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Aug 17 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Roger M. Young, Sr., Circuit Court Judge

Appellate Case No. 2025-001221

STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

MICHAEL C. WHITLOCK, JR.

APPELLANT.

**Motion to Strike Appellant's
Designation of Matter**

Respondent respectfully moves to strike Appellant's Designation of Matter as overly broad. Specifically, Appellant's Designation of Matter currently designates:

2. All documents which were filed as part of the court file;
3. All documents and exhibits tendered or accepted into evidence at trial, including photos, video, recordings, and records gathered as part of the investigation;
4. The transcript of Appellant's police interview given on the night of the shooting;

The foregoing is ambiguous, overly broad, and contains matter not relevant to the appeal. *See* Rule 209(b), SCACR (providing the Designation of Matter "must clearly identify what the party desires to have included in the Record on Appeal, and the Designation may only propose to include portions of the transcript, pleadings, orders, exhibits, or other material which may be properly included in the Record on Appeal. A party shall not include any matter in his Designation which

is not relevant to the appeal.”); Rule 209(c) (providing the signature of the Designation “constitutes a certificate that the Designation contains no matter which is irrelevant to the appeal.”).

Likewise, given the ambiguity of this designation, it potentially contains matter that was not before the trial court. *See* Rule 210 (c) (providing the Record on Appeal shall not “include matter which was not presented to the lower court or tribunal”).

Respondent specifically objects to the inclusion of the transcript of Appellant’s police interview because there is no indication it was before the trial court,¹ and the undersigned has not seen a copy of this transcript and does not know who prepared it.

Based on the foregoing, Respondent respectfully requests this Court strike Appellant’s Designation of Matter in its entirety and order Appellant to file an Amended Designation of Matter that includes only matter before the trial court that is relevant to this appeal. The undersigned has attempted to resolve this matter with opposing counsel.

Respectfully Submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

DANIELLE DIXON, 73999
Assistant Attorney General

s/Danielle Dixon
Assistant Attorney General

¹ Although a transcript of Appellant’s interview was used to refresh the recollection of a witness (Att. 1, Tr. 60, 64, 67, 73), it was not otherwise proffered or entered at trial.

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ATTORNEYS FOR THE RESPONDENT

This 17th day of August, 2026.

ATTACHMENT 1

State of South Carolina	)	Court of General Sessions
County of Charleston	)	Ninth Judicial Circuit
	)	
STATE OF SOUTH CAROLINA,	)	Case Numbers:
	)	2023-GS-10-03220
Plaintiff,	)	2023-GS-10-03221
	)	2022-GS-10-03222
vs.	)	
	)	
MICHAEL C. WHITLOCK, JR.,	)	JURY TRIAL
	)	
Defendant.	)	TRANSCRIPT OF RECORD
	)	

May 20-24, 2024
Charleston, South Carolina

B E F O R E:

The Honorable Bentley D. Price

A P P E A R A N C E S:

MS. KELLY E.M. BARBER
and MR. DANIEL W. COOPER,
Assistant Solicitors,
for the Plaintiff;

MS. AMANDA H. MONACO
and MR. NICHOLAS G. D'ANGELO,
Assistant Public Defenders,
for the Defendant.

Jamie Bickett
Official Court Reporter

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1 correct?

2 A. I'm not sure exactly at which point I asked him about
3 Mr. Bolton.

4 Q. Would it refresh your recollection to review a
5 transcript of the interview with Mr. Whitlock?

6 A. Yeah. If I can.

7 Q. Yeah. Sure.

8 MS. MONACO: If I may have a moment, your Honor?

9 THE COURT: Absolutely.

10 MS. MONACO: Your Honor, may I approach the witness?

11 THE COURT: Yes, ma'am.

12 BY MS. MONACO:

13 Q. Detective Riedel, I'm showing you a clean copy of your
14 interview with Michael Whitlock and yourself. You may take a
15 look. And you just tell me when you're ready.

