

**RECEIVED**

**Mar 31 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of General Sessions

Appellate Case No. 2023-001791

Indictment No. 2023-GS-26-00416

The State,

Respondent,

v.

Fanotti Nacier Neal,

Appellant.

**MOTION TO SUBMIT AMENDED  
DESIGNATION OF MATTER AND AMENDED  
RECORD ON APPEAL**

Pursuant to Rule 240, SCACR, the undersigned counsel respectfully files this motion for leave to submit an Amended Designation of Matter to the Initial Brief of Appellant and an Amended Record on Appeal filed in the above titled case on appeal. In support of this petition, counsel presents the following facts.

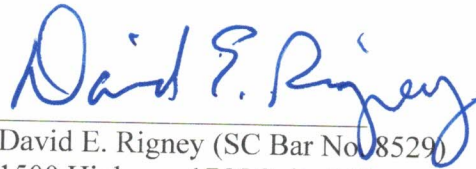
1. The Initial Brief of Appellant and Designation of Matter to be included in the record on Appeal were filed with this Court on June 12, 2024.
2. The undersigned counsel has recently discovered that some pages from the Transcript that were cited in the Initial Brief of Appellant were not included on the Designation of Matter.

3. The Amended Designation of Matter and Attachment 1 (proposed additional pages to the Record on Appeal) are being filed with this Motion. Opposing counsel has graciously consented to this Motion.

WHEREFORE, the undersigned counsel respectfully requests that this Court grant the motion to submit the attached Amended Designation of Matter and Amended Record on Appeal filed in the case.

Respectfully submitted,

March 31, 2025



David E. Rigney (SC Bar No. 8529)  
1500 Highway 17 N Suite 212  
Surfside Beach, South Carolina 29575  
(843) 352-3529  
dave@rigneylawfirm.us  
Attorney for Appellant

Other Counsel of Record:

Nancy R. Livesay  
Assistant Solicitor  
1301 2nd Ave  
Conway, South Carolina 29526  
(843) 915-5460  
Attorney for Respondent

The Honorable Alan Wilson  
South Carolina Attorney General  
P.O. Box 11549  
Columbia, S.C. 29211  
(803) 734-3596  
Attorney for Respondent

Melody Jane Brown  
South Carolina Attorney General's Office  
Senior Assistant Attorney General  
P.O. Box 11549  
Columbia, S.C. 29211  
(803) 734-6305  
Attorney for Respondent

**RECEIVED**

**Mar 31 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of General Sessions

Appellate Case No. 2023-001791

Indictment No. 2023-GS-26-00416

The State,

Respondent,

v.

Fanotti Nacier Neal,

Appellant.

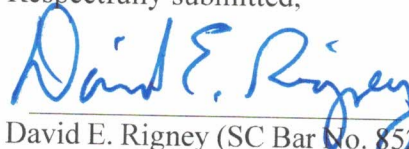
**AMENDED DESIGNATION OF MATTER TO  
BE  
INCLUDED IN RECORD ON APPEAL**

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

- (1) From the November 6-9, 2023 Trial Transcript: Tr. 1; Tr. 146; Tr. 231-242; Tr. 255-256; Tr. 283-289; Tr. 318; Tr. 379; Tr. 601-605; Tr. 632-644; Tr. 688-689; Tr. 744; Tr. 806; Tr. 810-812; Tr. 822;
- (2) Indictments;
- (3) Sentence sheets.

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

Respectfully submitted,



David E. Rigney (SC Bar No. 8529)  
1500 Highway 17 N Suite 212  
Surfside Beach, South Carolina 29575  
(843) 352-3529  
dave@rigneylawfirm.us  
Attorney for Appellant

March 31, 2025

## Attachment 1

(proposed additional pages to Amended Record on Appeal)

1 or already gone from the scene. Second from that would be  
2 to administer aid to the victim, and then third would be  
3 to secure that scene for the detectives to come and assume  
4 the investigation.

