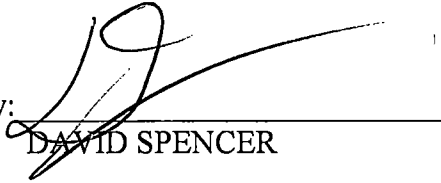
The undersigned hereby certifies this Designation contains no matter which is irrelevant to this appeal.

ALAN WILSON
Attorney General

DAVID SPENCER
Senior Assistant Attorney General

DANIEL E. JOHNSON
Solicitor, Fifth Judicial Circuit

By:



DAVID SPENCER

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Post Office Box 11549
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ATTORNEYS FOR RESPONDENT

August 9, 2017

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THE STATE,

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v.

KEVIN LAMAR GARY,

Appellant.

PROOF OF SERVICE

I, Anne Mueller, certify that I have served the Letter-Reply to Return to Motion for Transportation and to Hold Timelines in Abeyance and the Respondent's Designation of Matter on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to his attorney of record Laura R. Baer, Esquire, S.C. Commission on Indigent Defense, Division of Appellate Defense, Post Office Box 11589, Columbia, South Carolina 29211-1589.

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

This 9th day of August, 2017.



Anne A. Mueller
Legal Assistant
Office of Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727



ALAN WILSON
ATTORNEY GENERAL

August 9, 2017

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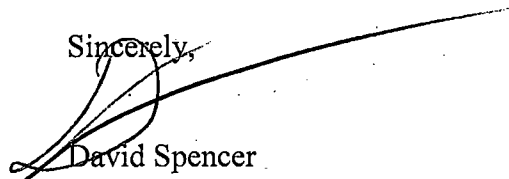
The Honorable Jenny A. Kitchings
Clerk of Court
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211
Via hand delivery

Re: State v. Kevin Lamar Gary, Appellate Case No. 2016-001603

Dear Ms. Kitchings:

Please find enclosed the State's designation of matter in the above case. Further, please allow this letter to serve as the reply to appellant's return to the State's motion seeking an order of transportation. The State moved for an order of transportation for various exhibits including photographs depicting victim's injuries and the crime scene, and an audio recording, and asked that timelines be held in abeyance. Counsel for appellant indicated she had no objection but was concerned about an order being issued prior to the exhibits being designated. While Respondent does not believe this should affect the efficacy of the State's request, Respondent submits the designation to satisfy opposing counsel's concerns and to allow the exhibits to be transported to this Court in advance of the close of briefing. Respondent would note that the exhibits include a recording and photographs, which generally are superior to photocopied reproductions. Admittedly, Respondent overlooked the fact that the case was a Richland County case and that the exhibits would be more accessible since the case was prosecuted locally. However, the State did not make the motion for purposes of delay but in order to view the exhibits in preparation of the initial brief.

Sincerely,



David Spencer
Senior Assistant Attorney General

cc: Laura R. Baer, Esquire