16 A. Okay.

17 MS. MONACO: And your Honor, for the record, I'm
18 referencing page 33.

19 Q. [By Ms. Monaco] I'll ask you the question again.

20 Do you -- you spoke to Michael Whitlock about another
21 man named Mike before you Mirandized him?

22 A. Yes, another man named Mike.

23 Q. Okay. You asked what that other man Mike was wearing?

24 A. Correct.

25 Q. Okay. And Whitlock told you what he was wearing?

1 A. I don't have the form in front of me, but those are
2 questions on the Miranda form, yes.

3 Q. Okay. Mr. Whitlock was confused. He actually asked you
4 why you were reading him the Miranda form?

5 A. Okay. I don't remember the exact wording through the
6 entire process, but if I look I can probably --

7 Q. Would it refresh your recollection to review the
8 transcript?

9 A. Yes.

10 Q. Okay. If you want to turn to page 47 of the transcript.

11 A. Okay.

12 Q. And if you can read through pages 47 and 48 and let me
13 know when you're ready.

14 A. Okay.

15 Q. So I started asking you about whether or not
16 Mr. Whitlock was confused when you presented him with a
17 Miranda form. He specifically asked you if he was being
18 charged; is that right?

19 A. Yes.

20 Q. He asked you if he was going to jail?

21 A. He did.

22 Q. All right. On page 48, he actually says "I don't
23 understand." Is that right?

24 A. Yes. Well, he says "I don't understand" after saying
25 "So they're saying." So I don't know if he's talking about

1 Q. Okay. All right. Now, after you read him Miranda, you
2 start asking more about whether or not he shot his gun that
3 night?

4 A. Yes.

5 Q. Okay. And at that point, Mr. Whitlock says, quote, "Do
6 we have a lawyer already here? Because I do not know what's
7 going on." Do you recall that he said that?

8 A. What -- not specifically, no.

9 Q. If I may turn your attention to the transcript on
10 page 59.

11 A. Okay.

12 Q. So I'll ask the question again.

13 After you read Mr. Whitlock Miranda rights, he asked if
14 there was a lawyer already here because he didn't know what
15 was going on?

16 A. He did ask that question.

17 Q. All right. So I want to break that down.

18 He asked if a lawyer was here, right? Plain English.

19 A. Yeah.

20 Q. And he informed you he didn't know what was going on?

21 A. Yeah.

22 Q. Okay. You didn't ask him if he wanted an attorney?

23 A. No.

24 Q. Okay. You didn't ask him to clarify what he meant by
25 that statement?

1 Q. Just as Mr. Whitlock had?

2 A. Correct.

3 Q. Ms. Monaco also asked about that statement in the
4 transcript we saw where he mentioned the word "lawyer." Did
5 he ever ask you for a lawyer?

6 A. No.

7 Q. I want to show you again the advisement of rights that
8 you went over and had Mr. Whitlock sign. Will you read that
9 third line for us.

10 A. "I have a right to consult with a lawyer of my choice
11 before I answer questions or give a statement and also have
12 him or her present while I'm being questioned."

13 Q. Did you ask him if he understood that?

14 A. Yes.

15 Q. What was his answer?

16 A. Yes.

17 Q. Did he sign -- er, initial that form indicating he
18 understood?

19 A. Yes.

20 MR. COOPER: Beg the Court's indulgence.

21 Q. [By Mr. Cooper] When you were going over the advisement
22 of rights with him, did you ask him if he had any further
23 questions?

24 A. I believe -- that is one of the things I tend to ask.

25 Q. Did you ask him if he needed any further explanation?

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STATE OF SOUTH CAROLINA,

RESPONDENT,

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MICHAEL C. WHITLOCK, JR.,

APPELLANT.

CERTIFICATE OF SERVICE

The undersigned certifies that pursuant to Rule 262(c)(3), SCACR and the Supreme Court order of April 24, 2024, the Motion to Strike Appellant's Designation of Matter, along with Certificate of Service have been forwarded to Appellant's counsel, Matthew R. McKaig, Esquire via email today, August 17, 2026 to ryan@mckaiglaw.com.

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

This 17th day of August, 2026.

s/Susan Spencer

Susan Spencer
Legal Assistant

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From: [Susan Spencer](#)
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Cc: [Danielle Dixon](#)
Subject: State v. Michael Whitlock (2025-001221)
Date: Monday, August 17, 2026 11:53:00 AM
Attachments: [Whitlock Motion to Strike.pdf](#)
[image001.png](#)

Good morning, Mr. McKaig,

Attached please find a Motion to Strike Appellant's Designation of Matter in State v. Michael Whitlock (2025-001221). This motion will be filed today with the Court of Appeals.

Thank you.

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SC Court of Appeals

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