

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of General Sessions
Thomas A. Russo, Circuit Court Judge

RECEIVED
JUL 08 2013
SC Court of Appeals

The State, Respondent,
v.

David Gerrard Johnson, Appellant.

Appellate Case No. 2012-209267

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

In addition to the matter designated by Appellant, Respondent proposes the following be included in the Record on Appeal:

- (1) Transcript, Vol. 1 (pre-trial transcript from Feb. 9, 2012), pages:
 - 12-14
 - 16-18
 - 29-30
 - 37-41
 - 45-50
 - 54-55
 - 60-61
 - 67-68
 - 77-79
 - 80-84
 - 89-90
 - 95-97
 - 106
 - 110-117
 - 124-127
 - 129
 - 131
 - 135

139
141-144
153-154
164-166

- (2) Transcript, Vol. 2 (trial transcript from Feb. 13-17, 2012), pages:
- 12-19
 - 42-43
 - 59-63
 - 69-75
 - 81-87
 - 92-94
 - 96-99
 - 109-112
 - 135-140
 - 142-145
 - 205
 - 214-218
 - 269-270
 - 303
 - 312-313
 - 338-339
 - 363-364
 - 377-378
 - 417
 - 444-449
 - 451-459
 - 491-493
 - 497-501
 - 535-537
 - 547-550
 - 556-560
 - 565-566
 - 584
 - 589
 - 591-604
 - 627
 - 631-635
 - 654-660
 - 673-675
 - 681-686
 - 707-710
 - 765-766
 - 769-772
 - 783-784
 - 805

824-827

- (3) Indictment;
- (4) September 4, 2009 and October 14, 2009 Letters re: Notice of Intent To Seek the Death Penalty;
- (5) June 11, 2010 Order (assigning Judge Russo);
- (6) January 4, 2012 Order (Atkins Hearing), with Court 1, December 22, 2011 Letter from DDSN;
- (7) Court Exhibits (from trial):
 - 1 (forensic evaluation);
 - 3 (transcript of statement);
 - 5 (incident report);
 - 6-12 (sentencing sheets, prior offenses);
- (8) State Exhibits (from trial):
 - 9 (photograph of pillows);
 - 42 (photograph of mattress);
 - 47 (photograph of mattress);
 - 56 (photograph of body);
 - 57 (photograph of body);
 - 58 (photograph of body);
 - 59 (photograph of body);
 - 60 (photograph of body);
 - 61 (photograph of body);
 - 62 (photograph of body);
 - 116 (audio of statement);
 - 117 (DNA sample/Fingerprints consent);
 - 120 (waiver form);
- (9) Motion to Suppress Evidence/Illegal Search and Seisure;
- (10) Motion to Suppress Statements of the Defendant and Suppress Any Evidence Derived From Those Statements.

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.

ALAN WILSON
Attorney General

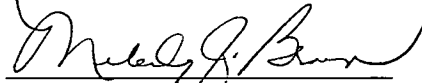
JOHN W. MCINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

MELODY J. BROWN
Senior Assistant Attorney General

E.L. CLEMENTS, III
Solicitor, Twelfth Judicial Circuit

BY:



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ATTORNEYS FOR RESPONDENT

July 3, 2013.
Columbia, South Carolina.

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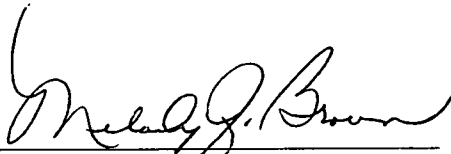
Appellate Case No. 2012-209267

PROOF OF SERVICE

I, Melody J. Brown, certify that I have served the *Initial Brief of Respondent* and *Designation of Matter* on Appellant by depositing two copies of same in the United States mail, postage prepaid, addressed to his attorney of record:

Susan B. Hackett, Appellate Defender
South Carolina Commission on Indigent Defense
Division of Appellate Defense
P.O. Box 11589
Columbia, South Carolina 29211-1589

This 3rd day of July, 2013.


MELODY J. BROWN
Senior Assistant Attorney General
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ALAN WILSON
ATTORNEY GENERAL

July 3, 2013

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

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SC Court of Appeals

Re: The State v. David Gerrard Johnson
Appeal from Florence County
Appellate Case No. 2012-209267

Dear Ms. Kitchings:

Enclosed please find the original *Initial Brief of Respondent and Designation of Matter*, dated, along with proof of service, in the above-referenced case.

Thank you for your cooperation in this matter.

Sincerely,

Melody J. Brown
Senior Assistant Attorney General

MJB/mv

Enclosures

cc: Susan B. Hackett, Appellate Defender
The Honorable E.L. Clements, III, Twelfth Circuit Solicitor
Sandi Wofford, Victim Services