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Oct 21 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Honorable DeAndrea G. Benjamin, Circuit Court Judge

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Appellate Case No. 2022-001605

THE STATE, .....RESPONDENT,

v.

MICAH CHRISTIAN SYLVE BROWN, .....APPELLANT.

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**RESPONDENT’S MOTION TO AMEND  
EXHIBIT TRANSPORTATION ORDER  
&  
RESPONDENT’S MOTION TO AMEND  
FINAL BRIEF AND DESIGNATION OF MATTER**

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This matter is before this Court upon Appellant Micah Brown’s initiation of direct appellate review of his convictions for two counts of murder and one count of attempted murder. Appellant was sentenced to two concurrent terms of life imprisonment without parole for the two counts of murder and 30 years for attempted murder, to be served concurrently.

**I.**

Appellant filed his initial brief with the designation of matter on June 30, 2023, and the initial brief on behalf of Respondent along with the designation of matter was filed October 13, 2023. The record on appeal was filed on November 13, 2023, and noted the following exhibits on file with this Court: State’s Exhibit Nos. 10-14 (Photos of the Gun); State’s Exhibit No. 64

(Security Camera Video); State's Exhibit No. 65 (Aerial Photo of Whispering Pines Road); and State's Exhibit No. 73 (Chat Message). Appellant's final brief was filed on November 29, 2023, and Respondent's final brief was filed on December 4, 2023.

## II.

Respondent now moves to amend its final brief, its designation of matter and the Exhibit Transportation Order filed on November 14, 2023. Respondent references State's Exhibit No. 73 (Chat Message) in the fact section of its final brief. At trial, the State designated Exhibit No. 73 for identification and the chat messages were read into evidence. The exhibit was not entered. The pages referencing the chat messages are included in the record on appeal with this Court, and Respondent now moves to omit reference to Exhibit No. 73 (chat message) from its final brief, designation of matter and the Exhibit Transportation Order.

## III.

As such, Respondent now moves to omit "(12) State's Exhibit 73 (chat messages about the gun)" from Respondent's Designation of Matter to be Included in the Record on Appeal and moves to amend Page 5 to omit reference to "State's Exhibit 73 (chat messages)" in the Final Brief of Respondent.

Respondent additionally moves to amend the Transport Order to omit "State's Exhibit No. 73 (Chat message)" from the collection of exhibits to be released by the Clerk of Court for Richland County and transported to this Court by the Attorney General's Office for consideration in this matter. Opposing counsel has consented to the State's motion to amend to remove Exhibit 73 and references to it.

**[Signature Page to Follow]**


Respectfully submitted,

ALAN WILSON  
Attorney General

DONALD J. ZELENKA  
Deputy Attorney General

MELODY J. BROWN  
Senior Assistant Deputy Attorney General

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By:   
\_\_\_\_\_  
MELODY J. BROWN  
SC Bar No. 14244

October 21, 2024

ATTORNEYS FOR RESPONDENT

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**PROOF OF SERVICE**

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**I, Melody J. Brown**, attorney for the Respondent, hereby certify that as per the March 20, 2020, Order of the Chief Justice, Respondent’s Motion to Amend Exhibit Transportation Order & Respondent’s Motion to Amend Final Brief and Designation of Matter has been forwarded to Appellant’s counsel, Joanna K. Delany Esq. *via* email today, October 21, 2024 to [jdelany@sccid.sc.gov](mailto:jdelany@sccid.sc.gov).

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

This 21<sup>st</sup> day of October 2024.

*s/ Melody J. Brown*

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Melody J. Brown  
Senior Assistant Deputy Attorney General

## Kaylee Kemp

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**From:** Kaylee Kemp  
**Sent:** Monday, October 21, 2024 12:05 PM  
**To:** jdelany@sccid.sc.gov  
**Cc:** Mcinnis, Sara; Melody Brown; Angela Brown  
**Subject:** Motion to Amend the Exhibit Transportation Order, Respondent's Final Brief and Designation of Matter & Certificate of Service  
**Attachments:** Certificate of Service.pdf; Motion to Amend Exhibit Transportation Order, Respondent's Final Brief and Designation of Matter.pdf

Joanna,

Attached is Respondent's Motion to Amend the Exhibit Transportation Order, Respondent's Final Brief and Designation of Matter. It will be sent to the Court of Appeals for filing today.

Thank you!

Kind regards,

Kaylee C. Kemp, Paralegal  
South Carolina Attorney General's Office  
Capital and Collateral Litigation Section | 803-734-6307  
P.O. Box 11549 | Columbia, SC 29211  
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