

RECEIVED

Aug 26 2020

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Lexington County
The Honorable Eugene C. Griffith, Jr., Circuit Court Judge

THE STATE,

Respondent,

v.

NICHOLAS BENJAMIN CHHITH-BERRY,

Appellant.

Appellate Case No. 2019-000352

DESIGNATION OF MATTER

Respondent agrees with Appellant's initial proposal for the Record on Appeal.

Respondent requests that the following additional portions of the transcript be included in the Record on Appeal.

Indictments (2014-GS-32-3244 & 3255);

Sentencing Sheets (Ind. #s 2014-GS-32-3244 & 3255);

December 12-15, 2016, the Honorable Eugene C. Griffith, Jr, Trial Tr. pp. 1-9; 38-42; 43-195; 202-366; 376-381; 387-738;

Defendants Request to Charge # 4;

Motion for a New Trial;

Post-trial motion transcript, July 11, 2018, the Honorable Eugene C. Griffith, Jr., pp. 1-25;

Order Denying Motion for New Trial;

State's Ex. 1-61;

Court's Ex. 1, 2, 3, 4.

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.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

SAMUEL RICK HUBBARD
Solicitor, Eleventh Judicial Circuit
205 East Main Street
Lexington, South Carolina 29072

J. ANTHONY MABRY
Senior Assistant Attorney General
No. 11973
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

By: s/J. Anthony Mabry
J. ANTHONY MABRY
ATTORNEYS FOR RESPONDENT

August 26, 2020.

RECEIVED

Aug 26 2020

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Appeal from Lexington County
The Honorable Eugene C. Griffith, Jr., Circuit Court Judge

THE STATE,

Respondent,

v.

NICHOLAS BENJAMIN CHHITH-BERRY,

Appellant.

Appellate Case No. 2019-000352

PROOF OF SERVICE

I, **Donna D'Alessio**, an employee of the Respondent and legal assistant to J. Anthony Mabry, of counsel for the Respondent, hereby certify that as per the March 20, 2020 Order of the Chief Justice, the Initial Brief of Respondent and Designation of Matter has been forwarded to appellant's counsel, Susan B. Hackett, Esq., via email today, August 26, 2020 to shackett@sccid.sc.gov, and to her assistant kkasperski@sccid.sc.gov and by depositing one copy of the same in the United States mail, postage prepaid, and addressed to his attorney of record: Susan B. Hackett, Esq., SCCID/Division of Appellate Defense, 1330 Lady Street, Suite 401, Columbia, South Carolina 29201.

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

This 26th day of August, 2020.



Donna D'Alessio, Legal Assistant to
J. Anthony Mabry,
Senior Assistant Attorney General
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-6305

Donna D'Alessio

From: Donna D'Alessio
Sent: Wednesday, August 26, 2020 5:21 PM
To: 'shackett@sccid.sc.gov'
Cc: Kasperski, Katriel (kkasperski@sccid.sc.gov)
Subject: Chhith-Berry, Nicholas B. - Appellate Case No. 2019-000352 - Initial Brief of Respondent, Designation of Matter
Attachments: Chhith-Berry, Nicholas Benjamin - Appellate Case No. 2019-000352-Initial Brief of Respondent 8-26-20 (02364226xD2C78).pdf

Dear Ms. Hackett:

Attached is a scanned copy of the Initial Brief of Respondent, Designation of Matter, and Certificate of Service regarding the above matter. A paper copy is being mailed to you this afternoon. The Initial Brief and supporting documents are being submitted to the South Carolina Court of Appeals through e-filing, along with a copy of this email.

Hope you are well, and thank you.

Donna D'Alessio, Legal Assistant
Capital Litigation
Office of the Attorney General
State of South Carolina
Post Office Box 11549
Columbia, South Carolina 29211-1549
DDAlessio@scag.gov
(803) 734-6305
(803) 734-4035 – Fax
(803) 734-1494 – Direct Line

RECEIVED
Aug 26 2020
SC Court of Appeals

Donna D'Alessio, Legal Assistant
Capital Litigation
Office of the Attorney General
State of South Carolina
Post Office Box 11549
Columbia, South Carolina 29211-1549
DDAlessio@scag.gov
(803) 734-6305
(803) 734-4035 – Fax
(803) 734-1494 – Direct Line