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DEC 22 2015

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge

Case No. 2009GS0702636, 2009GS0702637, 2009GS0702639,  
2009GS0702594, 2009GS0702595  
Appellate Case No. 2013-002394

The State, ..... Respondent,

v.

Earnest Stewart Daise, ..... Appellant.

**JOINT MOTION FOR RELEASE AND TRANSFER OF TRIAL EXHIBITS**

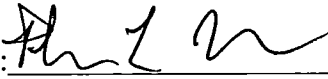
Court's Exhibit 1, identified as "Jury Selection Training Documents and Traffic Safety Agendas," was sealed by the Honorable Carmen T. Mullen at the October 7, 2013 Pretrial Hearing in the above matter. This exhibit has been designated by both parties to be included in the Record on Appeal. Because this exhibit is sealed, it cannot be included in the Record as required by South Carolina Appellate Court Rule 210. Additionally, numerous photographs have been designated by the parties. These exhibits are State's Exhibits 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 26 and 49. Copies of these exhibits will be included in the record, however for clarity and legibility, Counsel requests that the originals of these photos also be transferred to the Court of Appeals for this matter.

Counsel for the parties jointly move for an Order requesting the release of the original sealed Court's Exhibit 1 described as "Documents Identified as Jury Selection Training Documents and Traffic Safety Agendas" and State's Exhibits 4, 5, 6, 7, 8, 9, 10,

11, 12, 13, 26 and 49 from Beaufort County Court of Common Pleas for transfer to the Clerk of the Court of Appeals to be held for *in camera* review for this appeal.

WE SO MOVE:

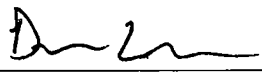
ATTORNEYS FOR APPELLANT

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Appellate Case No. 2013-002394

The State, ..... Respondent,  
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Earnest Stewart Daise, ..... Appellant.

**PROOF OF SERVICE**

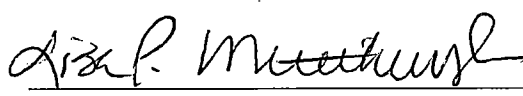
I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellant, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

Joint Motion for Release and Transfer of Trial Exhibits

Counsel Served:

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Donald J. Zelenka, Esquire  
SC Attorney General's Office  
Post Office Box 11549  
Columbia, SC 29211-1549

  
\_\_\_\_\_  
Lisa Whitehurst  
Administrative Assistant

December 22, 2015

# Nelson Mullins

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SC Court of Appeals

December 22, 2015

## Hand Delivered

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


RE: The State v. Earnest Stewart Daise  
Appellate Case No. 2013-002394  
Our File No. 38769/01523

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of the Joint Motion for Release and Transfer of Exhibits to the Court of Appeals. We would ask that you file the original and return a clocked-in copy to us via our courier.

By copy of this letter to counsel of record, we are serving them with a copy of this motion.

Very truly yours,



Phillips L. McWilliams

PLM:mws  
Enclosure

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