

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Richland County  
Honorable DeAndrea G. Benjamin, Circuit Court Judge

**RECEIVED**

NOV 04 2016  
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

EMMANUEL ELLEBY,

APPELLANT

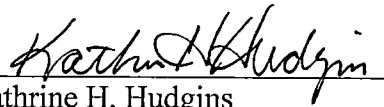
**DESIGNATION OF MATTER TO BE  
INCLUDED IN RECORD ON APPEAL**

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

- (1) True-billed indictments and sentencing sheets;
- (2) September 1, 2015, Transcript;
- (3) September 14-17, 2015, Trial Transcript;
- (4) October 16, 2015, Sentencing Transcript;
- (5) November 12, 2015, Motion Transcript;
- (6) Notice of Motion to Reconsider Sentence and Declare S.C. Code §17-25-45 Unconstitutional;
- (7) Order Denying Motion;
- (8) Court's Exhibit #1 – Bond Form;
- (9) Court's Exhibit #3 – LWOP Notice

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

November 04, 2016.

  
Kathrine H. Hudgins  
Appellate Defender

South Carolina Commission on Indigent  
Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589  
(803) 734-1330

ATTORNEY FOR APPELLANT

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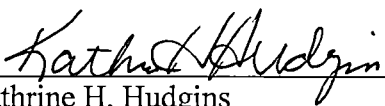
V.

EMMANUEL ELLEBY,


APPELLANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Initial Brief of Appellant and Designation of Matter in the above referenced case has been served upon J. Benjamin Aplin, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and a copy of the Initial Brief of Appellant and Designation of Matter have been served on Emmanuel Elleby, #275057, at Lee Correctional Institution, 990 Wisacky Hwy., Bishopville, SC 29010, this 4<sup>th</sup> day of November, 2016.

  
Kathrine H. Hudgins  
Appellate Defender  
ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me  
this 4th day of November, 2016.

 (L.S)  
Notary Public for South Carolina  
My Commission Expires: March 1, 2026