

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY

Steven H. John, Circuit Court Judge

Appellate Case No. 2017-002553

RECEIVED
MAY 20 2019
SC Court of Appeals

The State,Respondent,

v.

Tommy Lee Benton,Appellant.

**APPELLANT'S SECOND SUPPLEMENTAL DESIGNATION OF
MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**

Pursuant to Rule 210(b), of the South Carolina Appellate Court Rules (SCACR), Appellant Tommy Lee Benton designates the following matter to be included in the Record on Appeal in addition to the matter identified in his Designation of Matter to be Included in the Record on Appeal dated October 8, 2018 and Supplemental Designation of Matter to be Included in Record on Appeal dated April 25, 2019:

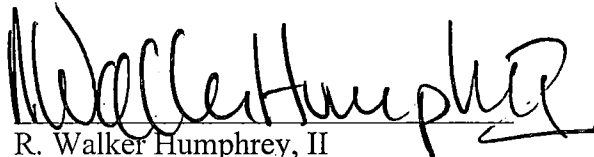
1. Trial Transcript, dated December 8, 2017, pages: 31-32, 51-52, and 89-90; and
2. Mutual Reciprocal Disclosure Request & Notice of Intent to Impeach by Evidence of a Conviction, April 1, 2016.

These matters were cited in Appellant's Initial Brief and Initial Reply Brief, but were either incorrectly identified in the briefs and designation (the trial transcript) or inadvertently omitted from Appellant's prior designations (Mutual Reciprocal Disclosure Request). Respondent has

consented to the filing of this second supplemental designation to correct these errors. Because Appellant has not yet served or filed the Record on Appeal, these matters will be included in the Record on Appeal without the need for an Appendix, unless the Court orders otherwise.

Pursuant to Rule 209, SCACR, the undersigned counsel for the Appellant certifies that the foregoing Second Supplemental Designation of Matter to Be Included in the Record on Appeal contains no matter which is irrelevant to this appeal.

Respectfully submitted,



R. Walker Humphrey, II
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Attorneys for Appellant

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May 16, 2019

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Proof of Service

This is to certify that I, a paralegal with the law firm Willoughby & Hoefler, P.A., have caused to be served this day one (1) copy of the **Appellant's Second Supplemental Designation of Matter to be Included in the Record on Appeal** by depositing the same in the U.S. Mail to the following:

Robert M. Dudek
Chief Appellate Defender
South Carolina Commission on Indigent Defense
1330 Lady Street, Suite 401
Columbia, South Carolina 29201

Donald J. Zelenka
Melody J. Brown
South Carolina Attorney General's Office
1000 Assembly Street
Columbia, S.C. 29201


Breanna Karns

Columbia, South Carolina
This 16th day of May 2019

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May 16, 2019

VIA U.S. MAIL

The Honorable Jenny Abbott Kitchings
Clerk of Court, Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Re: *The State v. Tommy Lee Benton*
Appellate Case No. 2017-002553

Dear Ms. Kitchings:

Enclosed for filing please find the original and one (1) copy of the **Appellant's Second Supplemental Designation of Matter to be Included in the Record on Appeal** in the above-referenced matter. I would appreciate your acknowledging receipt of this document by file-stamping the extra copy and returning it to me via the enclosed return envelope.

By copy of this letter, I am serving counsel of record and enclose a Proof of Service to that effect. If you have any questions or if you need any additional information, please do not hesitate to contact me.

With kindest regards, I am

Sincerely yours,

WILLOUGHBY & HOEFER, P.A.


R. Walker Humphrey, II

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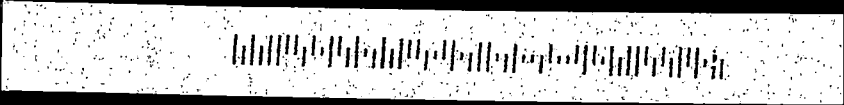
The Honorable Jenny Abbott Kitchings

May 16, 2019

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Enclosures

cc: Robert M. Dudek, Esquire
Donald J. Zelenka, Esquire
Melody J. Brown, Esquire



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TO:

The Honorable Jenny Abbott Kitching
Clerk of Court, Court of Appeals
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