

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM BEAUFORT COUNTY  
Court of General Sessions

The Honorable Brooks P. Goldsmith

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Appellate Case No. 2013-002537

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The State,

Respondent,

v.

Marion Benjamin Powell,

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Appellant.

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

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

- (1) True-billed indictment(s);
- (2) Sentencing sheets;
- (3) The following portions of the trial transcript from November 18-22, 2013:
  - a. Trial transcript index: pp.1-13
  - b. Call of the case / charges: p.14
  - c. Neil v. Biggers *in limine* hearing: pp.129-143
  - d. Trial court's order on Biggers hearing: pp.142-143
  - e. Officer Chandler's testimony: pp. 231-238
  - f. A.H.'s testimony: pp.239-256; 260-273
  - g. Senora Jones's testimony: pp.273-315
  - h. Officer Duke's testimony: pp.354-355; 360-376; 382-386; 390-400; 402-404
  - i. Motion and ruling on directed verdict: pp.579-582
  - j. Dr. Lori Vanwallendael's testimony: pp.607, 612, 630-641
  - k. Renewed motion and ruling on directed verdict: pp.709
  - l. Jury charges: pp.710-721
  - m. Verdict: pp.724-725
  - n. Post-trial motion: pp.728-729
  - o. Sentence: p.738

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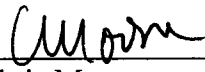
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- (4) The following trial exhibits:
- a. Court's Exhibit 2 (email from Assistant Solicitor Ben Shelton): p.130
  - b. Court's Exhibit 3 (Photo array with Appellant's photo): p.130
  - c. Court's Exhibit 4 (State's Neil v. Biggers motion and memo): p.189
  - d. State's Exhibit 46 (Photo array initialed by A.H.): p.252
  - e. State's Exhibit 48 (Photo array initialed by S.J.): p.290
  - f. State's Exhibit 49 (Photo array identified at trial): p.367

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

December 8th, 2014

  
\_\_\_\_\_  
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-and-

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CERTIFICATE OF SERVICE

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The undersigned attorney hereby certifies that a true copy of the Initial Brief of Appellant and Designation of Matter in the above referenced case has been served by U.S. Mail upon Salley W. Elliott, Esquire, at Post Office Box 11549, Columbia, SC 29211, this 8th day of December, 2014.



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ATTORNEY FOR APPELLANT

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