

STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY  
ROBERT E. HOOD, CIRCUIT COURT JUDGE

Case No. 2016-CP-40-6916  
Appellate Case No. 2017-002577

**RECEIVED**  
MAR 13 2018  
SC Court of Appeals

Charles Eugene Carpenter, ..... Appellant,

v.

South Carolina Department of Corrections and  
The State of South Carolina, ..... Respondents.

**APPELLANT'S DESIGNATIONS**

Pursuant to Rule 209, SCACR, Appellant proposes the following be included in the Record on Appeal. Unless otherwise stated, all items designated include exhibits and exclude proof of service, cover sheets, motion forms, and notices. Appellant reserves the right to include additional designations in connection with its initial reply brief or otherwise.

**ORDERS**

1. Order for Joinder dated February 23, 2017
2. Form 4 encl Order Denying Motions to Dismiss filed April 25, 2017
3. Form 4 Order of Continuance dated May 24, 2017
4. Form 4 Order of Continuance dated May 31, 2017
5. Order for Judgment in Favor of the South Carolina Department of Corrections dated October 2, 2017
6. Order Dismissing Petition for Writ of Habeas Corpus dated October 2, 2017
7. Order Denying Motion for Reconsideration dated December 19, 2017

### PLEADINGS

8. Complaint dated November 18, 2016
9. Petition for Habeas Corpus (expedited) dated November 18, 2016
10. SCDC Motion to Dismiss dated December 28, 2016
11. Memorandum in Opposition to Defendant's Motion to Dismiss dated February 15, 2017
12. Amended Summons dated February 21, 2016
13. SCDC Return and Motion to Dismiss dated March 31, 2017
14. SCDC Amended Return To Petition For Writ Of Habeas Corpus dated May 1, 2017
15. Answer of SCDC dated May 10, 2017
16. Motion to Bifurcate Trial dated May 10, 2017
17. Motion for Entry of Default Judgment against the State and SCDC dated May 12, 2017
18. Affidavit of Default dated May 12, 2017
- ~~19.~~ SCDC Motion to Deny Entry of Default/Summary Judgment or in the alternative, to Set ~~aside~~ Entry of Default dated May 15, 2017
- ~~20.~~ Memorandum in Support of Relief Requested including Writ of Habeas Corpus dated June 7, 2017
21. Motion to Reconsider dated October 10, 2017.
- ~~22.~~ SCDC Response in opposition to Motion to Reconsider dated October 23, 2017
- ~~23.~~ Plaintiff's Return to SCDC response to motion dated October 30, 2017
- ~~24.~~ Notice of Appeal dated December 20, 2017

### TRANSCRIPTS

25. Transcript of hearing in Chesterfield County Court of General Sessions dated April 7, 1990
26. Transcript of hearing in Chesterfield County Court of General Sessions dated June 4, 1990
27. Transcript of hearing in Chesterfield County Court of General Sessions dated August 9, 1990
28. Transcript of trial in Richland County dated June 6, 2017

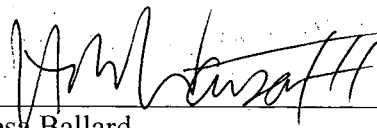
### OTHER

29. Gonzales letter to the Supreme Court dated February 3, 2010 (Trial Exhibit A)
30. SCDC records related to review prompted by Gonzales letter (Trial Exhibit B)
31. SCDC letter to Carpenter dated December 21, 2012 (Trial Exhibit C)

32. Docs related to Bobby Horne (Trial Exhibit F)
33. Proposed final order from the South Carolina Department of Corrections
34. Proposed final order from The State of South Carolina
35. Emails:
  - April 20, 2015 – Stephanie Willis to Jon Ozmint (Trial Exhibit D)
  - August 14, 2015 – Stephanie Willis to Jon Ozmint, (Trial Exhibit E)
  - July 3, 2017 (Filed) Returned Ltr to COC encl proposed order
  - June 30, 2017 – Ballard to Hood with proposed order (with proposed order)
  - June 28, 2017 – Secretary to all counsel of record
  - June 12, 2017 – Ballard to Hood confirming status conference for tomorrow
  - June 12, 2017 – Ballard to Hood requesting status conference
  - June 30, 2017 – Ballard to Hood with proposed order
  - June 13, 2017 – Ballard to opposing counsel confirming client will accept proposal from court
  - July 12, 2017 – Hood request for orders
  - July 21, 2017 – Ballard to Hood with objections to proposed orders from defendants
  - August 28, 2017 – Ballard to Hood regarding outstanding orders

I certify that this designation contains no matter which is irrelevant to this appeal.

Respectfully submitted,



Desa Ballard  
Harvey M. Watson III

BALLARD & WATSON  
Post Office Box 6338  
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March 12, 2018

ATTORNEYS FOR APPELLANT

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**PROOF OF SERVICE**

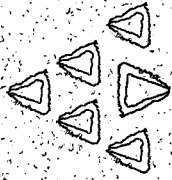
I, ~~Beth~~ Beth Cogan, an employee with Ballard & Watson, Attorneys at Law, do hereby certify  
that on ~~March~~ March 12, 2018, I served a copy of the **Appellant's Initial Brief** and **Appellant's**  
**Designation of Matter** in the above-captioned case on the following individuals by standard US  
Mail, with sufficient first-class postage affixed, addressed as follows:

**Clay Mitchell, Esquire**  
**Post Office Box 11549**  
**Columbia, South Carolina 29211**

**Damon Wlodarczyk, Esquire**  
**Riley Pope & Laney, LLC**  
**Post Office Box 11412**  
**Columbia, South Carolina 29211**

  
Beth Cogan, Paralegal

March 12, 2018  
West Columbia, South Carolina



**Ballard & Watson**  
Attorneys at Law  
PERSISTENT. UNWAVERING.

Desa Ballard  
Harvey M. Watson III

Post Office Box 6338 | West Columbia, SC 29171  
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March 12, 2018

Via U.S. Mail

Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RECEIVED  
MAR 13 2018  
SC Court of Appeals

Re: *Charles Eugene Carpenter v. SC Department of Corrections, et. al.*  
Appellate Case No.: 2017-002577

Dear Ms. Kitchings:

Please find enclosed for filing an original and one copy of the **Appellant's Initial Brief** in the above-referenced matter. Also enclosed are an original and one copy of **Appellant's Designation of Matter** pursuant to Rule 209, SCACR. After both have been filed, please return the clocked copies to our office in the enclosed, self-addressed, stamped envelope.

Please do not hesitate to contact our office if you should have any questions. With warm personal regards, I am,

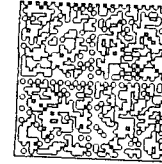
Sincerely yours,

Desa Ballard  
[desab@desaballard.com](mailto:desab@desaballard.com)

cc: Via U.S. Mail

Damon Wlodarczyk, Esquire – counsel for SC Dept. of Corrections  
Clay Mitchell, Esquire – counsel for the Attorney General

PRIORITY MAIL



UNITED STATES POSTAGE  
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BALLARD & WATSON, ATTORNEYS AT LAW  
226 STATE STREET  
WEST COLUMBIA, SC 29169

To:

Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

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