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**May 13 2022**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM NEWBERRY COUNTY  
Court of General Sessions

Frank R. Addy, Jr., Circuit Court Judge

Appellate Case No. 2021-001232

Trial Court Case No. 2015-GS-36-0083

The State of South Carolina,

Respondent,

v.

Calvin Eugene Whitener,


Appellant.

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

Appellant proposes the following be included in the Record on Appeal:

1. True-Billed Indictment
2. Sentencing Sheet
3. Trial Transcript of Proceedings dated November 13–15, 2017 (pp. 1–256)
4. Sentencing Transcript of Proceedings dated October 20, 2021 (pp. 1-8)

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

  
Dayne Phillips  
1614 Taylor Street, Ste. D.  
Columbia, South Carolina 29072  
(803) 807-0234  
dayne@pricebenowitz.com

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The State of South Carolina,

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v.

Calvin Eugene Whitener,

Appellant.

**CERTIFICATE OF SERVICE**

The undersigned Counsel certifies that a true copy of the Initial Brief of Appellant and Designation of Matter to be included in the Record on Appeal has been served upon **William Blich, Esquire**, at S.C. Attorney General's Office, PO Box 11549, Columbia, SC 29211, on **May 13, 2022**.



Dayne Phillips  
PRICE BENOWITZ LLP  
1614 Taylor Street, Ste. D.  
Columbia, SC 29201  
(803) 807-0234  
Attorney for Appellant

SUBSCRIBED AND SWORN TO before me  
this 13th day of May, 2022.

Courtney Powers (L.S.)

Notary Public for South Carolina

My Commission Expires: May 2, 2027.

**PRICE BENOWITZ LLP**

DAVID BENOWITZ  
ADMITTED DC, MD & VA  
CHAD SHELTON  
ADMITTED SC  
JAEI GILREATH  
ADMITTED SC  
CHAD PROPST  
ADMITTED SC  
KERRI CASTELLINI  
ADMITTED DC & MD  
KUSH ARORA  
ADMITTED MD & DC  
JOHN YANNONE  
ADMITTED MD & DC  
SHAWN SUKUMAR  
ADMITTED DC  
TAMMY BEGUN  
ADMITTED MD  
TONY MUNTER  
ADMITTED DC & MA  
\*JESSE STEIN  
ADMITTED DC, MD, VA & NY  
FARRAL HABER  
ADMITTED FL, VA & DC  
ARREN WALDREP  
ADMITTED DC, MD & SC  
MATTHEW WILSON  
ADMITTED MD & DC  
KENNETH LADUCA  
ADMITTED DC, MD & VA  
RAMMY BARBARI  
ADMITTED DC & VA  
SERGUEL AKITI  
ADMITTED DC & MD  
STEPHANIE HADDAD  
ADMITTED MD

1614 TAYLOR STREET  
SUITE D  
COLUMBIA, SC 29201  
OFFICE: (803) 272-4503  
DIRECT: (803) 807-0234  
FAX: (803) 380-8035

SETH PRICE  
ADMITTED DC & NY  
DAYNE PHILLIPS  
ADMITTED SC  
KARIN RILEY PORTER  
ADMITTED VA  
STEVEN L. DUCKETT, JR  
ADMITTED VA  
JOEL NIED  
ADMITTED VA, PA & GA  
SETH OKIN  
ADMITTED MD  
OLEG FASTOVSKY  
ADMITTED MD  
MITCHELL GREENBERG  
ADMITTED MD & DC  
PATRICK WOOLLEY  
ADMITTED VA  
JASON MOORE  
ADMITTED VA  
ANDREW LINDSEY  
ADMITTED VA  
NICHOLAS STAMATIS  
ADMITTED MD, DC & VA  
DAMIEN SMITH  
ADMITTED VA  
SAKEENA FARHATH  
ADMITTED VA  
\*SHAHROO YAZDANI  
ADMITTED MD  
THOMAS EILER  
ADMITTED MD  
BRANDON NORTHINGTON  
ADMITTED DC & MD

\*OF COUNSEL

409 7TH STREET NW, SUITE 200  
WASHINGTON, DC 20004

10505 JUDICIAL DRIVE, SUITE 203  
FAIRFAX, VA 22030

May 13, 2022

The Honorable Jenny A. Kitchings  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

**RECEIVED**  
May 13 2022  
SC Court of Appeals

Re: The State v. Calvin Eugene Whitener  
INITIAL BRIEF OF APPELLANT  
Appellate Case No.: 2021-001232

Dear Ms. Kitchings:

I have enclosed the original Initial Brief of Appellant and Designation of Matter, along with a Certificate of Service that I also emailed for filing today in the above-referenced case.

Thank you for your assistance with filing these documents.

[Page 1 of 2]

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**The State v. Calvin Eugene Whitener**

INITIAL BRIEF OF APPELLANT

Appellate Case No.: **2021-001232**

May 13, 2022

Page 2 of 2

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayne C. Phillips". The signature is written in a cursive style with a horizontal line above the name.

**Dayne C. Phillips, Esq.**

SC Bar No. 77712

Price Benowitz LLP

1614 Taylor Street, Suite D.

Columbia, SC 29201

O: 803-272-4503

C: 803-807-0234

F: 803-380-8035

dayne@pricebenowitz.com

cc: **Calvin Eugene Whitener**  
**William Blich, Jr., Esq.**