5 Q So what was the first thing that you did once you  
6 arrived on the scene?

7 A The first thing I did when I arrived was I grabbed  
8 my department-issued first aid kit and then I proceeded to  
9 the apartment where the incident had occurred. And then  
10 we knocked, and once the door had opened, we identified  
11 that the suspect was gone, and I went into administering  
12 aid to the victim.

13 Q And what did you -- when you first approached, did  
14 you knock on the door or you just entered?

15 A When I first approached, I did knock on the door and  
16 announced myself.

17 Q And once you first entered the room, how many people  
18 did you see standing around; do you recall?

19 A Approximately five.

20 Q And can you explain, I guess, what you observed when  
21 you walked in?

22 A As I entered into the apartment, I had seen a group  
23 of young individuals. They appeared to be in more of a  
24 state of shock. Our initial gathering from what they  
25 appeared was that they were not a threat to our safety or

1 believe that the evidence in this case does not support a  
2 verdict of guilty of murder, and so I would ask the Court  
3 to grant us a judgment of acquittal or, in the  
4 alternative, to grant us a new trial.

5 THE COURT: Would you like to respond to that,  
6 either one of the solicitors? Would you like to respond  
7 to his motion?

8 MR. HARRELSON: Your Honor, I believe that the  
9 evidence was appropriate and that it was adequate, and  
10 there is no grounds for an acquittal. Evidently, the jury  
11 had come back with a ruling, and I think it's suitable.

12 THE COURT: I'm going to deny the motion.

13 MR. WILSON: Thank you, Your Honor.

14 THE COURT: Mr. Rigney?

15 MR. RIGNEY: Your Honor, I would also request that  
16 you give us a judgment notwithstanding the verdict, a  
17 judgment of acquittal, and I do not believe that the  
18 evidence supports this verdict, and in the alternative,  
19 we'd request a new trial.

20 THE COURT: I think there was plenty of evidence to  
21 support it, and I'm going to respectfully deny the motion.

22 Are you ready with the sentencing sheets?

23 MR. HARRELSON: Yes, Your Honor. We're currently  
24 printing those out. However, due to Micah Pressley's age,  
25 I believe the factors of Adkins may be appropriate. Just

**RECEIVED**

**Mar 31 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM Horry COUNTY  
Court of General Sessions

Appellate Case No. 2023-001791

Indictment No. 2023-GS-26-00416

The State,

Respondent,

v.

Fanotti Nacier Neal,

Appellant.

PROOF OF SERVICE

I certify that I have served a true copy of the Motion to Submit Amended Designation of Matter and Amended Record on Appeal, Amended Designation of Matter to be Included in Record on Appeal, and Attachment 1 on opposing counsel, named individually below, by depositing copies of same in the United States Mail, postage prepaid, on March 31, 2025, addressed to each named individual as set forth below.

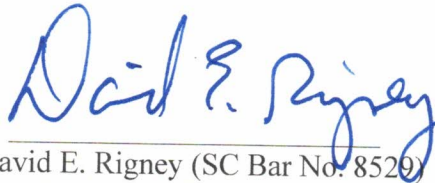
Other Counsel of Record:

Nancy R. Livesay,  
Assistant Solicitor  
1301 2nd Ave  
Conway, South Carolina 29526  
(843) 915-5460  
Attorney for Respondent

The Honorable Alan Wilson  
South Carolina Attorney General  
P.O. Box 11549  
Columbia, S.C. 29211  
(803) 734-3596  
Attorney for Respondent

Melody Jane Brown  
South Carolina Attorney General's Office  
Senior Assistant Attorney General  
P.O. Box 11549  
Columbia, S.C. 29211  
(803) 734-6305  
Attorney for Respondent

March 31, 2025



David E. Rigney (SC Bar No. 8529)  
1500 Highway 17 N Suite 212  
Surfside Beach, South Carolina 29575  
(843) 352-3529  
Attorney for Appellant