

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

G. Thomas Cooper, Jr., Circuit Court Judge

Appellate Case No. 2019-001063
Trial Court Case No. 2016-CP-40-06960

RECEIVED

OCT 07 2019

SC Court of Appeals

Dennis J. Powell, Jr.,

Respondent,

v.

Mark Keel, Chief, State Law
Enforcement Division, and the
State of South Carolina

Appellants.

**RESPONDENT'S DESIGNATION OF MATTER TO BE INCLUDED IN THE
RECORD ON APPEAL**

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

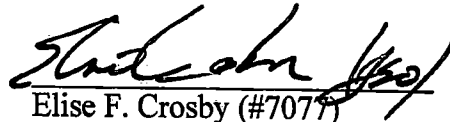
1. Order Granting Respondent Plaintiff's Motion for Summary Judgment and Denying Defendants' Second Motion for Summary Judgment, filed May 7, 2019
2. Order Denying Appellant Defendants' Motion to Alter or Amend the Grant of Summary Judgment to Plaintiff, filed June 12, 2019
3. Order Denying Appellant Defendant's Motion for Summary Judgment, filed April 10, 2018
4. Complaint, filed November 21, 2016
5. Answer, filed March 3, 2017

6. Transcript of Hearing, March 26, 2019¹
7. Respondent Plaintiff's Memorandum in Support of Motion for Summary Judgment, with Exhibits, filed December 4, 2017
 - a. Portion of Transcript of plea hearing, February 9, 2010 (3pp)
 - b. Portion of Transcript of plea hearing, April 2, 2009 (8pp)
 - c. Portion of Transcript of plea hearing, November 2, 2009 (5pp)
 - d. Sentencing sheet (1p)
8. Affidavit of Dennis Powell, Jr., with Exhibits, filed December 4, 2017
 - a. 2010 Sex Offender Registration Form (3pp)
 - b. 2017 Sex Offender Registration Form (11 pp)
 - c. Affidavit of Thomas V. Martin, M.D., dated November 29, 2017 (2pp)
9. Respondent Plaintiff's Notice of Motion and Motion for Summary Judgment, filed July 20, 2018
10. Respondent Plaintiff's Memorandum in Support of Motion for Summary Judgment, filed August 7, 2018
11. Second Affidavit of Dennis Powell, Jr., filed August 13, 2018
12. Third Affidavit of Dennis Powell, Jr., filed October 30, 2018
13. Affidavit of Dennis Powell, Sr., with Exhibit
 - a. SLED web page (1p)
14. Appellant Defendants' Second Motion for Summary Judgment, Memorandum in Support of Summary Judgment, and Appellant's Response in Opposition to Plaintiff's Motion for Summary Judgment, including attachments, filed November 2, 2018
15. Respondent's Addendum to Plaintiff's Motions and Briefs, in Response to Defendants' Second Motion for Summary Judgment, Memorandum in Support of Summary Judgment, and Defendant's Response in Opposition to Plaintiff's Motion for Summary Judgment, delivered electronically to the circuit court and all parties November 28, 2018 (12 pp)

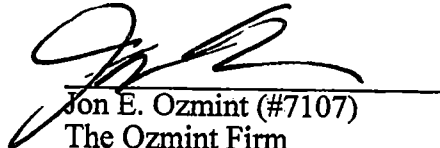
¹ The Transcript contains some errors. The appearing attorneys' names are partially incorrect. Present on behalf of the plaintiff were Jon Ozmint and Elise Crosby. Mr. Ozmint argued the Motion. The transcript identifies "Joe Crosby" as appearing for the plaintiff and arguing. Joe Crosby is not counsel of record in the case.

16. Appellant Defendants' Reply to Plaintiff's Addendum, filed January 11, 2019
17. Respondent Plaintiff's Response to Defendant's Reply to Plaintiff's Addendum, filed February 8, 2019
18. Appellants' Notice of Motion and Motion to Alter or Amend the Grant of Summary Judgment to the Plaintiff, with Exhibits, filed May 17, 2019
19. Respondent Plaintiff's Reply to Defendant's Motion to Alter or Amend, filed May 24, 2019

I certify this Designation contains no matter which is irrelevant to this Appeal.



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Columbia, S.C.
October 7, 2019

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G. Thomas Cooper, Jr., Circuit Court Judge **OCT 07 2019**

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Dennis J. Powell, Jr., Respondent,

v.

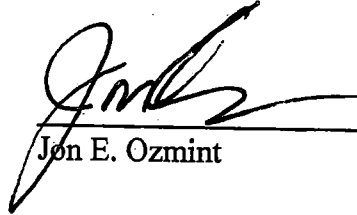
Mark Keel, Chief, State Law, Appellants.
Enforcement Division, and the
State of South Carolina

PROOF OF SERVICE

I, Jon E. Ozmint, attorney for the Respondent in the above-referenced action, do hereby certify that I did this 7th day of October, 2019, by first class mail, postage prepaid, serve a copy of the **Initial Brief of Respondent and Respondent's Designation of Matter to Be Included in the Record on Appeal** on the following Attorneys, addressed as follows:

Harley L. Kirkland, Esq.
Assistant Attorney General
Post Office Box 11549
Columbia, South Carolina 29211

Adam L. Whitsett, Esq., General Counsel
South Carolina Law Enforcement Division
Post Office Box 21398
Columbia, South Carolina 29221-1398



Jon E. Ozmint