

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Apr 13 2020

SC Court of Appeals

Appeal from Spartanburg County
Honorable J. Derham Cole, Circuit Court Judge
Appellate Case No. 2019-001296

THE STATE,

Respondent,

vs.

CARL RAY FRALEY, JR.,

Appellant.

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

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

- (1) February 2015 Plea Hearing Transcript, pages 1, and 3-50;**
- (2) October 2018 Motion Hearing Transcript, pages 1, 5-40;**
- (3) All Five Indictments (# 2013-GS-42-567, # 2013-GS-42-568, # 2013-GS-42-569, # 2013-GS-42-570, and # 2015-GS-42-614);**
- (4) Sentencing Sheet;**
- (5) Order Requiring Sex Offender Registration, filed August 16, 2017;**
- (6) Motion to Reconsider Sex Registration Order, filed August 28, 2017;**
- (7) Order Denying Motion to Reconsider, filed July 24, 2019; a**
- (8) Sexual Behaviors Consultation Evaluation Report of Dr. Leilani Lee, dated September 3, 2015;**

(9) State's Exhibit # 3 (Abel Assessment);

(10) Defendant's Exhibit # 1 (Curriculum Vitae for Dr. Paul Gunter); and

(11) Defendant's Exhibit # 2 (2009 Psychiatric Consult Record).

To facilitate the preparation of the Final Brief, Respondent requests that counsel for Appellant retain the page numbers of the transcripts 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

MARK R. FARTHING
Senior Assistant Attorney General



BY: _____
Mark R. Farthing

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

April 13, 2020

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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THE STATE,

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vs.

CARL RAY FRALEY, JR.,

Appellant.

PROOF OF SERVICE

I, Mark R. Farthing, certify I have served the within Initial Brief of Respondent and Designation of Matter on Appellant by sending an electronic copy via email to the addresses listed in AIS for the following individuals:

Richard W. Vieth, Esq.
Henderson, Brandt & Vieth, P.A.
360 E. Henry Street, Suite 101
Spartanburg, SC 29302

Stanley T. Case, Esq.
Butler, Means, Evins & Browne, P.A.
Post Office Box 451
Spartanburg, SC 29304

I further certify all parties required by Rule to be served have been served.
This 13th day of April, 2020.



MARK R. FARTHING
Senior Assistant Attorney General

From: Mark Farthing
To: ["rvieth@hbvlaw.com"](mailto:rvieth@hbvlaw.com); ["scase@butlermeans.com"](mailto:scase@butlermeans.com)
Subject: State v. Carl Ray Fraley, Jr. -- Initial Brief of Respondent (Appellate Case # 2019-001296)
Date: Monday, April 13, 2020 3:51:00 PM
Attachments: [Fraley.Cover Letters \(IBOR\) \(02255845xD2C78\).pdf](#)
[Fraley.IBOR \(02255835xD2C78\).pdf](#)

Mr. Vieth and Mr. Case,

Attached are copies of the initial brief of respondent and designation of matter in State v. Carl Ray Fraley, Jr., and these documents are being submitted to the Court of Appeals today. Hope all is well, and please let me know if you have any questions or need anything else. Thanks.

Sincerely,
Mark

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SC Court of Appeals



Mark R. Farthing
Senior Assistant Attorney General

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ALAN WILSON
ATTORNEY GENERAL

April 13, 2020

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SC Court of Appeals

Stanley T. Case, Esq.
Butler, Means, Evins & Browne, P.A.
Post Office Box 451
Spartanburg, SC 29304

RE: State v. Carl Ray Fraley, Jr. – Appellate Case No. 2019-001296

Dear Mr. Case:

I am enclosing a copy of the Initial Brief of Respondent and Designation of Matter in the above-referenced case.

Please be advised the Initial Brief of Appellant, which is currently accessible for public viewing through the South Carolina Appellate Court Public Index, contains unredacted personal data identifiers in the form of what appears to be the minor victim's first name on pages 14, 15, and 16. Pursuant to the Order of the South Carolina Supreme Court, dated April 15, 2014, entitled RE: Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings, this information, along with any other personal data identifiers, must be fully redacted from the Initial Brief of Appellant, the Record on Appeal, and Final Brief of Appellant in a manner consistent with the order

Sincerely,

Mark R. Farthing
Senior Assistant Attorney General
Bar Number 76901

MRF/
Enclosures

cc: Richard W. Vieth, Esq. (electronic copy also served via email)
Honorable Jenny A. Kitchings (original enclosed)
Victim Advocacy Division