

STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
The Honorable Clifton B. Newman, Circuit Court Judge  
The Honorable Robert E. Hood, Circuit Court Judge

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Appellate Case No. 2016-000475

**RECEIVED**

FEB 22 2017

SC Court of Appeals

THE STATE, .....RESPONDENT

v.

RICHARD A. CAPELL, .....APPELLANT.

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**DESIGNATION OF MATTER**

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Respondent proposes the following matter to be included in the Record on Appeal:

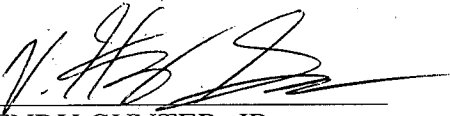
- (1) **Transcript of January 19, 2016 immunity hearing**
- (2) **State's Exhibit No. 1 (Video);**
- (3) **True Billed Indictment;**
- (4) **Sentence Sheet.**

To facilitate the preparation of the Final Brief, Respondent requests that counsel for Appellant retain the page numbers of the trial transcript in the Record on Appeal, in addition to the new page numbers. The undersigned hereby certifies this Designation contains no matter which is irrelevant to this appeal.

ALAN WILSON  
Attorney General

V. HENRY GUNTER, JR.  
Assistant Attorney General

DANIEL E. JOHNSON  
Solicitor, Fifth Judicial Circuit

BY:   
V. HENRY GUNTER, JR.  
S.C. Bar No. 102259

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(803) 734-3727

ATTORNEYS FOR RESPONDENT

February 22, 2017

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal From Richland County  
The Honorable Clifton B. Newman, Circuit Court Judge  
The Honorable Robert E. Hood, Circuit Court Judge

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Appellate Case No: 2016-000475

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**SC Court of Appeals**

THE STATE,

Respondent,

v.

RICHARD A. CAPELL,


Appellant.

**PROOF OF SERVICE**

I, Anne Mueller, certify that I have served the Initial Brief of Respondent and Designation of Matter on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to his attorney of record Laura R. Baer, Esquire, S.C. Commission on Indigent Defense, Division of Appellate Defense, Post Office Box 11589, Columbia, South Carolina 29211-1589.

I further certify that all parties required by Rule to be served have been served.

This 22<sup>nd</sup> day of February, 2017.



Anne A. Mueller  
Legal Assistant  
Office of Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3727



ALAN WILSON  
ATTORNEY GENERAL

February 22, 2017

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FEB 22 2017

**SC Court of Appeals**

The Honorable Jenny Abbott Kitchings  
Clerk of Court, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29201

**Re: The State v. Richard Capell**  
**Appellate Case No: 2016-00475**

Dear Ms. Kitchings:

Enclosed please find an original and one (1) copy of the Initial Brief of Respondent and Designation of Matter, including proof of service, in the above-referenced case.

Sincerely,

V. Henry Gunter, Jr.  
Assistant Attorney General  
S.C. Bar No: 102259

VHG/aam  
Enclosures

cc: Laura R. Baer (with two copies)  
Ms. Trisha Allen