

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County
Carmen Tevis Mullen, Circuit Court Judge

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FEB 08 2013
SC Court of Appeals

STATE OF SOUTH CAROLINA,

Respondent,

v.

EARNEST STEWART DAISE,

Appellant

Appellate Case No. 2013-002394

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

Respondent proposes the same designation of matter as in the Initial Brief of Respondent to be included in the Record on Appeal:

1. TRANSCRIPTS

- a. Partial Transcript Pretrial Hearing September 26, 2013, pages 1-49.

2. ORDERS

- a. Subpoena – Fourteenth Circuit Solicitor’s Office Re: jury training material.
- b. Subpoena – South Carolina Office of Prosecution Coordination – Re: training material.
- c. Order (denying motion to suppress), May 6, 2013.
- d. Order : Subject: RE: Outstanding Daise Motions by Email from Law Clerk to

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A1

all counsel; Tuesday, October 08, 2013 9:45 AM.

- e. Order Denying Defendant's Rule 29(1)SCRCrimP Motion for New Trial.

3. MOTIONS

- a. Motion for An Order Prohibiting Earnest S. Daise From Being Exhibited in Jail Clothing and Shackles, filed Jan. 12, 2012. (pleading 12).
- b. Motion in Limine to Exclude Victim Impact/Character Evidence at the Guilt/Innocence Phase of the Trial, filed June 10, 2013 (Pleading 53)
- c. State's Response to Motion in Limine to Exclude Victim Impact/Character Evidence at the Guilt/Innocence Phase of the Trial, filed July 17, 2013.
- d. Motion for Hearing to Determine That Certain Photographic Evidence Should Be Suppressed as the Danger of Unfair Prejudice Outweighs the Probative Value of Such Evidence (Pleading 64)
- e. State's "Response to Defendant's Motion for Hearing to Determine That Certain Photographic Evidence Should Be Suppressed as the Danger of Unfair Prejudice Outweighs the Probative Value of Such Evidence", filed July 17, 2013
- f. Daise's "Motion to Suppress Certain Physical Evidence"
- g. State's "Response to "Motion to Suppress Certain Physical Evidence"
- h. Supplemental Motion to Suppress Certain Physical Evidence
- i. Notice of Motion and Motion to Quash Subpoena filed October 7, 2013 (filed by Amie Clifford, SC Office of Prosecution Coordination
- j. Daise's "Motion for New Trial, filed October 31, 2013.

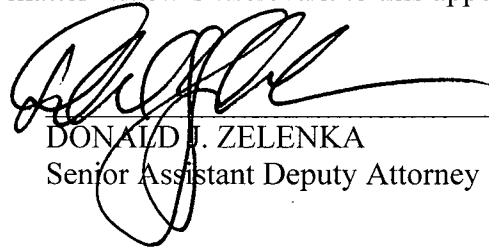
4. EXHIBITS

- a. State Exhibit 51
- b. Sealed Court Exhibit 1
- c. Defendant's Exhibit 7.

d. Defendant's Exhibit 13

e. Defendant's Exhibit 15

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



DONALD J. ZELENKA
Senior Assistant Deputy Attorney General

February 4, 2016

CERTIFICATE OF SERVICE

I, Donald J. Zelenka, hereby certify that a true copy of the Amended Initial Brief of Respondent and Designation of Matter in the above referenced case has been served upon counsel for Appellant by depositing one copy of same in the United States Mail to:

Robert M. Dudek, Esq.
Chief Appellate Defender
SCCID/Division of Appellate Defense
P. O. Box 11589
Columbia, SC 29211

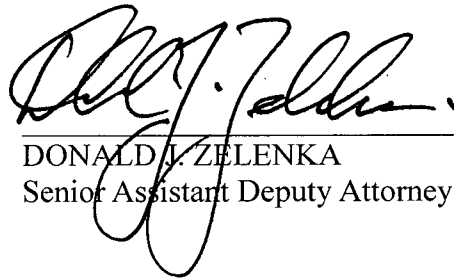
A. Mattison Bogan, Esquire
Nelson Mullins Riley & Scarborough, LLP
PO Box 11070
Columbia, SC 29211

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SC Court of Appeals

This 4th day of February, 2016.



DONALD J. ZELENSKA
Senior Assistant Deputy Attorney General



ALAN WILSON
ATTORNEY GENERAL

February 4, 2016

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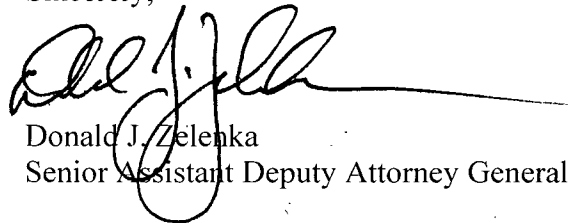
Honorable Jenny A. Kitchings
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

Re: The State v. Earnest Stewart Daise
Appellate Case No. 2013-002394

Dear Ms. Kitchings:

Enclosed please find the Amended Initial Brief of Respondent in the above-captioned matter for filing in your office. By copy of this letter, I am serving opposing counsel with same.

Sincerely,



Donald J. Zelenka
Senior Assistant Deputy Attorney General

DJZ/lbb
Enclosure

cc: A. Mattison Bogan, Esquire
Robert M. Dudek, Esquire
Isaac McDuffie Stone, Solicitor
Trisha Allen, Victims Assistance

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Clerk, South Carolina Court of Appeals
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