

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Anderson County

The Honorable R. Lawton McIntosh, Circuit Court Judge

RECEIVED
FEB 15 2019
SC Court of Appeals

THE STATE,

Respondent,

v.

JASON FRANKLIN CARVER,

Appellant.

Appellate Case No. 2017-002011

&

Case No. 2016A05324

**RESPONSE TO APPELLANT'S MOTION
TO CONSOLIDATE**

On October 19, 2018, Appellant submitted a Motion to Hold his Appeal in Abeyance, pending a motion for a new trial pursuant to SCRCrimP 29(b). His motion was granted by this Court on December 10, 2018. Appellant timely submitted his Motion for New Trial, which was subsequently denied by the Honorable R. Lawton McIntosh. Appellant moved for reconsideration which was also denied. Appellant has since submitted a Notice of Appeal seeking review of Judge McIntosh's dismissal of the New Trial Motion. Appellant now seeks to consolidate this case with his Direct Appeal. Respondent would not oppose the motion should this Court determine the consolidation appropriate.

{SIGNATURE TO FOLLOW}



SAMUEL M. BAILEY
Assistant Attorney General

February 15, 2019.

ATTORNEY FOR RESPONDENT

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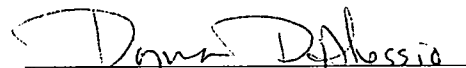
Case No. 2016A05324

PROOF OF SERVICE

I, **Samuel M. Bailey**, of counsel for the Respondent, certify that I have served two (2) copies of the within Response to Appellant's Motion to Consolidate via U.S. mail to his attorney of record, Donald L. Smith, Esq., 122 N. Main Street, Anderson, South Carolina 29621.

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

This 15th day of February, 2019.



Donna D'Alessio, Legal Assistant to
SAMUEL M. BAILEY
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305



ALAN WILSON
ATTORNEY GENERAL

February 15, 2019

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SC Court of Appeals

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: The State vs. Jason Franklin Carver
Appeal from Anderson County
Appellate Case No. 2017-002011
and Case No. 2016A05324

Dear Ms. Kitchings:

Enclosed for filing are the original and six (6) copies of the Respondent's Response to Appellant's Motion to Consolidate, together with Proof of Service in the above-referenced matter.

Thank you for your assistance in this matter.

Sincerely,

Samuel M. Bailey
Assistant Attorney General

SMB:dmd

Enclosures

cc: David L. Smith, Esq. (w/two copies of encls.)