

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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FEB 10 2016

APPEAL FROM GREENWOOD COUNTY
Frank R. Addy, Jr., Circuit Court Judge

SC Court of Appeals

Appellate Case No. 2015-000980

The State, Respondent,

v.

Tavarious Settles, Appellant.

**APPELLANT'S DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

Pursuant to Rule 209, of the South Carolina Appellate Court Rules (SCACR),
Appellant Tavarious Settles designates the following to be included in the Record on
Appeal:

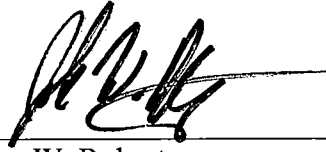
1. Indictment 2013-GS-24-1538 dated September 27, 2013
2. Indictment 2013-GS-24-1539 dated September 27, 2013
3. Sentence Sheets
4. Notice of Appeal
5. Motion to Reconsider Sentence dated April 8, 2015
6. Order Denying Motion for Reconsideration of Sentence Imposed dated April 21, 2015
7. Motion for Funding for a Mitigation Specialist/Investigator and Psychologist or Psychiatrist
8. Motion to Cap Sentence at Thirty (30) Years Maximum on the Charge of Murder
9. Court's Exhibit No. 4 (Defense Motions)
10. Court's Exhibit No. 5 (Jury Note)

11. Court's Exhibit No. 6 (Jury Note)
12. State's Exhibit No. 1 (9-1-1 call CD)
13. State's Exhibit No. 33 (Adult Waiver of Rights)
14. State's Exhibit No. 34 (Statement)
15. Trial Transcript, dated March 30-31, 2015, and April 1-2, 2015, pages:
 - a. Cover page;
 - b. 1-10;
 - c. 28-31
 - d. 33-34
 - e. 56-126
 - f. 130-168
 - g. 179-181
 - h. 194-250
 - i. 318-320
 - j. 376
 - k. 382-384
 - l. 412-499

Pursuant to Rule 209, SCACR, the undersigned counsel for the Appellant certifies that the foregoing Designation of Matter to Be Included in the Record on Appeal contains no matter which is irrelevant to this appeal.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,



John W. Roberts

WILLOUGHBY & HOEFER, P.A.

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(803) 252-3300

Robert M. Dudek

Chief Appellate Defender

SOUTH CAROLINA COMMISSION ON

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Counsel for Appellant

Tavarious Settles

Columbia, South Carolina
February 10, 2016

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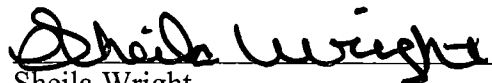
Tavarious Settles,Appellant.

PROOF OF SERVICE

This is to certify that I, a legal assistant with the law firm Willoughby & Hoefler, P.A., have caused to be served this day one (1) copy of the **Initial Brief of Appellant** and **Designation of Matter to be Included in the Record on Appeal** by placing same in the care and custody of the United States Postal Service with first class postage affixed thereto and addressed as follows:

Robert M. Dudek
Chief Appellate Defender
SOUTH CAROLINA COMMISSION ON
INDIGENT DEFENSE
1330 Lady Street, Suite 401
Columbia, South Carolina 29201

Donald J. Zelenka
Senior Assistant Deputy Attorney General
South Carolina Attorney General's Office
1000 Assembly Street
Columbia, S.C. 29201


Sheila Wright

Columbia, South Carolina
This 10th day of February 2016

WILLOUGHBY & HOEFER, P.A.

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**ALSO ADMITTED IN WASHINGTON, D.C.

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VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of Court, Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Re: *The State v. Tavarious Settles*;
Appellate Case No. 2015-000980

Dear Ms. Kitchings:

Enclosed for filing please find the original and one (1) copy of the **Initial Brief of Appellant Tavarious Settles and Designation of Matter to be Included in the Record on Appeal** in the above-referenced matter. I would appreciate your acknowledging receipt of this document by file-stamping the extra copy and returning it to me via my courier.

By copy of this letter, I am serving counsel of record and enclose a Proof of Service to that effect. If you have any questions or if you need any additional information, please do not hesitate to contact me.

Very truly yours,

WILLOUGHBY & HOEFER, P.A.



John W. Roberts

Enclosures

cc: Robert M. Dudek, Esquire
Donald J. Zelenka, Esquire

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SC Court of Appeals

WILLOUGHBY & HOEFER, P.A.

Post Office Box 8416
Columbia, SC 29202-8416

TO:

The Honorable Jenny Abbott Kitchings
Clerk of Court, Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201