

RECEIVED

SEP 22 2017

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

S.C. SUPREME COURT

Appeal from Laurens County  
Frank R. Addy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BENNIE RAY BROWN, JR.,

APPELLANT

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


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

- (1) November 17-19, 2014, hearing transcript pages: 1, 5-245, 247-360;
- (2) Exhibits from the transcript dated November 17-19, 2014: Defendant's Exhibits #1-10;
- (3) March 4-5, 2015, hearing transcript pages: 1, 9-143, 145-190, 193-274;
- (4) Exhibits from the transcript dated March 4-5, 2015: Defendant's Exhibits #17 & #30;
- (5) March 13, 2015, hearing transcript pages: 1, 5-127;
- (6) Exhibits from the transcript dated March 13, 2015: Defendant's Exhibits #31-35;
- (7) Pre-trial hearing transcript dated June 1, 2016, pages: 1, 3-4;
- (8) Trial transcript dated June 27- July 1, 2016, pages: 1, 105-252, 254-286, 299-367, 370-458, 461-471, 473-527, 529-597, 602-762, 764-771, 775, 778, 790-793, 799-807, 813-826, 828, 831-905, 910-922, 924, 927-923, 933-934, 941-957;
- (9) Exhibits from the trial dated June 27- July 1, 2016: State's Exhibits #21-64 (photos); State's Exhibits #69-73 (photos); State's Exhibit #81 (Video from Prather's in-car camera); State's Exhibit #102 (Video of

- Appellant in ambulance); State's Exhibit #135 (crime scene report);  
Court's Exhibits #2-10 (jury notes);
- (10) Notice of Intent to Seek Death Penalty filed November 11, 2011 (Death Notice);
  - (11) Form 4 Order Denying Motion for Immunity Pursuant to S.C. Code Ann. § 16-11-410 filed November 21, 2014 (Form 4 Order);
  - (12) Atkins Order dated April 14, 2016 (Atkins Order);
  - (13) Notice of Intent to Seek Life Without Parole filed June 1, 2016 (LWOP Notice);
  - (14) Mr. Brown's Request to Charge filed June 27, 2016 (Request to Charge);
  - (15) Motion to Exclude Improper Victim Character and Victim Impact Statements from Closing Argument (Motion to Exclude VIE);
  - (16) Mr. Brown's Post-Trial Motions filed July 11, 2016 (Motion for New Trial);
  - (17) Order Denying Motion for New Trial dated July 27, 2016;
  - (18) True-billed indictments;
  - (19) Sentence sheets.

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

September 22, 2017.

  
Susan B. Hackett  
Appellate Defender

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

ATTORNEY FOR APPELLANT

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

RECEIVED

SEP 22 2017

Appeal from Laurens County  
Frank R. Addy, Circuit Court Judge

S.C. SUPREME COURT

THE STATE,

RESPONDENT,

V.

BENNIE RAY BROWN, JR.,

APPELLANT

CERTIFICATE OF SERVICE

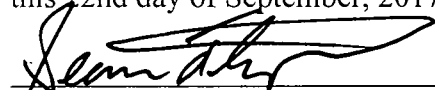
The undersigned hereby certifies that a true copy of the Initial Brief of Appellant and Designation of Matter in the above referenced case has been served upon Donald J. Zelenka, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201; and a copy of the Initial Brief of Appellant and Designation of Matter have been served on Bennie Ray Brown, #169625, at Lee Correctional Institution, 990 Wisacky Highway, Bishopville, SC 29010, this 22nd day of September, 2017.



Susan B. Hackett  
Appellate Defender

ATTORNEY FOR APPELLANT

SUBSCRIBED AND SWORN TO before me  
this 22nd day of September, 2017.

 (L.S)  
Notary Public for South Carolina

My Commission Expires: October 30, 2022.