

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Jasper County

Honorable Carmen T. Mullen, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ANEISHA SHAIRES YOUNG,

APPELLANT

APPELLATE CASE NO. 2018-000525

SUPPLEMENTAL RECORD ON APPEAL

ROBERT M. DUDEK
Chief 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

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

SUSANNAH R. COLE
Assistant Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ISAAC MCDUFFIE STONE, III
Solicitor, Fourteenth Judicial Circuit
PO Box 1880
Bluffton, SC 29319

ATTORNEYS FOR RESPONDENT

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SC Court of Appeals

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AND CRIMINAL PROCEDURE RULE 5 AND 6 AND EDWARDS NOTICE 1

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STATE OF SOUTH CAROLINA) IN THE GENERAL SESSIONS COURT
COUNTY OF JASPER) 2016 MAY 26 AM 9:15
FOURTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)
MARGARET BOGGS)
CLERK OF COURT)
JASPER COUNTY, S.C.)
MOTION FOR DISCOVERY AND
DISCLOSURE OF EVIDENCE
AND BRADY MOTION

Vs.)

AND)

CRIMINAL PROCEDURE)

RULE 5 & 6 EDWARDS NOTICE)

ANEISHA SHAIRE YOUNG)

DEFENDANT)

WARRANT NO(S): 2016A2720200072)

NOW COMES the defendant, by and through his/her undersigned counsel of record, pursuant to Rule 5 of the Rules of Criminal Practice in the South Carolina Rules of Court, and Brady v. Maryland, 373 U.S. 83, S.Ct., 1194 (1963), and moves the prosecution to permit the defendant to inspect and copy or photograph, including but not limited to the following, with the express provision the duty of disclosure be a continuing one in the event any such materials come into existence or become available after the initial disclosure.

Any written or recorded statements made by the defendant, or copies thereof, within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known to the attorney for the prosecution, and any written or recorded statement made by a co-defendant or witness which may have a bearing upon the outcome of the case;

The substance of any oral statement which the prosecution intends to offer into evidence at the trial made by the defendant, whether before or after arrest, in response to interrogation by any person then known to the defendant to be a prosecution agent, and the substance of any oral statements made by a co-defendant or witness which may have a bearing upon the outcome of the case;

A copy of the defendant's prior criminal record as well as any co-defendant's prior criminal record, if any, as is within the possession, custody or control of the prosecution, and which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution;

All books, papers, or documents, photographs, videotapes, tangible objects, buildings or places, or copies or portions thereof, which are within the possession, custody, or control of the prosecution, and which are material to the preparation of the defense, or are intended for use by the prosecution as evidence in chief at the trial, or were obtained from or belong to the defendant;

All results or reports of physical mental examinations, and of scientific tests or experiments, or copies thereof, which are within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known to the attorney for the prosecution, and which are material to the preparation of the defense or are intended for use by the prosecution as evidence in chief at the trial;

The statement, written or recorded, of any witness or prospective witness, the exercise of due diligence may become known to the attorney for the prosecution. This is to include any written or recorded statement by any witness or prospective witness disclaiming any knowledge by defendant of activities or participation in the alleged crime or has otherwise made any comment or statement which tends to show defendant's lack of involvement in this matter or could be helpful to the defense of the defendant;

Any and all promises, rewards and inducements made to all witnesses here whether or not they had testified before any state or federal grand jury or other investigative agency, and regardless of whether they will testify at the trial herein or any promises, rewards or inducements and to any person by any agency or the state in regards to this case of whether or not any witness was given any promises, rewards or inducements;

Any offers or grants of immunity in this case to any witness from loss of property, fine forfeiture, or prosecution or punishment in this or any other case, related or otherwise;

Whether any witness called before the grand jury or who has or will give testimony to any investigative agency or at trial has ever been psychiatrically hospitalized or undergone psychiatric examination, treatment, mental status examination or care, and if so, a list of names and addresses of the psychiatrists, hospitals and copies of any all records and reports;

Any "inconsistent" statements of a particular witness or between witnesses or persons interviewed by any state agencies;

A copy of the original incident report and any supplemental reports produced by the arresting or investigating agency, including any and all "rap" sheets, i.e. histories of arrests and convictions of any unindicted coconspirator, of a State's witness, or any potential witness or person offering information to any state agency in regards to this or related matters, whether any of the unindicted co-conspirators are presently under investigation for a crime or under indictment for other crimes arising out of the transactions which form the basis of this indictment or any transactions unrelated to this indictment and a synopsis of any prior bad acts by the above within the knowledge of the prosecution; and

That the defendant be furnished any other information related to or beneficial to this case that has not been specially requested but is within the knowledge and control of the Solicitor or local, state or federal law enforcement agency, or any state for federal agency if it could aid in the preparation of the defendant's case to indicate the innocence of the defendant, or which could be inconsistent with defendant's guilt or that tends to mitigate any punishment should he be found guilty

Upon failure to comply, the defendant will move before the presiding Judge of Circuit by Notice and Motion, for an Order prohibiting the prosecution from introducing at trial evidence not disclosed, and if the foregoing is denied, an Order permitting the discovery and inspection requested, or a continuance of the trial or such order as the court in its discretion deems just under the circumstances.

