

STATE OF SOUTH CAROLINA

 ORIGINAL

IN THE COURT OF APPEALS

Appeal from Charleston County

R. Markley Dennis, Jr., Circuit Court Judge

RECEIVED
DEC 20 2017
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

BRANDON RASHAD MARSHALL,

APPELLANT

APPELLATE CASE NO 2016-000870

MOTION TO FILE A
SUPPLEMENTAL
RECORD ON APPEAL

Appellant respectfully requests this Court permit him to file a supplemental record on appeal. The supplemental record on appeal is necessary in light of the procedural history in this case. Appellant was tried the week of April 4, 2016, before the Honorable R. Markley Dennis, Jr., and a jury. Prior to trial, the judge presided over a hearing on Appellant's motion that he was entitled to immunity pursuant to the Protection of Persons and Property Act. At the conclusion of the evidentiary presentation, Judge Dennis denied the request for immunity. At the conclusion of the trial, the jury found Appellant guilty of murder. Judge Dennis sentenced Appellant to forty years' imprisonment for murder and five years' imprisonment for the weapon.

On April 14, 2016, Appellant filed and served his notice of appeal. Thereafter, undersigned counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), on behalf of Appellant and moved to be relieved as part of that briefing process. The issue raised was whether the judge erred in failing to provide a specific jury instruction applicable to self-defense. The record on appeal was filed simultaneous with the brief, and included the entire trial transcript and other material relevant to the issue raised in the brief, such as the requested jury charge.

By an order filed on November 13, 2017, this Court denied the motion to be relieved and ordered briefing on the following issue: Did the trial court err by denying Appellant immunity from prosecution pursuant to the Protection of Persons and Property Act? Therefore, it is necessary to file a supplemental record on appeal to provide this Court with the materials relevant to this issue. Specifically, Appellant moves this Court to permit the filing of a supplemental record on appeal to include the following:

- (1) Motion for Immunity from Prosecution;
- (2) Court's Exhibit #1 (stipulations for immunity hearing);
- (3) State's Exhibit #6 (photograph);
- (4) State's Exhibit #7 (photograph);
- (5) State's Exhibit #7 (photograph);
- (6) State's Exhibit #18 (photograph);
- (7) State's Exhibit #19 (photograph);
- (8) State's Exhibit #20 (photograph);
- (9) State's Exhibit #27 (autopsy sketch); and
- (10) State's Exhibit #42 (photograph of text message).

All of the exhibits enumerated were discussed during the immunity hearing, making them relevant and necessary for the appeal in light of the appellate issue ordered to be raised.

Appellant is filing the supplemental record on appeal contemporaneously with this motion. Appellant respectfully requests this Court grant his motion to file a supplemental record on appeal and accept the supplemental record on appeal as filed.

Respectfully submitted,

A handwritten signature in cursive script that reads "Susan B. Hackett".

Susan B. Hackett
Appellate Defender

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THE STATE,

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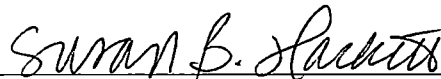
V.

BRANDON RASHAD MARSHALL,

APPELLANT

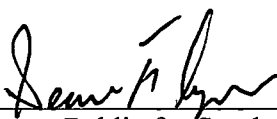
CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Motion to File a Supplemental Record on Appeal in the above referenced case has been served upon opposing counsel, Donald J. Zelenka, Esquire at Rembert Dennis Building, Room 519, 1000 Assembly Street, Columbia, South Carolina 29201 this 20th day of December, 2017.



Susan B. Hackett
Appellate Defender
Attorney for Appellant

SUBSCRIBED AND SWORN TO before me
this 20th day of December, 2017.

 (L.S.)
Notary Public for South Carolina
My Commission Expires: October 30, 2022.