For the purposes of this motion the defendant asserts that any time requested above is material to the preparation of the defense in this case. This motion is made pursuant to Rule 5 of the South Carolina Rules of Criminal Practice, Brady v. Maryland, 373 U.S. 83, S.Ct. 1194 (1963) South Carolina v. Fullwood, 274 S.C. 60, 262 SE 2d 10 (1979), Kyles v. Whitley, 115 S.C. 1555 (1995), United States v. Bagley, 473 U.S. 667 (1985), Giglio v. United States, 405 U.S. 150 (1972).

The Defendant respectfully requests that the Solicitor produce or otherwise make available to the Defendant all documents, tangible objects, reports of examinations and tests, witness statements, physical evidence, prior record, and any other information subject to disclosure pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure.

The Defendant further requests for the Solicitor to produce all evidence favorable to the Defendant, subject to disclosure pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and its progeny.

This request is continuing request for all such discoverable information, as the Solicitor or any Prosecution Agents know it.

The Defendant hereby asserts his Fifth Amendment right to remain silent and does not wish to be questioned in the absence of counsel, pursuant to McNeil v. Wisconsin, 115 S.C. 220 (1981) and Edwards v. Arizona, 451 U.S. 477 (1981).

Furthermore, pursuant to Rule 6 of the South Carolina Rules of Criminal Procedure, Defendant objects to the introduction of a chemist's or analyst's report without such person being personally present at trial. Defendant also requests the appearance in Court of the persons within the chain of custody of all physical evidence.

Respectfully Submitted,

Stephen T. Phelan
Attorney for Defendant

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STATE OF SOUTH CAROLINA)

IN THE GENERAL SESSIONS COURT
FOURTEENTH JUDICIAL CIRCUIT

COUNTY OF JASPER)

FILED
2016 MAY 12 AM 4:20

STATE OF SOUTH CAROLINA)

MOTION FOR DISCOVERY AND
DISCLOSURE OF EVIDENCE
AND BRADY MOTION

Vs.)

AND
CRIMINAL PROCEDURE
RULE 5 & 6 EDWARDS NOTICE

ANEISHA SHAIRE YOUNG)

DEFENDANT)

WARRANT NO(S): 2016A2720200067

NOW COMES the defendant, by and through his/her undersigned counsel of record, pursuant to Rule 5 of the Rules of Criminal Practice in the South Carolina Rules of Court, and Brady v. Maryland, 373 U.S. 83, S.Ct., 1194 (1963), and moves the prosecution to permit the defendant to inspect and copy or photograph, including but not limited to the following, with the express provision the duty of disclosure be a continuing one in the event any such materials come into existence or become available after the initial disclosure.

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The substance of any oral statement which the prosecution intends to offer into evidence at the trial made by the defendant, whether before or after arrest, in response to interrogation by any person then known to the defendant to be a prosecution agent, and the substance of any oral statements made by a co-defendant or witness which may have a bearing upon the outcome of the case;

A copy of the defendant's prior criminal record as well as any co-defendant's prior criminal record, if any, as is within the possession, custody or control of the prosecution, and which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution;

All books, papers, or documents, photographs, videotapes, tangible objects, buildings or places, or copies or portions thereof, which are within the possession, custody, or control of the prosecution, and which are material to the preparation of the defense, or are intended for use by the prosecution as evidence in chief at the trial, or were obtained from or belong to the defendant;

All results or reports of physical mental examinations, and of scientific tests or experiments, or copies thereof, which are within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known to the attorney for the prosecution, and which are material to the preparation of the defense or are intended for use by the prosecution as evidence in chief at the trial;

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Furthermore, pursuant to Rule 6 of the South Carolina Rules of Criminal Procedure, Defendant objects to the introduction of a chemist's or analyst's report without such person being personally present at trial. Defendant also requests the appearance in Court of the persons within the chain of custody of all physical evidence.

Respectfully Submitted,

Deplian L. Reed
Attorney for Defendant

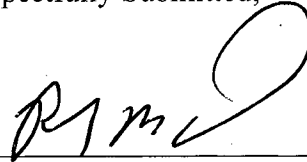
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CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 18th day of July, 2019.

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JUL 18 2019
SC Court of Appeals